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Rules and Regulations

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

FEDERAL ELECTION COMMISSION

11 CFR Part 111

[NOTICE 2020–06]

Civil Monetary Penalties Annual Inflation Adjustments

AGENCY: Federal Election Commission.

ACTION: Final rule.

SUMMARY: As required by the Federal Civil Penalties Inflation Adjustment Act of 1990, the Federal Election Commission is adjusting for inflation the civil monetary penalties established under the Federal Election Campaign Act, the Presidential Election Campaign Fund Act, and the Presidential Primary Matching Payment Account Act. The civil monetary penalties being adjusted are those negotiated by the Commission or imposed by a court for certain statutory violations, and those imposed by the Commission for late filing of or failure to file certain reports required by the Federal Election Campaign Act. The adjusted civil monetary penalties are calculated according to a statutory formula and the adjusted amounts will apply to penalties assessed after the effective date of these rules.

DATES: The final rules are effective on August 7, 2020.

FOR FURTHER INFORMATION CONTACT: Mr. Robert M. Knop, Assistant General Counsel, or Mr. Joseph P. Wenzinger, Attorney, Office of General Counsel, (202) 694–1650 or (800) 424–9530.

SUPPLEMENTARY INFORMATION: The Federal Civil Penalties Inflation Adjustment Act of 1990 (the ''Inflation Adjustment Act''),[1] as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (the ''2015 Act''),[2] requires federal agencies, including the Commission, to adjust for inflation the civil monetary penalties within their jurisdiction according to prescribed formulas. A civil monetary penalty is ''any penalty, fine, or other sanction'' that (1) ''is for a specific monetary amount'' or ''has a maximum amount'' under federal law; and (2) that a federal agency assesses or enforces ''pursuant to an administrative proceeding or a civil action'' in federal court.[3] Under the Federal Election Campaign Act, 52 U.S.C. 30101–45 (''FECA''), the Commission may seek and assess civil monetary penalties for violations of FECA, the Presidential Election Campaign Fund Act, 26 U.S.C. 9001–13, and the Presidential Primary Matching Payment Account Act, 26 U.S.C. 9031–42.

The Inflation Adjustment Act requires federal agencies to adjust their civil penalties annually, and the adjustments must take effect no later than January 15 of every year.[4] Pursuant to guidance issued by the Office of Management and Budget,[5] the Commission is now adjusting its civil monetary penalties for 2020.[6]

The Commission must adjust for inflation its civil monetary penalties ''notwithstanding Section 553'' of the Administrative Procedures Act (''APA'').[7] Thus, the APA's notice-and-comment and delayed effective date requirements in 5 U.S.C. 553(b)–(d) do not apply because Congress has specifically exempted agencies from these requirements.[8]

Furthermore, because the inflation adjustments made through these final rules are required by Congress and involve no Commission discretion or policy judgments, these rules do not need to be submitted to the Speaker of the United States House of Representatives or the President of the United States Senate under the Congressional Review Act, 5 U.S.C. 801 *et seq.* Moreover, because the APA's notice-and-comment procedures do not apply to these final rules, the Commission is not required to conduct a regulatory flexibility analysis under 5 U.S.C. 603 or 604. *See* 5 U.S.C. 601(2), 604(a). Nor is the Commission required to submit these revisions for congressional review under FECA. *See* 5 U.S.C. 30111(d)(1), (4) (providing for congressional review when Commission ''prescribe[s]'' a ''rule of law'').

The new penalty amounts will apply to civil monetary penalties that are assessed after the date the increase takes effect, even if the associated violation predated the increase.[9]

Explanation and Justification

The Inflation Adjustment Act requires the Commission to annually adjust its civil monetary penalties for inflation by applying a cost-of-living-adjustment (''COLA'') ratio.[10] The COLA ratio is the percentage that the Consumer Price Index (''CPI'')[11] ''for the month of October preceding the date of the adjustment'' exceeds the CPI for October of the previous year.[12] To calculate the adjusted penalty, the Commission must increase the most recent civil monetary penalty amount by the COLA ratio.[13] According to the Office of Management and Budget, the COLA ratio for 2020 is 0.01764, or 1.764%; thus, to calculate the new penalties, the Commission must multiply the most recent civil monetary penalties in force by 1.01764.[14]

The Commission assesses two types of civil monetary penalties that must be adjusted for inflation. First are penalties that are either negotiated by the Commission or imposed by a court for violations of FECA, the Presidential Election Campaign Fund Act, or the Presidential Primary Matching Payment Account Act. These civil monetary penalties are set forth at 11 CFR 111.24. Second are the civil monetary penalties

[1] Public Law 101–410, 104 Stat. 890 (codified at 28 U.S.C. 2461 note), *amended by* Debt Collection Improvement Act of 1996, Public Law 104–134, 31001(s)(1), 110 Stat. 1321, 1321–373; Federal Reports Elimination Act of 1998, Public Law 105–362, 1301, 112 Stat. 3280.

[2] Public Law 114–74, 701, 129 Stat. 584, 599.

[3] Inflation Adjustment Act § 3(2).

[4] Inflation Adjustment Act § 4(a).

[5] *See* Inflation Adjustment Act § 7(a) (requiring OMB to ''issue guidance to agencies on implementing the inflation adjustments required under this Act''); *see also* Memorandum from Russell T. Vought, Acting Director, Office of Management and Budget, to Heads of Executive Departments and Agencies, M–20–05, Dec. 16, 2019, *https://www.whitehouse.gov/wp-content/uploads/2019/12/M-20-05.pdf* (''OMB Memorandum'').

[6] Inflation Adjustment Act § 5.

[7] Inflation Adjustment Act § 4(b)(2).

[8] *See, e.g., Asiana Airlines* v. *FAA,* 134 F.3d 393, 396–99 (D.C. Cir. 1998) (finding APA ''notice and comment'' requirement not applicable where Congress clearly expressed intent to depart from normal APA procedures).

[9] Inflation Adjustment Act § 6.

[10] The COLA ratio must be applied to the most recent civil monetary penalties. Inflation Adjustment Act, § 4(a); *see also* OMB Memorandum at 2.

[11] The Inflation Adjustment Act, § 3, uses the CPI ''for all-urban consumers published by the Department of Labor.''

[12] Inflation Adjustment Act, § 5(b)(1).

[13] Inflation Adjustment Act, § 5(a), (b)(1).

[14] OMB Memorandum at 1.

assessed through the Commission's Administrative Fines Program for late filing or non-filing of certain reports required by FECA. *See* 52 U.S.C. 30109(a)(4)(C) (authorizing Administrative Fines Program), 30104(a) (requiring political committee treasurers to report receipts and disbursements within certain time periods). The penalty schedules for these civil monetary penalties are set out at 11 CFR 111.43 and 111.44.

1. 11 CFR 111.24—Civil Penalties

FECA establishes the civil monetary penalties for violations of FECA and the other statutes within the Commission's jurisdiction. *See* 52 U.S.C. 30109(a)(5), (6), (12). Commission regulations in 11 CFR 111.24 provide the current inflation-adjusted amount for each such civil monetary penalty. To calculate the adjusted civil monetary penalty, the Commission multiplies the most recent penalty amount by the COLA ratio and rounds that figure to the nearest dollar.

The actual adjustment to each civil monetary penalty is shown in the chart below.

Section	Most recent civil penalty	COLA	New civil penalty
11 CFR 111.24(a)(1)	$19,936	1.01764	20,288
11 CFR 111.24(a)(2)(i)	42,530	1.01764	43,280
11 CFR 111.24(a)(2)(ii)	69,743	1.01764	70,973
11 CFR 111.24(b)	5,964	1.01764	6,069
11 CFR 111.24(b)	14,910	1.01764	15,173

2. 11 CFR 111.43, 111.44—Administrative Fines

FECA authorizes the Commission to assess civil monetary penalties for violations of the reporting requirements of 52 U.S.C. 30104(a) according to the penalty schedules ''established and published by the Commission.'' 52 U.S.C. 30109(a)(4)(C)(i). The Commission has established two penalty schedules: The penalty schedule in 11 CFR 111.43(a) applies to reports that are not election sensitive, and the penalty schedule in 11 CFR 111.43(b) applies to reports that are election sensitive.[15] Each penalty schedule contains two columns of penalties, one for late-filed reports and one for non-filed reports, with penalties based on the level of financial activity in the report and, if late-filed, its lateness.[16] In addition, 11 CFR 111.43(c) establishes a civil monetary penalty for situations in which a committee fails to file a report and the Commission cannot calculate the relevant level of activity. Finally, 11 CFR 111.44 establishes a civil monetary penalty for failure to file timely reports of contributions received less than 20 days, but more than 48 hours, before an election. *See* 52 U.S.C. 30104(a)(6).

To determine the adjusted civil monetary penalty amount for each level of activity, the Commission multiplies the most recent penalty amount by the COLA ratio and rounds that figure to the nearest dollar. The new civil monetary penalties are shown in the schedules in the rule text, below.

List of Subjects in 11 CFR Part 111

Administrative practice and procedures, Elections, Law enforcement, Penalties.

For the reasons set out in the preamble, the Federal Election Commission amends subchapter A of chapter I of title 11 of the *Code of Federal Regulations* as follows:

PART 111—COMPLIANCE PROCEDURE (52 U.S.C. 30109, 30107(a))

■ 1. The authority citation for part 111 continues to read as follows:

Authority: 52 U.S.C. 30102(i), 30109, 30107(a), 30111(a)(8); 28 U.S.C. 2461 nt.

§ 111.24 [Amended]

2.

■ 2. Section 111.24 is amended as follows:

In the table below, for each section indicated in the left column, remove the number indicated in the middle column, and add in its place the number indicated in the right column.

Section	Remove	Add
111.24(a)(1)	$19,936	$20,288
111.24(a)(2)(i)	42,530	43,280
111.24(a)(2)(ii)	69,743	70,973
111.24(b)	5,964	6,069
111.24(b)	14,910	15,173

■ 3. Section 111.43 is amended by revising paragraphs (a), (b), and (c) to read as follows:

§ 111.43 What are the schedules of penalties?

(a) The civil money penalty for all reports that are filed late or not filed, except election sensitive reports and pre-election reports under 11 CFR 104.5, shall be calculated in accordance with the following schedule of penalties:

[15] Election sensitive reports are certain reports due shortly before an election. *See* 11 CFR 111.43(d)(1).

[16] A report is considered to be ''not filed'' if it is never filed or is filed more than a certain number of days after its due date. *See* 11 CFR 111.43(e).

TABLE 1 TO PARAGRAPH (a)

If the level of activity in the report was:	And the report was filed late, the civil money penalty is:	Or the report was not filed, the civil money penalty is:
$1–4,999.99 [a]	[$36 + ($6 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$347 × [1 + (.25 × Number of previous violations)].
$5,000–9,999.99	[$69 + ($6 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$417 × [1 + (.25 × Number of previous violations)].
$10,000–24,999.99	[$149 + ($6 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$696 × [1 + (.25 × Number of previous violations)].
$25,000–49,999.99	[$295 + ($28 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$1,252 × [1 + (.25 × Number of previous violations)].
$50,000–74,999.99	[$445 + ($112 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$3,994 × [1 + (.25 × Number of previous violations)].
$75,000–99,999.99	[$591 + ($149 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$5,176 × [1 + (.25 × Number of previous violations)].
$100,000–149,999.99	[$886 + ($185 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$6,656 × [1 + (.25 × Number of previous violations)].
$150,000–199,999.99	[$1,185 + ($221 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$8,135 × [1 + (.25 × Number of previous violations)].
$200,000–249,999.99	[$1,479 + ($258 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$9,613 × [1 + (.25 × Number of previous violations)].
$250,000–349,999.99	[$2,219 + ($295 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$11,832 × [1 + (.25 × Number of previous violations)].
$350,000–449,999.99	[$2,959 + ($295 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$13,311 × [1 + (.25 × Number of previous violations)].
$450,000–549,999.99	[$3,697 + ($295 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$14,050 × [1 + (.25 × Number of previous violations)].
$550,000–649,999.99	[$4,437 + ($295 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$14,791 × [1 + (.25 × Number of previous violations)].
$650,000–749,999.99	[$5,176 + ($295 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$15,529 × [1 + (.25 × Number of previous violations)].
$750,000–849,999.99	[$5,916 + ($295 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$16,269 × [1 + (.25 × Number of previous violations)].
$850,000–949,999.99	[$6,656 + ($295 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$17,008 × [1 + (.25 × Number of previous violations)].
$950,000 or over	[$7,395 + ($295 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$17,748 × [1 + (.25 × Number of previous violations)].

[a] The civil money penalty for a respondent who does not have any previous violations will not exceed the level of activity in the report.

(b) The civil money penalty for election sensitive reports that are filed late or not filed shall be calculated in accordance with the following schedule of penalties:

TABLE 2 TO PARAGRAPH (b)

If the level of activity in the report was:	And the report was filed late, the civil money penalty is:	Or the report was not filed, the civil money penalty is:
$1–$4,999.99 [a]	[$69 + ($13 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$696 × [1 + (.25 × Number of previous violations)].
$5,000–$9,999.99	[$139 + ($13 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$834 × [1 + (.25 × Number of previous violations)].
$10,000–24,999.99	[$209 + ($13 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$1,252 × [1 + (.25 × Number of previous violations)].
$25,000–49,999.99	[$445 + ($36 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$1,947 × [1 + (.25 × Number of previous violations)].
$50,000–74,999.99	[$666 + ($112 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$4,437 × [1 + (.25 × Number of previous violations)].
$75,000–99,999.99	[$886 + ($149 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$5,916 × [1 + (.25 × Number of previous violations)].
$100,000–149,999.99	[$1,331 + ($185 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$7,395 × [1 + (.25 × Number of previous violations)].
$150,000–199,999.99	[$1,775 + ($221 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$8,873 × [1 + (.25 × Number of previous violations)].
$200,000–249,999.99	[$2,219 + ($258 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$11,093 × [1 + (.25 × Number of previous violations)].
$250,000–349,999.99	[$3,328 + ($295 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$13,311 × [1 + (.25 × Number of previous violations)].
$350,000–449,999.99	[$4,437 + ($295 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$14,791 × [1 + (.25 × Number of previous violations)].
$450,000–549,999.99	[$5,546 + ($295 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$16,269 × [1 + (.25 × Number of previous violations)].

TABLE 2 TO PARAGRAPH (b)—Continued

If the level of activity in the report was:	And the report was filed late, the civil money penalty is:	Or the report was not filed, the civil money penalty is:
$550,000–649,999.99	[$6,656 + ($295 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$17,748 × [1 + (.25 × Number of previous violations)].
$650,000–749,999.99	[$7,765 + ($295 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$19,228 × [1 + (.25 × Number of previous violations)].
$750,000–849,999.99	[$8,873 + ($295 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$20,706 × [1 + (.25 × Number of previous violations)].
$850,000–949,999.99	[$9,983 + ($295 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$22,184 × [1 + (.25 × Number of previous violations)].
$950,000 or over	[$11,093 + ($295 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$23,664 × [1 + (.25 × Number of previous violations)].

[a] The civil money penalty for a respondent who does not have any previous violations will not exceed the level of activity in the report.

(c) If the respondent fails to file a required report and the Commission cannot calculate the level of activity under paragraph (d) of this section, then the civil money penalty shall be $8,135.

* * * * *

§ 111.44 [Amended]

■ 4. In § 111.44 amend paragraph (a)(1) by removing ''$146'' and adding, in its place, ''$149''.

Dated: July 20, 2020.

On behalf of the Commission.

Ellen L. Weintraub,

Commissioner, Federal Election Commission.

[FR Doc. 2020–16032 Filed 8–6–20; 8:45 am]

BILLING CODE 6715–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0242; Airspace Docket No. 20–AEA–4]

RIN 2120–AA66

Amendment of Class E Airspace; Ithaca, NY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E surface airspace, and Class E airspace designated as an extension to a Class D surface area at Ithaca Tompkins Regional Airport, Ithaca, NY due to the decommissioning of the Ithaca VOR/DME, and cancellation of associated approaches. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations in the area.

DATES: Effective 0901 UTC, November 5, 2020. The Director of the Federal Register approves this incorporation by reference action under Title 1 Code of Federal Regulations part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.11D, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *https://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11D at NARA, email *fedreg.legal@nara.gov* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Ave, College Park, GA 30337; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rule regarding aviation safety is found in Title 49 of the United States Code. 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. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends Class E airspace at Ithaca Tompkins Regional Airport, Ithaca, NY to support IFR operations in the area.

History

The FAA published a notice of prosed rulemaking in the **Federal Register** (85 FR 33589, June 2, 2020) for Docket No. FAA–2020–0242 to amend Class E surface airspace and Class E airspace designated as an extension to a Class D surface area at Ithaca Tompkins Regional Airport, Ithaca, NY, due to the decommissioning of the Ithaca VOR/DME, and cancellation of the associated approaches.

The Notice of Proposed Rulemaking (NPRM) also proposed to update the airport name in the descriptor by removing the city in the airport's header.

Also, subsequent to publication of the NPRM, the FAA found the geographic coordinates of Ithaca Airport were transposed. This action corrects that error.

Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in Paragraphs 6002, and 6004, respectively of FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019. FAA Order 7400.11D is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11D lists Class A, B, C, D, and E airspace areas, air traffic routes, and reporting points.

The Rule

This amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 amends Class E surface airspace and Class E airspace designated as an extension to a Class D surface area at Ithaca Tompkins Regional Airport, Ithaca, NY, by removing the northwest extension in the Class E surface area (2.7 miles each side of the Ithaca VOR/DME 305° radial extending from the 4-mile radius of the airport to 7.4 miles northwest of the Ithaca VOR/DME) for the VOR approach, due to the decommissioning of the Ithaca VOR/DME, and cancellation of the associated approaches. Also, this action updates the airport name in the descriptor by removing the city in the airport's header. In addition, subsequent to publication of the NPRM, the FAA found the geographic coordinates of Ithaca Airport were transposed. This action corrects that error.

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures an air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, effective September 15, 2019, is amended as follows:

Paragraph 6002 Class E Surface Airspace.

* * * * *

AEA NY E2 Ithaca, NY [Amended]

Ithaca Tompkins Regional Airport, NY
(Lat. 42°29′29″ N, long. 76°27′31″ W)

That airspace extending upward from the surface within a 4-mile radius of Ithaca Tompkins Regional Airport and that airspace extending upward from the surface from the 4-mile radius of the airport to the 5.7-mile radius of the airport clockwise from the 329° bearing to the 081° bearing from the airport; that airspace from the 4-mile radius of the airport to the 8.7-mile radius of the airport extending clockwise from the 081° bearing to the 137° bearing from the airport; that airspace from the 4-mile radius of the airport to the 6.6-mile radius of the airport extending clockwise from the 137° bearing to the 170° bearing from the airport; that airspace from the 4-mile radius to the 5.7-mile radius of the airport extending clockwise from the 170° bearing to the 196° bearing from the airport. This Class E airspace is effective during the times and dates established in advance by a Notice to Airmen. The date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6004 Class E Airspace Designated as an Extension to a Class D Surface Area.

* * * * *

AEA NY E4 Ithaca, NY [Amended]

Ithaca Tompkins Regional Airport, NY
(Lat. 42°29′29″ N, long. 76°27′31″ W)

That airspace extending upward from the surface from the 4-mile radius of the Ithaca Tompkins Regional Airport to the 5.7-mile radius of the airport; clockwise from the 329° bearing to the 081° bearing from the airport; that airspace from the 4-mile radius of Ithaca Tompkins Regional Airport to the 8.7-mile radius of the airport extending clockwise from the 081° bearing to the 137° from the airport; that airspace from the 4-mile radius of Ithaca Tompkins Regional Airport; to the 6.6-mile radius of the airport, extending clockwise from the 137° bearing to the 170° bearing from the airport; that airspace from the 4-mile radius to the 5.7-mile radius of the Ithaca Tompkins Regional Airport, extending clockwise from the 170° bearing to the 196° bearing from the airport; and within 2.2 each side of the 324° bearing from the airport extending from the 4-mile radius to 7.2 miles northwest of the airport.

Issued in College Park, Georgia, on August 4, 2020.

Matthew N. Cathcart,

Manager, Airspace & Procedures Team North, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2020–17306 Filed 8–6–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 93

[Docket Nos.: FAA–2020–0772 and FAA–2018–0954; Amdt. No. 93–103]

RIN 2120–AL65

Extension of the Requirement for Helicopters To Use the New York North Shore Helicopter Route

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

ACTION: Final rule.

SUMMARY: This final rule amends the expiration date of the final rule requiring pilots operating civil helicopters under Visual Flight Rules to use the New York North Shore Helicopter Route when operating along that area of Long Island, New York. The current rule expires on August 6, 2020. The FAA finds it necessary to extend the rule for an additional two years.

DATES: Effective August 5, 2020 through August 5, 2022.

ADDRESSES: For information on where to obtain copies of rulemaking documents and other information related to this final rule, see ''How to Obtain Additional Information'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this action, contact Sheri Edgett-Baron, Airspace Rules and Regulations, Air Traffic Organization, AJV–P2; Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone (202) 267–8783; email *9-NATL-NY-NorthShore@faa.gov.*

SUPPLEMENTARY INFORMATION:

Good Cause for Immediate Effectiveness

Section 553(d) of the Administrative Procedure Act (APA) (5 U.S.C.) generally requires that the publication or service of a substantive rule shall be made not less than 30 days before its effective date. Section 553(d)(3) provides an exception to this general requirement when the agency finds good cause to waive the delay in the effective date. The current rule expires on August 6, 2020, and this extension of the rule maintains the status quo. To prevent confusion among pilots using the route and avoid disruption of the current operating environment from a temporary lapse of the requirement for helicopters to use the New York North Shore Helicopter Route, the FAA finds that good cause exists to make this rule immediately effective.

Authority

The FAA's authority to issue rules on aviation safety is found in Title 49 of the United States Code. 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's authority for this rule is contained in 49 U.S.C. 40103 and 44715. Under section 40103(b)(2), the FAA Administrator has authority to prescribe air traffic regulations on the flight of aircraft (including regulations on safe altitudes) for, among other purposes, navigating aircraft and protecting individuals and property on the ground. In addition, section 44715(a) provides that, to relieve and protect the public health and welfare from aircraft noise, the FAA Administrator has authority to prescribe regulations to control and abate aircraft noise.

I. Background

In 2012, in response to concerns from local residents regarding noise from helicopters operating over Long Island, the FAA issued the New York North Shore Helicopter Route final rule (77 FR 39911, July 6, 2012). The Rule required civil helicopter pilots operating Visual Flight Rules (VFR), whose route of flight takes them over the north shore of Long Island between the Visual Point Lloyd Harbor (VPLYD) waypoint and Orient Point (VPOLT), to use the North Shore Helicopter Route, as published in the New York Helicopter Chart (the Chart). The Rule was promulgated to maximize use of the route, as published per the Chart, to secure and improve upon decreased levels of noise that had been voluntarily achieved. The Rule permits pilots to deviate from the route and altitude requirements when necessary for safety, weather conditions, or transitioning to or from a destination or point of landing. The Rule is based on a voluntary VFR route that the FAA developed, working with the Eastern Region Helicopter Council. The voluntary route originally was added to the Chart on May 8, 2008.

The Rule has been extended twice without substantive change. It is currently in effect through August 6, 2020.[1]

II. FAA Reauthorization Act of 2018

Section 182 of the FAA Reauthorization Act of 2018 (Pub. L. 115–254, October 5, 2018) directed the FAA to hold a public hearing to solicit feedback on the Rule from impacted communities and to provide notice of, and an opportunity for, at least 60 days of public comment regarding the Rule.

On November 2, 2018, the FAA opened the 60-day comment period and announced three public meetings in the **Federal Register**.[2] The FAA subsequently announced a fourth public meeting on December 12, 2018.[3] The meetings were held on Long Island in locations along the North Shore Route and in Queens where helicopters turn east to pick up the route. The meetings and comment period were also announced on social media and through a press release, and local elected officials were informed. The meetings were held using a workshop format where subject matter experts from the FAA are available to speak with members of the public to answer their questions. The public also had the ability to provide comments at the meetings. Comments provided at these meetings were added to the public comment docket.[4]

The purpose of the meetings and the comment period was to assist the FAA in assessing and understanding the impacts of the Rule and any potential implications of modifying it. To help the public focus on the issues, FAA invited responses to the following four questions, which were stated in the FAA's November 2, 2018 **Federal Register** notice:

1. Did implementation of the Rule result in more or less helicopter noise in your community compared to levels you experienced prior to implementation of the Rule?
2. How and when do helicopter operators deviate from the Rule?
3. Are there alternative or supplemental routes that you believe will reduce the noise impacts without jeopardizing the safe operation of aircraft?
4. Should the Rule be extended, modified, or allowed to expire in 2020?

At the close of the comment period on January 2, 2019, the FAA had received a total of 417 comments, of which 396 were unique. Most of the comments the FAA received were from private citizens. The FAA also received comments from representatives of local governments and civic associations. The largest portion of the comments came from people and communities on the East End of Long Island.

III. Overview and Disposition of Comments

The vast majority of commenters who addressed the first question complained about increased noise since the Rule's inception. A little more than half of the comments related the increased noise to the Rule. Without additional data and analysis, however, it is difficult to determine whether an increase in the level of activity or the Rule is the greatest contributing factor to the increase in noise complaints.

Approximately half of the commenters responded to the question regarding helicopters deviating from the Rule. The comments demonstrate that people believe pilots regularly deviate from the North Shore Route, including altitude requirements. The comments indicate that people perceive that deviations are commonplace.

Part of this belief may be a general misunderstanding of what the Rule requires. The Rule permits deviations from the route for safety, weather conditions, or transitioning to or from a destination or point of landing. Additionally, commenters appear to believe mistakenly that the altitude requirements of the route apply even after helicopters depart the route to transition to their destination.

The FAA received over 200 comments with respect to alternate or supplemental routes that may reduce noise. About half of these comments recommended a southern route over the Atlantic Ocean. These commenters believed that a southern route would minimize flight over land. Other

[1] *The Extension of the Expiration Date of the New York North Shore Helicopter Route,* 79 FR 35488 (June 23, 2014); *Extension of the Requirement for Helicopters to Use the New York North Shore Helicopter Route,* 81 FR 48323 (June 25, 2016).

[2] *Request for Comments on Requirement for Helicopters To Use the New York North Shore Helicopter Route,* 83 FR 55133 (Nov. 2, 2018), and *Notification of Public Meetings on Requirement for Helicopters To Use the New York North Shore Helicopter Route,* 83 FR 55134 (Nov. 2, 2018).

[3] *Notification of Replacement Public Meeting on Requirement for Helicopters To Use the New York North Shore Helicopter Route,* 83 FR 63817 (Dec. 12, 2018).

[4] FAA Docket No. FAA–2018–0954.

commenters believed that the route should require helicopters to navigate around Orient Point or Plum Island; that is, that the route should eliminate deviations to transition to or from a destination or point of landing. Still other commenters suggested that helicopters should be required to use both an all-water north shore route and a south shore route. Some of these commenters suggested that the north shore route be used in one direction and the south shore route be used in the other direction.

While most commenters expressed a desire for FAA to modify the route, there is no consensus as to how the route should be modified. The FAA finds that more engagement with stakeholders is necessary before a new or modified route acceptable to all stakeholders could be created and incorporated into the regulations, should the FAA determine that any further regulation is necessary. FAA also notes that East Hampton Airport will no longer be subject to grant obligations in September 2021,[5] and the Town of East Hampton, which is the operator of East Hampton Airport, has indicated that when its grant obligations expire, it may close the airport or convert it to a private use airport.[6] As a private use airport, East Hampton may be able to impose limits on operations (*e.g.,* limits on the number of operations per day or limits on the time of day that aircraft may operate) that public use airports[7] cannot impose without complying with the Aircraft Noise and Capacity Act of 1990 (49 U.S.C. 47521 *et seq.*).[8]

Additionally, the Eastern Region Helicopter Council, which represents the majority of commercial helicopter operators providing service to the East End of Long Island, agreed to fly an all-water route around Orient Point for the 2020 summer season.[9]

Before considering any modification to the route, FAA would want to consider how flying an all-water route impacts residents and operators, particularly with respect to safety. Furthermore, before considering modifying the route or creating a southern route, FAA would need a better understanding of the likelihood that East Hampton Airport will close or be converted to a private use airport. It would not be efficient or effective to design a new route based on current conditions when those conditions may no longer exist by the time a new route and rulemaking are complete.

Finally, FAA asked commenters whether the Rule should be extended, modified, or allowed to expire in August 2020. Virtually all of the comments FAA received in response to this question suggested that the Rule should either expire or be modified. Many of the comments mirrored the comments regarding alternate or supplemental routes. Some of the comments suggested modifications unrelated to the route and thus are outside of the scope of this rulemaking. With respect to the comments that suggested modifying the Rule, as discussed above, the lack of consensus and the changing circumstances argue against a modification of the Rule at this time.

Other commenters suggested that FAA should impose higher minimum altitudes. While higher minimum altitudes could result in less noise in certain areas, it could also spread noise over larger areas. Requiring helicopters to maintain higher altitudes until in close proximity to an airport would require pilots to make specialized steep approaches at much lower airspeeds than most operations require. These landings could take three to four times longer than a standard approach and landing, causing a corresponding increase in noise levels and duration.

Still others comments suggested that Instrument Flight Rules (IFR) routes should be required. IFR routes would not necessarily change the location of aircraft and could have the impact of concentrating aircraft on the IFR route. Finally, some commenters suggested that the ability to deviate from the Rule be eliminated, even for weather and safety. FAA finds that modifying the Rule to eliminate deviations for weather and safety would create unsafe and potentially hazardous conditions.

IV. Discussion of Final Rule

This final rule extends for an additional two years the requirement for pilots of civil helicopters to use the North Shore Helicopter Route when transiting along the north shore of Long Island. The FAA considered the comments received, and expects that two years will provide a sufficient time to assess route modifications identified by commenters and whether a new or modified route should be created and incorporated into regulation. Additionally, this period of time will allow the FAA to evaluate the effects of the all-water route around Orient Point resulting from the voluntary agreement by the Eastern Region Helicopter Council, and the effects of any changes implemented by East Hampton Airport once it ceases to be a grant obligated airport in 2021. Extending the requirement to use the North Shore Helicopter Route during this period will continue to foster maximum use of the North Shore Helicopter Route and avoid disruption of the current operating environment. Therefore, the FAA finds that a two-year extension of the current rule is warranted.

IV. Regulatory Notices and Analyses

A. Regulatory Evaluation

Changes to Federal regulations must undergo several analyses. First, Executive Orders 12866 and 13563 direct that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. In addition, DOT rulemaking procedures in 49 CFR part 5 instruct DOT agencies to issue a regulation upon a reasoned determination that benefits exceed costs. Second, the Regulatory Flexibility Act of 1980 (Pub. L. 96–354), as codified at 5 U.S.C. 603 *et seq.,* requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act of 1979 (Pub. L. 96–39), as codified in 19 U.S.C. Chapter 13, prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, the Trade Agreements Act requires agencies to consider international standards and, where appropriate, that they be the basis of U.S. standards. Fourth, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), as codified in 2 U.S.C. Chapter 25, requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more annually (adjusted for inflation with base year of 1995). The FAA also analyzes this regulation under the Paperwork Reduction Act. This portion of the preamble

[5] Grant obligations are assurances that an airport provides in exchange for receiving federal grants to improve the airport. Among the grant assurances are prohibitions on restricting access to the airport based on noise and the obligation to keep the airport open until the grant obligations expire.

[6] A private use airport is a publicly owned or privately owned airport not open to the public. *Airport Compliance Manual,* FAA Order 5190.6B, Appendix A, at 324 (2009).

[7] A public use airport is an airport used or intended to be used for public purposes. 49 U.S.C. 47102(20)–(21).

[8] *See also* implementing regulations at 14 CFR part 161.

[9] See *https://www.27east.com/southampton-press/helicopter-firms-agree-to-fly-new-noise-abatement-routes-into-east-hampton-airport-1686302/.*

summarizes the FAA's analysis of the economic impacts of this final rule.

In conducting these analyses, the FAA has determined this rule is not a significant regulatory action, as defined in section 3(f) of Executive Order 12866 and under DOT rulemaking procedures. As notice and comment under 5 U.S.C. 553 are not required for this final rule, the regulatory flexibility analyses described in 5 U.S.C. 603 and 604 regarding impacts on small entities are not required. This rule will not create unnecessary obstacles to the foreign commerce of the United States. This rule will not impose an unfunded mandate on State, local, or tribal governments, or on the private sector, by exceeding the threshold identified previously.

This final rule amends the expiration date of the final rule requiring pilots operating civil helicopters under Visual Flight Rules to use the New York North Shore Helicopter Route when operating along that area of Long Island, New York. As previously discussed, the FAA finds it necessary to extend the Rule for an additional two years to preserve the current operating environment while allowing sufficient time for the FAA to assess route modifications identified by commenters and whether a new or modified route could be created and would be appropriate for incorporation into regulation.

The FAA determined the 2012 final rule would impose minimal costs because many of the existing operators were already complying with the final rule requirements. In addition, the FAA based the 2012 final rule on a voluntary route developed by the FAA working with the Eastern Region Helicopter Council—the FAA added the voluntary route to the New York Helicopter Chart on May 8, 2008. The 2012 final rule also permits deviations from the route for safety, weather conditions, or transitioning to or from a destination or point of landing. The FAA extended the 2012 final rule in 2014 and 2016 without any substantive change. As this final rule further extends the 2012 final rule requirements without change, the FAA expects it will not impose additional costs.

Therefore, the FAA has determined that this final rule is not a ''significant regulatory action'' as defined in section 3(f) of Executive Order 12866, and is not ''significant'' as defined in DOT's Regulatory Policies and Procedures.

B. Regulatory Flexibility Determination

The Regulatory Flexibility Act, in 5 U.S.C. 605(b), provides that a regulatory flexibility analysis is not required if the head of an agency certifies that a rule will not have a significant economic impact on a substantial number of small entities. The agency head must also include a statement providing the factual basis for this certification.

The FAA Administrator certifies that this final rule will not have a significant economic impact on a substantial number of small entities, for the following reasons. With this final rule, the regulatory provisions already in place will be extended two years to provide the FAA with time to assess route modifications identified by commenters and whether a new or modified route could be created and incorporated into regulation. The final regulatory flexibility analysis for the 2012 final rule determined that it had a minimal cost impact on a substantial number of small entities. This final rule extends those requirements. Thus, the FAA expects a minimal economic impact on a substantial number of small entities.

C. International Trade Impact Assessment

The Trade Agreements Act of 1979 (Pub. L. 96–39) prohibits Federal agencies from establishing standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Pursuant to this Act, the establishment of standards is not considered an unnecessary obstacle to the foreign commerce of the United States, so long as the standard has a legitimate domestic objective, such as the protection of safety, and does not operate in a manner that excludes imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. The FAA has assessed the potential effect of this final rule and determined that the Rule will preserve the current operating environment and is not considered an unnecessary obstacle to foreign commerce.

D. Unfunded Mandates Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in an expenditure of $100 million or more (in 1995 dollars) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a ''significant regulatory action.'' The FAA currently uses an inflation-adjusted value of $155 million in lieu of $100 million.

This final rule does not contain such a mandate. Therefore, the requirements of Title II of the Act do not apply.

E. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that the FAA consider the impact of paperwork and other information collection burdens imposed on the public. The FAA has determined that there is no new requirement for information collection associated with this final rule.

F. International Compatibility and Cooperation

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to conform to International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA has determined that there are no ICAO Standards and Recommended Practices that correspond to this regulation.

Executive Order 13609, Promoting International Regulatory Cooperation, promotes international regulatory cooperation to meet shared challenges involving health, safety, labor, security, environmental, and other issues and to reduce, eliminate, or prevent unnecessary differences in regulatory requirements. The FAA has analyzed this action under the policies and agency responsibilities of Executive Order 13609, and has determined that this action would have no effect on international regulatory cooperation.

G. Environmental Analysis

FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' identifies FAA actions that, in the absence of extraordinary circumstances, are categorically excluded from requiring an environmental assessment (EA) or environmental impact statement (EIS) under the National Environmental Policy Act. This rule qualifies for the categorical exclusion in paragraph 5–6.6.f of that Order, which includes ''[r]egulations . . . excluding those that if implemented may cause a significant impact on the human environment.'' There are no extraordinary circumstances that warrant preparation of an EA or EIS.

IV. Executive Order Determinations

A. Executive Order 12114, Environmental Effects Abroad of Major Federal Actions

The FAA has analyzed this action under Executive Order 12114, Environmental Effects Abroad of Major Federal Actions (44 FR 1957, January 4,

1979), and DOT Order 5610.1C, Paragraph 16. Executive Order 12114 requires the FAA to be informed of environmental considerations and take those considerations into account when making decisions on major Federal actions that could have environmental impacts anywhere beyond the borders of the United States. The FAA has determined that this action is exempt pursuant to Section 2–5(a)(i) of Executive Order 12114 because it does not have the potential for a significant effect on the environment outside the United States.

In accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 8–6(c), the FAA has prepared a memorandum for the record stating the reason(s) for this determination and has placed it in the docket for this rulemaking.

B. Executive Order 13132, Federalism

The FAA has analyzed this final rule under the principles and criteria of Executive Order 13132, Federalism. The agency determined that this action will not have a substantial direct effect on the States, or the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government, and, therefore, does not have federalism implications.

C. Executive Order 13211, Regulations That Significantly Affect Energy Supply, Distribution, or Use

The FAA analyzed this final rule under Executive Order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (May 18, 2001). The agency has determined that it is not a ''significant energy action'' under the Executive order and it is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

D. Executive Order 13609, Promoting International Regulatory Cooperation

Executive Order 13609, Promoting International Regulatory Cooperation, promotes international regulatory cooperation to meet shared challenges involving health, safety, labor, security, environmental, and other issues and to reduce, eliminate, or prevent unnecessary differences in regulatory requirements. The FAA has analyzed this action under the policies and agency responsibilities of Executive Order 13609, and has determined that this action would have no effect on international regulatory cooperation.

E. Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs

This rule is not an Executive Order 13771 regulatory action because this rule is not significant under Executive Order 12866.

VI. How To Obtain Additional Information

A. Availability of Rulemaking Documents

An electronic copy of a rulemaking document may be obtained by using the internet —

1. Search the Federal eRulemaking Portal (*https://www.regulations.gov/*);
2. Visit the FAA's Regulations and Policies web page at *https://www.faa.gov/regulations_policies/* or
3. Access the Government Printing Office's web page at https://www.govinfo.gov/.

Copies may also be obtained by sending a request (identified by notice, amendment, or docket number of this rulemaking) to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW, Washington, DC 20591, or by calling (202) 267–9677.

B. Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 requires FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within its jurisdiction. A small entity with questions regarding this document may contact its local FAA official, or the person listed under the **FOR FURTHER INFORMATION CONTACT** heading at the beginning of the preamble. To find out more about SBREFA, visit *https://www.faa.gov/regulations_policies/rulemaking/sbre_act/.*

List of Subjects in 14 CFR Part 93

Air traffic control, Airspace, Navigation (air).

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends chapter I of Title 14 of the Code of Federal Regulations as follows:

PART 93—SPECIAL AIR TRAFFIC RULES

■ 1. The authority citation for part 93 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40106, 40109, 40113, 44502, 44514, 44701, 44715, 44719, 46301.

■ 2. Revise Subpart H to read as follows:

Subpart H—Mandatory Use of the New York North Shore Helicopter Route

Sec.
93.101 Applicability.
93.103 Helicopter operations.

§ 93.101 Applicability.

This subpart prescribes a special air traffic rule for civil helicopters operating VFR along the North Shore, Long Island, New York, between August 5, 2020, and August 5, 2022.

§ 93.103 Helicopter operations.

(a) Unless otherwise authorized, each person piloting a helicopter along Long Island, New York's northern shoreline between the VPLYD waypoint and Orient Point, shall utilize the North Shore Helicopter route and altitude, as published.

(b) Pilots may deviate from the route and altitude requirements of paragraph (a) of this section when necessary for safety, weather conditions or transitioning to or from a destination or point of landing.

Issued under authority provided by 49 U.S.C. 106(f), 44701(a), and 44703 in Washington, DC, on August 4, 2020.

Steve Dickson,

Administrator.

[FR Doc. 2020–17334 Filed 8–5–20; 4:15 pm]

BILLING CODE 4910–13–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Parts 5, 91, 92, 570, 574, 576, 903

[Docket No. FR 6228–F–01]

RIN 2501–AD95

Preserving Community and Neighborhood Choice

AGENCY: Office of Fair Housing, HUD.

ACTION: Final rule.

SUMMARY: HUD grantees are generally required to certify that they will ''affirmatively further fair housing'' (AFFH) through HUD's implementation of the 1968 Fair Housing Act and other applicable statutes. For years after this certification was first required, it was merely part of a general commitment to use the funds in good faith and accompanied similar certifications not to violate various civil rights statutes. Over time however, HUD began to use this AFFH certification as a vehicle to force states and localities to change zoning and other land use laws. This was done via a series of regulations and guidance documents culminating with

the 2015 AFFH rule. This approach is not required by applicable statutes, which give HUD considerable discretion in determining what ''affirmatively furthering fair housing'' means, and it is also at odds with both federalism principles and specific statutes protecting local control over housing policy. For example, Congress specifically barred HUD from using funding to force grantees to change any public policy, regulation, or law. HUD has reexamined the 2015 AFFH rule and the definition of AFFH. In the new rule, HUD repeals the 2015 AFFH rule and its related accretions. The new rule returns to the original understanding of what the AFFH certification was for the first eleven years of its existence: AFFH certifications will be deemed sufficient provided grantees took affirmative steps to further fair housing policy during the relevant period.

DATES: Effective date: September 8, 2020.

FOR FURTHER INFORMATION CONTACT: Andrew Hughes, Chief of Staff, or Andrew McCall, Deputy Chief of Staff, U.S. Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, telephone number 202–402–5955 (this is not a toll-free number). Persons with hearing or speech challenges may access this number through TTY by calling the toll-free Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Background

The 1968 Fair Housing Act requires that agencies administering housing-related programs do so ''in a manner affirmatively to further the purposes'' of the Act.[1] Similarly, HUD grantees are generally required to certify that they will ''affirmatively further fair housing.''[2]

This phrase is not defined in statute. Until 1994, HUD did not define it by regulation. It was simply among a series of certifications designed to ensure that the funds were generally used as intended and consistent with civil rights law. Since then, the obligations surrounding the certification have expanded significantly.

II. The Evolution of the AFFH Obligation

In 1994, President Clinton signed an Executive Order directing HUD to issue AFFH regulations. Among other things, the regulations were to ''describe a method to identify impediments in programs or activities that restrict fair housing choice.''[3] The same year, HUD promulgated a rule dictating that a grantee would fulfill its AFFH obligation by conducting an analysis of ''impediments to fair housing choice within its jurisdiction'' and ''taking appropriate actions to overcome the effects of any impediments.''[4] Recipients were to gather data and keep written records of their analyses. They were encouraged to communicate with the public about the process, but were not required to submit materials to HUD beyond a summary of the Analysis of Impediments (AI).[5] In 1996, HUD issued a 170-page guidance document to explain further the meaning of the four-word phrase ''affirmatively further fair housing.''[6]

Once in place, the AI process became a vehicle for interest groups and HUD to impose even greater and more controversial obligations on state and local grantees. In 2006, a housing organization sued Westchester County under the Federal False Claims Act on the theory that the AFFH certification the County made to obtain funding was false.[7] Meritorious False Claims Act cases are typically taken on by the government with the original litigant sharing in any award. In fact of the 4,294 cases filed by the end of 2003, DOJ declined to intervene in 2,653 cases (62%); the United States intervened (or the cases were otherwise pursued) in 750 cases, and the remainder (891 cases) are still under investigation.[8] After the change in administrations in 2009, however, HUD decided to intervene. HUD negotiated a settlement forcing the County to change its zoning laws and to pass legislation requiring landlords to accept Section 8 tenants, both highly controversial propositions never authorized by law.[9]

Following that expansion of requirements imposed under the guise of the AFFH certification, HUD promulgated an even more aggressive AFFH rule finalized in 2015. The 2015 rule, for the first time, provided a detailed definition of AFFH and provided a new process called an Assessment of Fair Housing (AFH), effectively replacing AI. The regulation specifically required a detailed analysis of the grantee jurisdiction's ''zoning and land use'' laws.[10] Those were not the only local matters targeted. The regulation noted that fair housing issues ''may arise from such factors as . . . public services that may be offered in connection with housing (*e.g.,* water, sanitation), and a host of other issues.[11] Its accompanying assessment tool forced Public Housing Authority grantees to analyze and consider data and policies beyond their jurisdictional control and typical subject-matter expertise.[12] For example, the rule required identifying disparities in ''access to public transportation, quality schools and jobs . . . [and] environmental health hazards'' and ''programs, policies, or funding mechanisms that affect disparities'' to such access. In some cases, grantees were required to gather data going back to the 1990s.[13]

The process for grantees was also overly burdensome and costly. The number of questions, the open-ended

[1] 42 U.S.C. 3608(e)(5).

[2] Section 104(b)(2) of the Housing and Community Development Act (HCD Act) (42 U.S.C. 5304(b)(2)) requires that, to receive a grant, the state or local government must certify that it will affirmatively further fair housing. Section 106(d)(7)(B) of the HCD Act (42 U.S.C. 5306(d)(7)(B)) requires a local government that receives a grant from a state to certify that it will affirmatively further fair housing. The Cranston Gonzalez National Affordable Housing Act (NAHA) (42 U.S.C. 12704 *et seq.*) provides in section 105 (42 U.S.C. 12705) that states and local governments that receive certain grants from HUD must develop a comprehensive housing affordability strategy to identify their overall needs for affordable and supportive housing for the ensuing 5 years, including housing for homeless persons, and outline their strategy to address those needs. As part of this comprehensive planning process, section 105(b)(15) of NAHA (42 U.S.C. 12705(b)(15)) requires that these program participants certify that they will affirmatively further fair housing. The Quality Housing and Work Responsibility Act of 1998 (QHWRA), enacted into law on October 21, 1998, substantially modified the United States Housing Act of 1937 (42 U.S.C. 1437 *et seq.*) (1937 Act), and the 1937 Act was more recently amended by the Housing and Economic Recovery Act of 2008, Public Law 110–289 (HERA). QHWRA introduced formal planning processes for PHAs—a 5-Year Plan and an Annual Plan. The required contents of the Annual Plan included a certification by the PHA that the PHA will, among other things, affirmatively further fair housing.

[3] Executive Order No. 12892, 59 FR 2939 (Jan. 20, 1994).

[4] *See* 2014 regulations for CDBG entitlement communities at 24 CFR 570.601. Regulations for the consolidated plan process are the 2014 versions of 24 CFR 91.225 (local governments), § 91.325 (state governments), and § 91.425 (consortia applicants).

[5] Perl, *The Fair Housing Act: HUD Oversight, Programs, and Activities,* Congressional Research Service (Jun. 15, 2018).

[6] HUD Fair Housing Planning Guide Volume I, 1996, available at *https://www.hud.gov/sites/dfiles/FHEO/documents/Fair%20Housing%20Planning%20Guide_508.pdf.*

[7] *United States ex rel. Anti-Discrimination Ctr. of Metro N.Y., Inc.* v. *Westchester Cty.,* 712 F.3d 761, 766 (2013).

[8] *Thomas L. Carson, et. al., Whistle-Blowing for Profit: An Ethical Analysis of the Federal False Claims Act,* Journal of Business Ethics (2008) 77: 361–376.

[9] *United States ex rel. Anti-Discrimination Ctr. of Metro N.Y.* v. *Westchester County,* 712 F.3d 761, 766 (2013).

[10] 80 FR 42290 (Jul. 16, 2015).

[11] 80 FR 42286 (Jul. 16, 2015).

[12] 85 FR 2041 (Jan. 14, 2020).

[13] *Id.,* noting that while the assessment tool for PHAs was not finally implemented, this was the case under a published draft.

nature of many questions, and the lack of prioritization between questions made the planning process both inflexible and difficult to complete. Unsurprisingly, the rule required significant resources from grantees and its complexity and demands resulted in a high failure rate for jurisdictions to gain approval for their AFH in the first year of AFH submission. Grantees complained that it was extremely resource-intensive and complicated, placing a strain on limited budgets.[14] Pursuant to the 2015 AFFH rule, HUD requested 64 full time staff at a cost of approximately $9 million merely to implement the new AFH process, with a total cost estimate to HUD and HUD grantees ranging anywhere from $15 million to $51.4 million annually.[15]

The vast reach of the 2015 rule was well understood within the housing community. At a livestreamed conference, just weeks before it was unveiled, speakers discussed how AFFH would radically remake American suburbs and localities, even though the rule ''sounds very obscure.'' [16] One participant remarked: ''Perhaps it's important to keep it sounding obscure, in order to get it through. Sometimes obscurity is the best political strategy.'' [17]

Critics, including many in Congress, criticized the 2015 AFFH rule as an assault on local decision making. Senators Lee, Rubio and Enzi offered an amendment to block the rule that was supported by 37 Senators: ''Every American should be free to choose where to live, and every community should be free to zone its neighborhoods and compete for new residents according to its distinct values.'' We ''don't need a National Zoning Board. Washington should let Americans 'govern local.' '' [18] Similar bills passed in the House.[19]

Under President Trump, HUD began to change course. In 2018, HUD withdrew the AFH assessment tool after a review of early submissions found it unduly burdensome and unworkable.[20] In January 2020, HUD proposed a revised AFFH rule.[21] That proposed rule took steps to reduce federal control of local housing decisions and lessen the burden of data requirements imposed on local governments.[22] However, when the President reviewed the proposed rule, he expressed concern that the HUD approach did not go far enough on either prong. For example, grantee jurisdictions were still presented with a HUD list of ''inherent barriers'' to overcome, twelve of which directly interfered with local land development decisions.[23] Grantees were also required to submit a plan detailing how they would overcome at least three obstacles or achieve three fair housing goals which resulted in an estimated annual paperwork burden of $13 million.[24]

The President therefore asked HUD to reconsider the rule to see whether HUD could do more, consistent with the AFFH obligation and other legal requirements, to empower local communities and to reduce the regulatory burden of providing unnecessary data to HUD. After review, and based on prior internal discussions, HUD produced the current rule.

III. HUD's New Approach

''HUD possesses broad discretionary powers to develop, award, and administer its grants and to decide the degree to which they can be shaped to help achieve Title VIII's goals.'' [25] AFFH is a vague, undefined term that could be open to several different plausible meanings. HUD's interpretation will be entitled to deference as long as it is reasonable.[26]

The Definition of ''Fair Housing''

It is imperative to note that the long-standing debate seeking to define ''Fair Housing'' has spanned the political spectrum. Senator Mondale, the chief sponsor of the Fair Housing Act (FHA), unambiguously acknowledged the limited scope of the concept of fair housing. He ''made absolutely clear that Title VIII's policy to 'provide . . . for fair housing' means 'the elimination of discrimination in the sale or rental of housing. That is all it could possibly mean.' '' [27] Senator Mondale thus defined fair housing as simply housing that is free of discrimination. In this definition, housing is ''fair'' if anyone who can afford it faces no discrimination-based barriers to purchasing it. As the court in *NAACP* observed, ''the law's supporters saw the ending of discrimination as a means toward truly opening the nation's housing stock to persons of every race and creed.'' [28] They believed that ''[d]iscrimination in the sale and rental of housing has been the root cause of the widespread patterns of de facto segregation.'' Thus, by ensuring that housing is free of discrimination, the FHA would establish ''a policy of dispersal through open housing'' to ''the point where the supply of genuinely open housing increases.'' [29]

In 1971, President Richard Nixon stated, ''[t]he very fact that so much progress is being made, however, has sharpened the focus on what has come to be called 'fair housing'—a term employed, but not defined, in the Civil Rights Act of 1968, and to which many persons and groups have ascribed their own often widely varied meanings.'' [30]

In 1983, President Ronald Reagan stated, ''[f]airness is the foundation of our way of life and reflects the best of our traditional American values. Invidious, discriminatory housing practices undermine the strength and vitality of America and her people.'' [31]

The FHA prohibited discrimination based on race, color, religion, national origin or sex, but Congress since expanded it to prohibit discrimination on the basis of handicap and familial status.[32] Congress also broadened national housing policy grants administered by HUD, requiring AFFH certifications, to include goals such as a ''decent, safe, and sanitary housing for every American'' and increasing the supply of ''affordable housing.'' [33] Accordingly, HUD defines ''fair housing'' to encompass non-discrimination as well as these goals.

The Definition of ''Affirmatively Further''

By statute, grantees must ''affirmatively further'' fair housing. In interpreting this phrase, HUD is guided

[14] *Id.*

[15] Affirmatively Furthering Fair Housing Final Rule: Regulatory Impact Analysis, July 16, 2015 available at *https://www.huduser.gov/portal/sites/default/files/pdf/AFFH_Regulatory_Impact_Analysis_FinalRule.pdf.*

[16] Kurtz, *AFFH: Admission of Stealth Caught on Video,* National Review, (Jun 15, 2015).

[17] *Id.*

[18] Press Release, The Hon. Mike Lee, Lee Introduces Bill to Stop HUD Zoning Rule (Jul. 30, 2015).

[19] Local Zoning Decisions Protection Act of 2017, H.R. 482, 115th Cong. (2017).

[20] Affirmatively Furthering Fair Housing: Withdrawal of the Assessment Tool for Local Governments, 83 FR 23923 (May 23, 2018).

[21] 85 FR 2041 (Jan. 14, 2020).

[22] *Id.* at 2042.

[23] 85 FR 2041 (Jan. 14, 2020).

[24] *Id.* at 2052, 2056.

[25] *NAACP* v. *Sec. of HUD,* 817 F.2d 149, 157 (1st Cir. 1987).

[26] *Chevron U.S.A. Inc.* v. *Natural Resources Defense Council,* 467 U.S. 837 (1984).

[27] *NAACP* at 154.

[28] *Id.* at 55.

[29] *Id.* at 154–55.

[30] See President Richard Nixon, Statement About Federal Policies Relative to Equal Housing Opportunity, June 11, 1971 available at *https://www.presidency.ucsb.edu/documents/statement-about-federal-policies-relative-equal-housing-opportunity.*

[31] *See* President Ronald Reagan, Proclamation 5329—Fair Housing Month, April 25, 1985 available at *https://www.presidency.ucsb.edu/documents/proclamation-5329-fair-housing-month-1985.*

[32] 42 U.S.C. 3604.

[33] Cranston-Gonzalez National Affordable Housing Act of 1990, Public Law 101–625 102, 105.

by the ''Ordinary-Meaning Canon'' of statutory interpretation which states that ''words are to be understood in their ordinary, everyday meanings—unless the context indicates that they bear a technical sense.'' [34] Given that the context for the phrase ''affirmatively further'' in the Fair Housing Act does not bear a technical sense, the words are assigned their generally-understood meanings.[35] In this context, ''further'' is used as a verb. According to the Merriam-Webster Dictionary, to ''further'' is ''to help forward.'' [36] In seeking to further an objective, one acts to help it forward. Accordingly, HUD defines ''further'' to mean ''promote.''

Similarly, Ballentine's Law Dictionary defines ''affirm'' verbatim as the following: ''[. . .] to confirm or ratify a statement, belief, opinion, decision or judgement . . .'' [37] The term ''affirmative'' is defined verbatim as the following: ''an answer 'yes'; something beyond passive tolerance or acceptance.'' [38] In the context of the statute, the threshold to act ''affirmatively'' is met in undertaking an action that confirms adherence to the statute's requirements to ''further'' fair housing. In the housing context, the *quantum* of action required promoting fair housing to meet the requirement of ''affirmatively'' furthering fair housing is not specified in the statute. HUD interprets the phrase to be flexible and unspecified, but to mean generally that the grantee must take an active role rather than be passive.

Accordingly, in this rule, HUD determines that a grantees' AFFH certification will be deemed acceptable if the grantee has taken some active step to promote fair housing. HUD recognizes that jurisdictions may find many ways to advance fair housing that HUD officials cannot predict. This diversity of methods is a good thing that ought to be encouraged. This approach to the definition of ''affirmatively furthering fair housing'' preserves flexibility for jurisdictions to take action based on the needs, interests, and means of the local community, and respects the proper role and expertise of state and local authorities.

Court Interpretations of AFFH

There is case law that arguably takes a broader view of the obligations surrounding the AFFH requirement. However, the principal precedents were decided pre-1994, in the absence of an administrative interpretation from HUD.[39] The statutory phrase AFFH is concededly ambiguous.[40] Accordingly, under *Chevron* vs. *NRDC,* HUD retains discretion to formulate a different definition of this ambiguous phrase: [41]

The seminal case on the meaning of AFFH is the 1987 First Circuit decision in *NAACP* v. *Secretary of HUD.*[42] It held that ''affirmatively furthering'' imposes an obligation ''to do more than simply refrain from discriminating (and from purposely aiding discrimination by others).'' [43] The question is how much more.

HUD's rule is consistent with the judicial consensus that AFFH requires more than simply not discriminating. Grantees may not be passive. They must actually promote fair housing for example by fighting overt discrimination. Thus in *NAACP,* HUD failed in its own AFFH obligation because, among other things, it failed to demand actual fair housing enforcement from the City of Boston.[44]

The courts making the broadest claims of the AFFH requirement rely on selective quotations from the legislative history. Those decisions rely on legislative history about the FHA aiming to achieve ''truly integrated and balanced living patterns'' and ending patterns of segregation.[45] The problem is that the same legislative history makes clear that these were long-term goals to be achieved through the narrow means of eliminating overt housing discrimination (*e.g.,* restrictive covenants).[46] As the court in *NAACP* observed, ''the law's supporters saw the ending of discrimination as a means toward truly opening the nation's housing stock to persons of every race and creed.'' [47] They believed that ''[d]iscrimination in the sale and rental of housing has been the root cause of the widespread patterns of de facto segregation.'' [48] The FHA was seen by its authors as only a ''first step'' in achieving a grander vision.[49] By ensuring that housing is free of discrimination, the FHA would establish ''a policy of dispersal through open housing'' to ''the point where the supply of genuinely open housing increases.'' [50] In short, enforcing non-discrimination would produce open housing which in turn would reduce segregated living patterns by ensuring that families regardless of race could live where ''where [they] wish . . . and where [they] can afford.'' [51] Any broader construction of the AFFH obligation is difficult to square with the sponsor Senator Mondale's unambiguous pronouncement that the FHA's policy to ''provide . . . for fair housing'' means ''the elimination of discrimination in the sale or rental of housing. That is all it could possibly mean.'' [52]

HUD does not subscribe to broader interpretations of AFFH to the extent precedent for them may exist. The case law is clear that ''HUD maintains discretion in determining how the agency will fulfill its AFFH obligation.'' [53] Thus *NAACP* and its sister cases were all interpreting an ambiguous phrase that the agency would otherwise have some discretion to define. Indeed, those cases were decided years before HUD had formulated a definition by rule.

IV. Justification for the New Approach

Upon review, HUD concludes that there are sound policy reasons for abandoning its prior approach and taking a narrower view of the extent of the obligations surrounding the AFFH certification. These reasons are rooted in the principles of federalism.

[34] *See* Antonin Scalia & Brian A. Garner, *Reading Law: The Interpretation of Legal Texts* section 6 (''Ordinary-Meaning Canon'') (2012) (''Reading Law''); *see also, e.g., United States* v. *Marrufo,* 661 F.3d 1204, 1207 (10th Cir. 2011) (''When a term is not defined in the Guidelines, we give it its plain meaning'').

[35] *Id.* at section 7.

[36] ''Further.'' *Merriam-Webster.com Dictionary,* Merriam-Webster, *https://www.merriam-webster.com/dictionary/further.* Accessed 22 Jul. 2020.

[37] ''Affirm.'' *Ballentine's Law Dictionary,* (3rd ed. 1969).

[38] ''Affirmative.'' *Ballentine's Law Dictionary,* (3rd ed. 1969).

[39] *Infra,* notes 44–46.

[40] *See, NAACP* v. *Harris,* 567 F. Supp. 637, 644 (D. Mass. 1983) (Citing the AFFH and related obligations and observing, ''it is extremely difficult to quantify HUD legal obligations under these statutes.'').

[41] *Chevron,* 467 U.S. ([T]he court does not simply impose its own construction on the statute, as would be necessary in the absence of an administrative interpretation. Rather, if the statute is silent or ambiguous with respect to the specific issue, the question for the court is whether the agency's answer is based on a permissible construction of the statute.).

[42] *NAACP, Boston Chapter* v. *Secretary of Housing and Urban Development,* 817 F. 2d 149 (1st Cir. 1987).

[43] *Id.,* 817 F.2d at 154, citing *Shannon* v. *Department of Housing and Urban Development,* 436 F.2d 809 (3d Cir. 1970); *Otero* v. *New York City Housing Authority,* 484 F.2d 1122, 1134 (2d Cir. 1973); *Alschuler* v. *Department of Housing and Urban Development,* 686 F.2d 1236, 1246–47 (6th Cir. 1974); *See also, Nat'l Fair Hous. Alliance* v. *Carson,* 330 F.Supp. 3d 14, 24–25 (D.C. Dist. 2018).

[44] *See NAACP* v. *Harris,* 567 F. Supp. 637, 644 (D. Mass. 1983).

[45] *See, e.g., Otero* v. *New York City Housing Authority,* 484 F.2d 1122, 1134 (2d Cir. 1973); *Shannon* v. *U.S. Dep't of Hous. & Urban Dev.,* 436 F.2d 809, 821 (3d Cir. 1970).

[46] *See e.g.,* Cong. Rec. Feb. 7, 1968 p. 2535 (discussing restrictive covenants).

[47] *See NAACP* v. *Sec. of HUD* at 155.

[48] *Id.*

[49] *NAACP,* 817 F.2d at 155.

[50] *Id.* at 154–55.

[51] *Id.* at 155.

[52] *Supra id.* at 154.

[53] *Carson,* 330 F. Supp. 3d at 25.

Federalism & Preserving Local Control

HUD's revised interpretation better comports both with Congress's explicit intent to protect local decision making. Federal law explicitly prohibits HUD from using grants to interfere in local decision making. 42 U.S.C. 12711, under the heading ''Protection of State and local authority'' provides:

> The Secretary shall not establish any criteria for allocating or denying funds made available under programs administered by the Secretary based on the adoption, continuation, or discontinuation by a jurisdiction of any public policy, regulation, or law that is (1) adopted, continued, or discontinued in accordance with the jurisdiction's duly established authority, and (2) not in violation of any Federal law.[54]

Other statutes also cut against interpreting the AFFH certification to require an AI or similar assessment of housing barriers. To obtain Community Development Program (CPD) funding, States and localities are required to submit a housing strategy. That strategy must include an assessment of whether regulatory barriers, including ''building codes, fees, growth limits, taxes, and zoning, increase housing costs as well as strategies to overcome any negative effects of these policies.'' [55] Yet the law also independently requires an AFFH certification, which would be redundant if the certification inherently required a housing barriers analysis.[56]

It is notable that even as Congress required jurisdictions to analyze housing barriers, it still acted unambiguously to protect local control. The law explicitly prohibits HUD from denying CPD funds based on a jurisdiction's failure to alter any of the regulatory barriers it identified in its housing strategy.[57]

HUD's amended AFFH rule gives local communities maximum flexibility in designing and implementing sound policies responsive to unique local needs, and eliminates overly burdensome, intrusive and inconsistent reporting and monitoring requirements. The amended rule is consistent with relevant legislative enactments. In other instances, Congress has shown that it is perfectly capable of imposing strict reporting and monitoring requirements on grantees when it deems such requirements appropriate.[58] Yet Congress has not imposed such detailed monitoring and reporting requirements in connection with grantees' AFFH obligations. Therefore, the agency exercises its discretion and declines to impose detailed monitoring or reporting requirements by regulation.[59]

Furthermore, the Supreme Court has specifically held that the Fair Housing Act ''is not an instrument to force housing authorities to reorder their priorities.'' [60] Indeed, the Fair Housing Act ''does not decree a particular vision of urban development.'' [61] In short, the prescriptive nature of the prior rule was in tension with Congress's intent and the current legal landscape, which places trust in local jurisdictions to make the best decisions for themselves, within the broad confines of the Fair Housing Act's limitations, including its requirement that HUD grantees AFFH.[62]

The AFFH Rule, as amended, is the most faithful to the text and purpose of the Fair Housing Act. It must be local governments, not HUD, that exercise control of administering local housing policies, including zoning and development policies that are unique to a particular community.

This does not mean HUD will retreat from its fair housing mission. Grantees' failure to take active steps to address discrimination in the rental and sale of housing would be a violation of the AFFH requirement at the most basic level. Moreover, as discussed above, entirely separate from the AFFH certification, Congress required certain CPD grantees, at a minimum, to evaluate potential barriers to affordable housing such as zoning and local land use laws.[63] CPD grantees cover as many as 1200 states, counties, and cities, so HUD retains authority to pursue analysis of housing barriers through these grant instruments.[64] In all cases, grantees must retain records sufficient to prove that they are properly discharging their obligations.

Federalism Considerations

HUD's approach in the new rule is also supported by HUD's determination that federal agencies addressing matters that are traditionally within the authority of the States (such as housing) should take a narrow view of the scope of their power. A growing body of scholarship and judicial precedent is raising the alarm that the ballooning administrative state shifts important policy choices from Congress to comparatively unaccountable administrative agencies.[65]

Recently, discussion of this broad principle has centered on an important concept in Administrative Law known as ''the major issues doctrine.'' Under this doctrine, judges ''presume that Congress does not delegate its authority to settle or amend major social and economic policy decisions.'' [66] The reason is that a ''major policy change should be made by the most democratically accountable process.'' [67] If an ''agency wants to exercise expansive regulatory authority over some major social or regulatory activity . . . an ambiguous grant of statutory authority is not enough.'' [68] As the Supreme Court has put it, when it comes to delegating authority to federal agencies, Congress ''does not one might say, hide elephants in mouseholes.'' [69] Thus, the Court has held that a regulatory interpretation by an agency is ''unreasonable'' if it results in ''an enormous and transformative expansion in . . . regulatory authority without

[54] In the *Westchester* litigation, the Second Circuit held this provision did not bar HUD tying funding to the County changing its zoning laws. To reach this conclusion, the court adopted the strained reading that forcing the County to ''overcome'' its zoning laws was not the same as requiring the County to repeal them. The distinction between overcoming and repealing is very fine and at war with the both the spirit and the letter of the law. HUD declines to read this explicit statute narrowly so that the non-specific AFFH obligation can be read broadly. *See, County of Westchester* v. *U.S. Department of Housing and Urban Development, et al.,* 802 F.3d 413 (2d Cir. 2015).

[55] 42 U.S.C. 12705(b)(4).

[56] 42 U.S.C. 12705(b)(15).

[57] 42 U.S.C. 12705(c)(1).

[58] *See, e.g.,* 42 U.S.C. 7661(a)–(c), 7661(b)–(c) (requiring that an applicant (1) submit a permit application and a compliance plan describing how it will comply with all EPA requirements, (2) certify its compliance annually, and (3) submit to inspection, entry, monitoring and reporting requirements).

[59] *See Nat'l Fair Hous. Alliance* at 25.

[60] *See Tex. Dep't of Hous. & Cmty. Affairs* v. *Inclusive Cmtys. Project, Inc.,* 576 U.S. 519, 537.

[61] *Id.* at 537; see also *id.* (''Zoning officials, moreover, must often make decisions based on a mix of factors, both objective [such as cost and traffic patterns] and, at least to some extent, subjective [such as preserving historic architecture]. These factors contribute to a community's quality of life and are legitimate concerns for housing authorities.'')

[62] Press Release, The Hon. Mike Lee, Lee Introduces Bill to Stop HUD Zoning Rule (Jul. 30, 2015).

[63] 42 U.S.C. 12705(b)(4); CPD programs include (1) the Community Development Block Grant program (''CDBG''); (2) the Emergency Shelter Grant program (''ESG''); and (3) the HOME Investment Partnership program (''HOME'').

[64] Community Development Fund: 2020 Summary of Resources. Department of Housing and Urban Development, available at, *https://www.hud.gov/sites/dfiles/CFO/documents/2020CJ-CDFund.pdf.*

[65] *See,* Mike Jayne, *As Far as Reasonably Practicable: Reimagining the Role of Congress in Agency Rulemaking,* Fed. Soc. Rev. Vol. 21 (2020); Adam Gustafson, The Major Questions Doctrine Outside Chevron's Domain, CSAS Working Paper (Jul. 2019); Joseph Postell, Taking on the Administrative State, *Heritage.org.* (Oct. 9, 2017).

[66] Eskridge, William N. *Interpreting Law: a Primer on How to Read Statutes and the Constitution.* Foundation Press, 2016.

[67] *Id.*

[68] *USTA* v. *FCC, et al.,* No. 15–1063 (D.C. Cir. 2017) (Kavanaugh, B., dissenting). Retrieved at: *https://apps.fcc.gov/edocs_public/attachmatch/DOC-344654A1.pdf.*

[69] *Whitman* v. *Am. Trucking Ass'ns,* 531 U.S. 457, 468 (2001).

clear congressional authorization.'' [70] Indeed, ''[w]hen an agency claims to discover in a long-extant statute an unheralded power to regulate a significant portion of the American economy,'' the Supreme Court will ''typically greet its announcement with a measure of skepticism.'' [71] Rather, the Court expects that Congress will ''speak clearly if it wishes to assign an agency decisions of vast economic and political significance.'' [72]

In addition, it is states and local jurisdictions that have traditionally regulated zoning and development policy, not the federal government, and courts have readily acknowledged that ''States retain substantial sovereign powers under our constitutional scheme, powers with which Congress does not readily interfere.'' [73] Indeed, the District of Columbia Circuit has held that federal law ''may not be interpreted to reach into areas of State sovereignty unless the language of the federal law compels the intrusion.'' [74] Thus, ''if Congress intends to alter the usual constitutional balance between the States and the Federal Government, it must make its intention to do so unmistakably clear in the language of the statute.'' [75]

The phrase ''affirmatively further fair housing'' is vague and unclear. The ordinary meaning of the phrase does not invite a fundamental expansion of HUD regulations to include cumbersome policy, monitoring or reporting requirements that will significantly affect the economy by impacting local zoning and development policies across the nation. Hanging a massively intrusive regulatory structure on such a cryptic, four-word phrase is inconsistent with the bedrock principles of separation of powers.

V. This Final Rule

The rule repeals the 2015 AFH and 1994 AI requirements where they appear in regulation. Thus, it returns to the original understanding of what the statutory AFFH certification was prior to the 1994 regulation: A general commitment that grantees will use the funds to take active steps to promote fair housing. Thus, grantee AFFH certifications will be deemed sufficient provided they took any action during the relevant period rationally related to promoting fair housing, such as helping eliminate housing discrimination.

VI. Notice-and-Comment Does Not Apply

The Administrative Procedure Act exempts from notice-and-comment rulemaking any ''matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts.'' [76] Because this rule applies only to the AFFH obligation of grantees, it is exempt under the APA.

However, in 1969, the Administrative Conference of the United States (ACUS) urged Congress to amend the APA to remove this exemption. Congress declined. Still, several agencies, including HUD, issued statements of policy that had the effect of voluntarily adopting ACUS's recommendation.[77] HUD's policy still remains in force, and while this policy can no longer be repealed, the Secretary retains the authority to waive the requirements of 24 CFR 10.1 in individual cases.[78]

The AFFH rule is particularly well-suited to a waiver from public notice and comment because it has already been the subject of extensive public debate. Over the past several years, HUD has received extensive public feedback about AFFH. Both through the notice-and-comment period in connection with the July 2015 AFFH Rule and the notice-and-comment period that concluded earlier this year, HUD has received tens of thousands of comments covering a wide range of stakeholders, including public housing agencies, other housing providers, organizations representative of housing providers, governmental jurisdictions and agencies, civil rights organizations, tenant and other housing advocacy organizations, and concerned citizens. There has also been a thorough public debate on these issues in print and online. In light of this public engagement, further notice and comment concerning AFFH is unnecessary and would simply be a legal formality without adding substance to the debate.

Accordingly, HUD has waived its policy that would otherwise voluntarily subject the new AFFH rule to notice-and-comment. As required by law, the waiver will be printed in the **Federal Register**.

VII. Findings and Certifications

Executive Orders 12866 and 13563, Regulatory Planning and Review

Pursuant to Executive Order 12866 (Regulatory Planning and Review), a determination must be made whether a regulatory action is significant and therefore, subject to review by the Office of Management and Budget (OMB) in accordance with the requirements of the Executive Order. In light of the waiver executed by Secretary Carson and the status of this regulation as exempt from notice and comment under 5 U.S.C. 553(a)(2), review of this regulation has been waived under Executive Order 12866 section 6(a)(3)(A).

Executive Order 13563 (Improving Regulations and Regulatory Review) directs executive agencies to analyze regulations that are ''outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or repeal them in accordance with what has been learned.'' Executive Order 13563 also directs that, where relevant, feasible, and consistent with regulatory objectives, and to the extent permitted by law, agencies are to identify and consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public. HUD believes that this final rule would provide maximum flexibility and freedom for HUD grantees to AFFH and is consistent with Executive Order 13563.

Executive Order 13771, Regulatory Costs

Executive Order 13771, entitled ''Reducing Regulation and Controlling Regulatory Costs,'' was issued on January 30, 2017. This final rule is an Executive Order 13771 deregulatory action. The burden for the lengthy Assessment of Fair Housing (AFH), with its separate community engagement and reporting requirements, would be eliminated under this proposal. Jurisdictions would be able to determine their actions to AFFH based on their capacity and needs, allowing jurisdictions to avoid burdensome requirements beyond their abilities.

The previously approved information collections for the AFFH Local Government and PHA and Assessment Tools (2529–0054 and 2529–0055, respectively) had a total, combined

[70] *Utility Air Regulatory Group* v. *Environmental Protection Agency,* 573 U.S. 302, 324 (2014) (citations and internal quotations omitted).

[71] *Id.* (citations and internal quotations omitted).

[72] *Id.* (citations and internal quotations omitted).

[73] *ABA* v. *FTC,* 430 F.3d 457, 471–472 (D.C.C. 2005).

[74] *Id.* at 471.

[75] *Id.* at 471–472.

[76] 5 U.S.C. 553(a)(2).

[77] 24 CFR 10.1.

[78] 42 U.S.C. 3535(q); 24 CFR 5.110. In 1996, HUD proposed a rule to eliminate part 10 from its regulations entirely. (61 FR 42722). In response, Congress passed an amendment to an appropriations bill, continued in subsequent years, requiring HUD to ''maintain all current requirements under part 10.'' [Public Law 104–204, Sec. 215] (See Statement of Amendment Sponsor: ''this is a prohibition on a HUD rulemaking effort to eliminate HUD public notice and comment''). To maintain is to keep in place. Just as prior to this amendment the waiver provision existed, so too afterward. Thus, although the broader framework may not be altered, the previously permitted waiver remains applicable. Thus, Public Law 104–204 does not abrogate the Secretary's independent statutory authority under 42 U.S.C. 3535(q) to waive regulations in specific circumstances.

665,862 burden hours for all respondents. This was due to the extensive nature of the tools and the additional public meeting requirements to complete an AFH. HUD has already temporarily withdrawn the Local Government Assessment Tool, and this final rule makes that removal permanent. By removing these requirements, HUD expects that the AFFH process will result in a significant reduction from the previous process requirements.

The final rule significantly reduces the reporting burden for jurisdictions in the formulation of AFFH strategies, reducing costs by an estimated of no less than $23.7 million per year.

Executive Order 12612, Federalism

Executive Order 13132 (entitled ''Federalism'') prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial direct compliance costs on state and local governments and is not required by statute, or the rule preempts state law, unless the agency meets the consultation and funding requirements of Section 6 of the Executive Order. This rule would not have federalism implications and would not impose substantial direct compliance costs on state and local governments or preempt state law within the meaning of the Executive Order.

Environmental Impact

This final rule is a policy document that sets out fair housing and nondiscrimination standards. Accordingly, under 24 CFR 50.19(c)(3), this final rule is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*).

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Because HUD has determined that good cause exists to issue this rule without prior public comment, this rule is not subject to the requirement to publish an initial or final regulatory flexibility analysis under the RFA as part of such action.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless the collection displays a currently valid Office of Management and Budget (OMB) control number. The information collection requirements for Affirmatively Furthering Fair Housing collected have previously been approved by OMB under the Paperwork Reduction Act and assigned OMB control number 2506–0117 (Consolidated Plan, Annual Action Plan & Annual Performance Report).

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4; approved March 22, 1995) (UMRA) establishes requirements for Federal agencies to assess the effects of their regulatory actions on state, local, and tribal governments, and on the private sector. This rule does not impose any Federal mandates on any state, local, or tribal government, or on the private sector, within the meaning of the UMRA.

List of Subjects

24 CFR Part 5

Administrative practice and procedure, Aged, Claims, Crime, Government contracts, Grant programs—housing and community development, Individuals with disabilities, Intergovernmental relations, Loan programs—housing and community development, Low and moderate income housing, Mortgage insurance, Penalties, Pets, Public housing, Rent subsidies, Reporting and recordkeeping requirements, Social security, Unemployment compensation, Wages.

24 CFR Part 91

Aged; Grant programs—housing and community development; Homeless; Individuals with disabilities; Low and moderate income housing; Reporting and recordkeeping requirements.

24 CFR Part 92

Administrative practice and procedure; Low and moderate income housing; Manufactured homes; Rent subsidies; Reporting and recordkeeping requirements.

24 CFR Part 570

Administrative practice and procedure; American Samoa; Community development block grants; Grant programs—education; Grant programs—housing and community development; Guam; Indians; Loan programs—housing and community development; Low and moderate income housing; Northern Mariana Islands; Pacific Islands Trust Territory; Puerto Rico; Reporting and recordkeeping requirements; Student aid; Virgin Islands.

24 CFR Part 574

Community facilities; Grant programs—housing and community development; Grant programs—social programs; HIV/AIDS; Low- and moderate-income housing; Reporting and recordkeeping requirements.

24 CFR Part 576

Community facilities; Grant programs—housing and community development; Grant programs—social programs; Homeless; Reporting and recordkeeping requirements.

24 CFR Part 903

Administrative practice and procedure; Public housing; Reporting and recordkeeping requirements.

Accordingly, for the reasons described in the preamble, HUD amends 24 CFR parts 5, 91, 92, 570, 574, 576, and 903 as follows:

PART 5—GENERAL HUD PROGRAM REQUIREMENTS; WAIVERS

■ 1. The authority citation for part 5, subpart A, continues to read as follows:

Authority: 29 U.S.C. 794, 42 U.S.C. 1437a, 1437c, 1437c–1(d), 1437d, 1437f, 1437n, 3535(d), and Sec. 327, Pub. L. 109–115, 119 Stat. 2936; 42 U.S.C. 3600–3620; 42 U.S.C. 5304(b); 42 U.S.C. 12101 *et seq.;* 42 U.S.C. 12704–12708; Executive Order 11063, 27 FR 11527, 3 CFR, 1958–1963 Comp., p. 652; Executive Order 12892, 59 FR 2939, 3 CFR, 1994 Comp., p. 849.

■ 2. Revise § 5.150 to read as follows:

§ 5.150 Affirmatively Further Fair Housing; Definition.

(a) The phrase ''fair housing'' in 42 U.S.C. 5304(b)(2), 5306(d)(7)(B), 12705(b)(15), and 1437c–1(d)(16) means housing that, among other attributes, is affordable, safe, decent, free of unlawful discrimination, and accessible as required under civil rights laws.

(b) The phrase ''affirmatively further'' in 42 U.S.C. 5304(b)(2), 5306(d)(7)(B), 12705(b)(15), and 1437c–1(d)(16) means to take any action rationally related to promoting any attribute or attributes of fair housing as defined in the preceding subsection.

■ 3. Revise § 5.151 as follows:

§ 5.151 AFFH Certifications.

A HUD program participant's certification that it will affirmatively further fair housing is sufficient if the participant takes, in the relevant period, any action that is rationally related to promoting one or more attributes of fair housing as defined in section 5.150(a).

Nothing in this paragraph relieves jurisdictions of their other obligations under civil rights and fair housing statutes and regulations.

§§ 5.152 through 5.168 [Removed and Reserved]

■ 4. Remove §§ 5.152 through 5.168.

PART 91—CONSOLIDATED SUBMISSIONS FOR COMMUNITY PLANNING AND DEVELOPMENT PROGRAMS

■ 5. The authority citation for part 91 continues to read as follows:

Authority: 42 U.S.C. 3535(d), 3601–19, 5301–5315, 11331–11388, 12701–12711, 12741–12756, and 12901–12912.

■ 6. In § 91.5, revise the introductory paragraph to read as follows.

§ 91.5 Definitions.

The terms Affirmatively Furthering Fair Housing, elderly person, and HUD are defined in 24 CFR part 5.

* * * * *

■ 7. Amend § 91.100 to revise paragraphs (a)(1), (c)(1), and remove (e) to read as follows:

§ 91.100 Consultation; local governments.

(a) *General.* (1) When preparing the consolidated plan, the jurisdiction shall consult with other public and private agencies that provide assisted housing, health services, and social services (including those focusing on services to children, elderly persons, persons with disabilities, persons with HIV/AIDS and their families, homeless persons), community-based and regionally-based organizations that represent protected class members, and organizations that enforce fair housing laws. When preparing the consolidated plan, the jurisdiction shall also consult with public and private organizations. Commencing with consolidated plans submitted on or after January 1, 2018, such consultations shall include broadband internet service providers, organizations engaged in narrowing the digital divide, agencies whose primary responsibilities include the management of flood prone areas, public land or water resources, and emergency management agencies.

* * * * *

(c) *Public housing agencies (PHAs).* (1) The jurisdiction shall consult with local PHAs operating in the jurisdiction regarding consideration of public housing needs, planned programs and activities, strategies for affirmatively furthering fair housing, and proposed actions to affirmatively further fair housing in the consolidated plan. This consultation will help provide a better basis for the certification by the authorized official that the PHA Plan is consistent with the consolidated plan and the local government's description of its strategy for affirmatively furthering fair housing and the manner in which it will address the needs of public housing and, where necessary, the manner in which it will provide financial or other assistance to a troubled PHA to improve the PHA's operations and remove the designation of troubled, as well as obtaining PHA input on addressing fair housing issues in the Public Housing and Housing Choice Voucher programs.

* * * * *

■ 8. Amend § 91.105 by:
■ a. Revising paragraphs (a)(2)(i) through (iii);
■ b. Revising (b) introductory text;
■ c. Revising paragraph (b)(1)(i);
■ d. Revising paragraphs (b)(2) through (5);
■ e. Revising paragraph (c);
■ f. Revising paragraph (e)(1)(i);
■ g. Removing paragraph (e)(1)(iii);
■ h. Revising paragraphs (g) through (j); and
■ i. Removing paragraph (l).

The revisions read as follows:

§ 91.105 Citizen participation plan; local governments.

(a) * * *

(2) *Encouragement of citizen participation.* (i) The citizen participation plan must provide for and encourage citizens to participate in the development of the consolidated plan, any substantial amendment to the consolidated plan, and the performance report. These requirements are designed especially to encourage participation by low- and moderate-income persons, particularly those persons living in areas designated by the jurisdiction as a revitalization area or in a slum and blighted area and in areas where CDBG funds are proposed to be used, and by residents of predominantly low- and moderate-income neighborhoods, as defined by the jurisdiction. A jurisdiction must take appropriate actions to encourage the participation of all its citizens, including minorities and non-English speaking persons, as provided in paragraph (a)(4) of this section, as well as persons with disabilities.

(ii) The jurisdiction shall encourage the participation of local and regional institutions, Continuums of Care, and other organizations (including businesses, developers, nonprofit organizations, philanthropic organizations, and community-based and faith-based organizations) in the process of developing and implementing the consolidated plan.

(iii) The jurisdiction shall encourage, in conjunction with consultation with public housing agencies, the participation of residents of public and assisted housing developments (including any resident advisory boards, resident councils, and resident management corporations) in the process of developing and implementing the consolidated plan, along with other low-income residents of targeted revitalization areas in which the developments are located. The jurisdictions shall make an effort to provide information to the PHA about affirmatively furthering fair housing strategy, and consolidated plan activities related to its developments and surrounding communities so that the PHA can make this information available at the annual public hearing(s) required for the PHA Plan.

* * * * *

(b) *Development of the consolidated plan.* The citizen participation plan must include the following minimum requirements for the development of the consolidated plan:

(1)(i) The citizen participation plan must require that at or as soon as feasible after the start of the public participation process the jurisdiction will make the HUD-provided data and any other supplemental information the jurisdiction plans to incorporate into its consolidated plan available to its residents, public agencies, and other interested parties. The jurisdiction may make the HUD-provided data available to the public by cross-referencing to the data on HUD's website.

* * * * *

(2) The citizen participation plan must require the jurisdiction to publish the proposed consolidated plan in a manner that affords its residents, public agencies, and other interested parties a reasonable opportunity to examine its content and to submit comments. The citizen participation plan must set forth how the jurisdiction will publish the proposed consolidated plan and give reasonable opportunity to examine each document's content. The requirement for publishing may be met by publishing a summary of each document in one or more newspapers of general circulation, and by making copies of each document available on the internet, on the jurisdiction's official government website, and as well at libraries, government offices, and public places. The summary must describe the content and purpose of the consolidated plan and must include a list of the locations where copies of the entire proposed

document may be examined. In addition, the jurisdiction must provide a reasonable number of free copies of the plan to residents and groups that request it.

(3) The citizen participation plan must provide for at least one public hearing during the development of the consolidated plan. See paragraph (e) of this section for public hearing requirements, generally.

(4) The citizen participation plan must provide a period, not less than 30 calendar days, to receive comments from residents of the community on the consolidated plan.

(5) The citizen participation plan shall require the jurisdiction to consider any comments or views of residents of the community received in writing, or orally at the public hearings, in preparing the final consolidated plan. A summary of these comments or views, and a summary of any comments or views not accepted and the reasons why, shall be attached to the final consolidated plan.

(c) *Consolidated plan amendments.* (1) The citizen participation plan must specify the criteria the jurisdiction will use for determining what changes in the jurisdiction's planned or actual activities constitute a substantial amendment to the consolidated plan. (See § 91.505.) The citizen participation plan must include, among the criteria for a substantial amendment, changes in the use of CDBG funds from one eligible activity to another.

(2) The citizen participation plan must provide community residents with reasonable notice and an opportunity to comment on substantial amendments to the consolidated plan. The citizen participation plan must state how reasonable notice and an opportunity to comment will be given. The citizen participation plan must provide a period, of not less than 30 calendar days, to receive comments on the consolidated plan substantial amendment before the consolidated plan substantial amendment is implemented is submitted to HUD for review.

(3) The citizen participation plan shall require the jurisdiction to consider any comments or views of residents of the community received in writing, or orally at public hearings, if any, in preparing the substantial amendment of the consolidated plan. A summary of these comments or views, and a summary of any comments or views not accepted and the reasons why, shall be attached to the substantial amendment of the consolidated plan.

* * * * *

(e) *Public hearings*—(1)(i). *Consolidated plan.* The citizen participation plan must provide for at least two public hearings per year to obtain residents' views and to respond to proposals and questions, to be conducted at a minimum of two different stages of the program year. Together, the hearings must address housing and community development needs, development of proposed activities, proposed strategies and actions for affirmatively furthering fair housing, and a review of program performance.

* * * * *

(g) *Availability to the public.* The citizen participation plan must provide that the consolidated plan as adopted, consolidated plan substantial amendments, and the performance report will be available to the public, including the availability of materials in a form accessible to persons with disabilities, upon request. The citizen participation plan must state how these documents will be available to the public.

(h) *Access to records.* The citizen participation plan must require the jurisdiction to provide residents of the community, public agencies, and other interested parties with reasonable and timely access to information and records relating to the jurisdiction's consolidated plan and use of assistance under the programs covered by this part during the preceding 5 years.

(i) *Technical assistance.* The citizen participation plan must provide for technical assistance to groups representative of persons of low- and moderate-income that request such assistance in developing proposals for funding assistance under any of the programs covered by the consolidated plan, with the level and type of assistance determined by the jurisdiction. The assistance need not include the provision of funds to the groups.

(j) *Complaints.* The citizen participation plan shall describe the jurisdiction's appropriate and practicable procedures to handle complaints from its residents related to the consolidated plan, amendments, revisions, and the performance report. At a minimum, the citizen participation plan shall require that the jurisdiction must provide a timely, substantive written response to every written resident complaint, within an established period of time (within 15 working days, where practicable, if the jurisdiction is a CDBG grant recipient).

* * * * *

■ 9. Revise § 91.110 to read as follows:

§ 91.110 Consultation; States.

(a) When preparing the consolidated plan, the State shall consult with other public and private agencies that provide assisted housing (including any state housing agency administering public housing), health services, and social and fair housing services (including those focusing on services to children, elderly persons, persons with disabilities, persons with HIV/AIDS and their families, and homeless persons) during preparation of the consolidated plan.

(b) When preparing the portions of the consolidated plan describing the State's homeless strategy and the resources available to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) and persons at risk of homelessness, the State must consult with:

(1) Each Continuum of Care within the state;

(2) Public and private agencies that address housing, health, social services, victim services, employment, or education needs of low-income individuals and families; of homeless individuals and families, including homeless veterans; youth; and/or of other persons with special needs;

(3) Publicly funded institutions and systems of care that may discharge persons into homelessness (such as health-care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and

(4) Business and civic leaders.

(c) When preparing the portion of its consolidated plan concerning lead-based paint hazards, the State shall consult with state or local health and child welfare agencies and examine existing data related to lead-based paint hazards and poisonings, including health department data on the addresses of housing units in which children have been identified as lead-poisoned.

(d) When preparing its method of distribution of assistance under the CDBG program, a State must consult with local governments in nonentitlement areas of the state.

(e) The State must also consult with each Continuum of Care within the state in determining how to allocate its ESG grant for eligible activities; developing the performance standards for, and evaluating the outcomes of, projects and activities assisted by ESG funds; and developing funding, policies, and procedures for the operation and administration of the HMIS.

■ 10. Amend § 91.115 by:

■ a. Revising paragraph (a)(2)(i) and (ii);
■ b. Revising paragraph (b);
■ c. Redesignating paragraph (c)(1)(i) as paragraph (c)(1) and removing paragraph (c)(1)(ii);
■ d. Revising paragraphs (c)(2) and (3); and
■ e. Revising paragraphs (f) through (h)

The revisions read as follows:

§ 91.115 Citizen participation plan; States.

(a) * * *

(2) *Encouragement of citizen participation.* (i) The citizen participation plan must provide for and encourage citizens to participate in the development of the consolidated plan, any substantial amendments to the consolidated plan, and the performance report. These requirements are designed especially to encourage participation by low- and moderate-income persons, particularly those living in slum and blighted areas and in areas where CDBG funds are proposed to be used and by residents of predominantly low- and moderate-income neighborhoods. A State must take appropriate actions to encourage the participation of all its residents, including minorities and non-English speaking persons, as provided in paragraph (a)(4) of this section, as well as persons with disabilities.

(ii) The State shall encourage the participation of Statewide and regional institutions, Continuums of Care, and other organizations (including businesses, developers, nonprofit organizations, philanthropic organizations, and community-based and faith-based organizations) that are involved with or affected by the programs or activities covered by the consolidated plan in the process of developing and implementing the consolidated plan. Commencing with consolidated plans submitted in or after January 1, 2018, the State shall also encourage the participation of public and private organizations, including broadband internet service providers, organizations engaged in narrowing the digital divide, agencies whose primary responsibilities include the management of flood prone areas, public land or water resources, and emergency management agencies in the process of developing the consolidated plan.

* * * * *

(b) *Development of the consolidated plan.* The citizen participation plan must include the following minimum requirements for the development of the consolidated plan:

(1) The citizen participation plan must require that, before the State adopts a consolidated plan, the State will make available to its residents, public agencies, and other interested parties information that includes the amount of assistance the State expects to receive and the range of activities that may be undertaken, including the estimated amount that will benefit persons of low- and moderate-income and the plans to minimize displacement of persons and to assist any persons displaced. The citizen participation plan must state when and how the State will make this information available.

(2) The citizen participation plan must require the State to publish the proposed consolidated plan in a manner that affords residents, units of general local governments, public agencies, and other interested parties a reasonable opportunity to examine the document's content and to submit comments. The citizen participation plan must set forth how the State will make publicly available the proposed consolidated plan and give reasonable opportunity to examine each document's content. To ensure that the consolidated plan and the PHA plan are informed by meaningful community participation, program participants should employ communications means designed to reach the broadest audience. Such communications may be met by publishing a summary of each document in one or more newspapers of general circulation, and by making copies of each document available on the internet, on the grantee's official government website, and as well at libraries, government offices, and public places. The summary must describe the content and purpose of the consolidated plan, and must include a list of the locations where copies of the entire proposed document(s) may be examined. In addition, the State must provide a reasonable number of free copies of the plan to its residents and groups that request a copy of the plan.

(3) The citizen participation plan must provide for at least one public hearing on housing and community development needs before the proposed consolidated plan is published for comment.

(i) The citizen participation plan must state how and when adequate advance notice of the hearing will be given to residents, with sufficient information published about the subject of the hearing to permit informed comment. (Publishing small print notices in the newspaper a few days before the hearing does not constitute adequate notice. Although HUD is not specifying the length of notice required, HUD would consider 2 weeks adequate.)

(ii) The citizen participation plan must provide that the hearing be held at a time and accessible location convenient to potential and actual beneficiaries, and with accommodation for persons with disabilities. The citizen participation plan must specify how it will meet these requirements.

(iii) The citizen participation plan must identify how the needs of non-English speaking residents will be met in the case of a public hearing where a significant number of non-English speaking residents can be reasonably expected to participate.

(4) The citizen participation plan must provide a period, of not less than 30 calendar days, to receive comments from residents and units of general local government on the consolidated plan.

(5) The citizen participation plan shall require the State to consider any comments or views of its residents and units of general local government received in writing, or orally at the public hearings, in preparing the final consolidated plan. A summary of these comments or views, and a summary of any comments or views not accepted and the reasons therefore, shall be attached to the final consolidated plan (as applicable).

(c) *Amendments.* The citizen participation plan must specify the criteria the State will use for determining what changes in the State's planned or actual activities constitute a substantial amendment to the consolidated plan. (See § 91.505.) The citizen participation plan must include, among the criteria for a consolidated plan, substantial amendment changes in the method of distribution of such funds.

(2) The citizen participation plan must provide residents and units of general local government with reasonable notice and an opportunity to comment on consolidated plan substantial amendments. The citizen participation plan must state how reasonable notice and an opportunity to comment will be given. The citizen participation plan must provide a period, of not less than 30 calendar days, to receive comments on the consolidated plan substantial amendment before the consolidated plan substantial amendment is implemented.

(3) The citizen participation plan shall require the State to consider any comments or views of its residents and units of general local government received in writing, or orally at public hearings, if any, in preparing the substantial amendment of the consolidated plan. A summary of these comments or views, and a summary of any comments or views not accepted and the reasons why, shall be attached

to the substantial amendment of the consolidated plan.

* * * * *

(f) *Availability to the public.* The citizen participation plan must provide that the consolidated plan as adopted, consolidated plan substantial amendments and the performance report will be available to the public, including the availability of materials in a form accessible to persons with disabilities, upon request. The citizen participation plan must state how these documents will be available to the public.

(g) *Access to records.* The citizen participation plan must require the State to provide its residents, public agencies, and other interested parties with reasonable and timely access to information and records relating to the State's consolidated plan and use of assistance under the programs covered by this part during the preceding 5 years.

(h) *Complaints.* The citizen participation plan shall describe the State's appropriate and practicable procedures to handle complaints from its residents related to the consolidated plan, consolidated plan amendments, and the performance report. At a minimum, the citizen participation plan shall require that the State must provide a timely, substantive written response to every written resident complaint, within an established period of time (within 15 working days, where practicable, if the State is a CDBG grant recipient).

* * * * *

■ 11. Revise § 91.205(b)(2) to read as follows:

§ 91.205 Housing and homeless needs assessment.

* * * * *

(b) * * *

(2) For any of the income categories enumerated in paragraph (b)(1) of this section, to the extent that any racial or ethnic group has disproportionately greater need in comparison to the needs of that category as a whole, assessment of that specific need shall be included. For this purpose, disproportionately greater need exists when the percentage of persons in a category of need who are members of a particular racial or ethnic group in a category of need is at least 10 percentage points higher than the percentage of persons in the category as a whole.

* * * * *

§ 91.215 [Amended]

■ 12. Amend § 91.215 by removing paragraph (a)(5).

§ 91.220 [Amended]

■ 13. Amend § 91.220 by removing paragraph (k)(1) and redesignating paragraph (k)(2) as paragraph (k).

■ 14. Revise § 91.225(a)(1) to read as follows:

§ 91.225 Certifications.

(a) * * *

(1) *Affirmatively furthering fair housing.* Each jurisdiction is required to submit a certification that it will affirmatively further fair housing. This includes certification that the grantee will affirmatively further fair housing, consistent with §§ 5.150 and 5.151 of this chapter.

* * * * *

■ 15. Revise § 91.230 to read as follows:

§ 91.230 Monitoring.

The plan must describe the standards and procedures that the jurisdiction will use to monitor activities carried out in furtherance of the plan and will use to ensure long-term compliance with requirements of the programs involved, including civil rights related program requirements, minority business outreach, and the comprehensive planning requirements.

■ 16. Amend § 91.235, by revising paragraphs (c)(1) and (4) to read as follows:

§ 91.235 Special case; abbreviated consolidated plan.

* * * * *

(c) *What is an abbreviated plan?*—(1) *Assessment of needs, resources, and planned activities.* An abbreviated plan must contain sufficient information about needs, resources, and planned activities to address the needs to cover the type and amount of assistance anticipated to be funded by HUD.

* * * * *

(4) *Submissions, certifications, amendments, and performance reports.* An Insular Area grantee that submits an abbreviated consolidated plan under this section must comply with the submission, certification, amendment, and performance report requirements of 24 CFR 570.440. This includes certification that the grantee will affirmatively further fair housing, consistent with §§ 5.150 and 5.151 of this chapter.

* * * * *

■ 17. Revise § 91.305(b)(2) to read as follows:

§ 91.305 Housing and homeless needs assessment.

* * * * *

(b) * * *

(2) For any of the income categories enumerated in paragraph (b)(1) of this section, to the extent that any racial or ethnic group has disproportionately greater need in comparison to the needs of that category as a whole, assessment of that specific need shall be included. For this purpose, disproportionately greater need exists when the percentage of persons in a category of need who are members of a particular racial or ethnic group in a category of need is at least 10 percentage points higher than the percentage of persons in the category as a whole.

* * * * *

§ 91.315 [Amended]

■ 18. Amend § 91.315 by removing paragraph (a)(5).

§ 91.320 [Amended]

■ 19. Amend § 91.320 by removing paragraph (j)(1) and redesignating paragraph (j)(2) as (j).

■ 20. Revise § 91.325(a)(1) to read as follows:

§ 91.325 Certifications.

(a) * * *

(1) *Affirmatively furthering fair housing.* Each State is required to submit a certification that the grantee will affirmatively further fair housing, consistent with §§ 5.150 and 5.151 of this chapter.

* * * * *

■ 21. Revise § 91.415 to read as follows:

§ 91.415 Strategic plan.

Strategies and priority needs must be described in the consolidated plan, in accordance with the provisions of § 91.215, for the entire consortium. The consortium is not required to submit a nonhousing Community Development Plan; however, if the consortium includes CDBG entitlement communities, the consolidated plan must include the nonhousing Community Development Plans of the CDBG entitlement community members of the consortium. The consortium must set forth its priorities for allocating housing (including CDBG and ESG, where applicable) resources geographically within the consortium, describing how the consolidated plan will address the needs identified (in accordance with § 91.405), describing the reasons for the consortium's allocation priorities, and identifying any obstacles there are to addressing underserved needs.

■ 22. Revise § 91.420(b) to read as follows:

§ 91.420 Action plan.

* * * * *

(b) *Description of resources and activities.* The action plan must describe

the resources to be used and activities to be undertaken to pursue its strategic plan. The consolidated plan must provide this description for all resources and activities within the entire consortium as a whole, as well as a description for each individual community that is a member of the consortium.

* * * * *

■ 23. Revise § 91.425(a)(1)(i) to read as follows:

§ 91.425 Certifications.

(a) * * *

(1) *General*—(i) *Affirmatively furthering fair housing.* Each consortium must submit a certification that it will affirmatively further fair housing, consistent with §§ 5.150 and 5.151 of this chapter.

* * * * *

§ 91.505 [Amended]

■ 24. Amend § 91.505 by removing paragraph (d).

PART 92—HOME INVESTMENT PARTNERSHIPS PROGRAM

■ 25. The authority citation for part 92 continues to read as follows:

Authority: 42 U.S.C. 3535(d), 12 U.S.C. 1701x and 4568.

■ 26. Revise § 92.104 to read as follows:

§ 92.104 Submission of a consolidated plan.

A jurisdiction that has not submitted a consolidated plan to HUD must submit to HUD, not later than 90 calendar days after providing notification under § 92.103, a consolidated plan in accordance with 24 CFR part 91.

■ 27. Amend § 92.508 by revising paragraph (a)(7)(i)(C) to read as follows:

§ 92.508 Recordkeeping.

(a) * * *

(7) * * *

(i) * * *

(C) Documentation that the participating jurisdiction submitted a certification that it will affirmatively further fair housing, consistent with §§ 5.150 and 5.151 of this chapter.

* * * * *

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

■ 28. The authority citation for part 570 continues to read as follows:

Authority: 12 U.S.C. 1701x, 1701 x–1; 42 U.S.C. 3535(d) and 5301–5320.

■ 29. Amend § 570.3 to revise the introductory text to read as follows:

§ 570.3 Definitions.

The terms Affirmatively Furthering Fair Housing, HUD, and Secretary are defined in 24 CFR part 5. All of the following definitions in this section that rely on data from the United States Bureau of the Census shall rely upon the data available from the latest decennial census or the American Community Survey.

* * * * *

■ 30. Amend § 570.205 by:

■ a. Removing paragraph (a)(4)(vii); and,

■ b. Redesignating paragraph (a)(4)(viii) as (a)(4)(vii) and revise the newly redesignated paragraph.

The revision reads as follows:

§ 570.205 Eligible planning, urban environmental design and policy-planning-management-capacity building activities.

(a) * * *

(4) * * *

(vii) Developing an inventory of properties with known or suspected environmental contamination.

* * * * *

■ 31. Amend § 570.441 by:

■ a. Revising (b) introductory text;

■ b. Revising paragraphs (b)(2) and (3);

■ c. Revising the paragraph heading to paragraph (c) and revising paragraph (c)(1);

■ d. Revising paragraphs (d) and (e); and,

§ 570.441 Citizen participation—insular areas.

* * * * *

(b) *Citizen participation plan.* The insular area jurisdiction must develop and follow a detailed citizen participation plan and must make the plan public. The plan must be completed and available before the statement for assistance is submitted to HUD, and the jurisdiction must certify that it is following the plan. The plan must set forth the jurisdiction's policies and procedures for:

* * * * *

(2) Providing technical assistance to groups that are representative of persons of low- and moderate-income that request assistance in developing proposals. The level and type of assistance to be provided is at the discretion of the jurisdiction. The assistance need not include the provision of funds to the groups;

(3) Holding a minimum of two public hearings for the purpose of obtaining residents' views and formulating or responding to proposals and questions. Each public hearing must be conducted at a different stage of the CDBG program year. Together, the hearings must address, community development and housing needs, development of proposed activities, and a review of program performance. There must be reasonable notice of the hearings, and the hearings must be held at times and accessible locations convenient to potential or actual beneficiaries, with reasonable accommodations, including materials in accessible formats, for persons with disabilities. The jurisdiction must specify in its citizen participation plan how it will meet the requirement for hearings at times and accessible locations convenient to potential or actual beneficiaries;

* * * * *

(c) *Publication of proposed statement.* (1) The insular area jurisdiction shall publish a proposed statement consisting of the proposed community development activities and community development objectives (as applicable) in order to afford affected residents an opportunity to:

* * * * *

(d) *Preparation of the final statement.* An insular area jurisdiction must prepare a final statement. In the preparation of the final statement, the jurisdiction shall consider comments and views received relating to the proposed document and may, if appropriate, modify the final document. The final statement shall be made available to the public. The final statement shall include the community development objectives, projected use of funds, and the community development activities.

(e) *Program amendments.* To assure citizen participation on program amendments to final statements, the insular area grantee shall:

(1) Furnish its residents with information concerning the amendment to the consolidated plan;

(2) Hold one or more public hearings to obtain the views of residents on the proposed amendment to the consolidated plan;

(3) Develop and publish the proposed amendment to the consolidated plan in such a manner as to afford affected residents an opportunity to examine the contents, and to submit comments on the proposed amendment to the consolidated plan;

(4) Consider any comments and views expressed by residents on the proposed amendment to the consolidated plan, and, if the grantee finds it appropriate, make modifications accordingly; and

(5) Make the final amendment to the community development program available to the public before its submission to HUD.

* * * * *

■ 32. Revise § 570.487(b) to read as follows:

§ 570.487 Other applicable laws and related program requirements.

* * * * *

(b) *Affirmatively furthering fair housing.* Each State is required to submit a certification that it will affirmatively further fair housing, consistent with §§ 5.150 and 5.151 of this title. Each unit of general local government is required to submit a certification that it will affirmatively further fair housing, consistent with §§ 5.150 and 5.151 of this title.

* * * * *

■ 33. Amend § 570.490 by revising paragraphs (a)(1) and (b) to read as follows:

§ 570.490 Recordkeeping requirements.

(a) * * *

(1) The State shall establish and maintain such records as may be necessary to facilitate review and audit by HUD of the State's administration of CDBG funds under § 570.493. The content of records maintained by the State shall be as jointly agreed upon by HUD and the States and sufficient to enable HUD to make the determinations described at § 570.493. For fair housing and equal opportunity purposes, whereas such data is already being collected and where applicable, such records shall include data on the racial, ethnic, and gender characteristics of persons who are applicants for, participants in, or beneficiaries of the program. The records shall also permit audit of the States in accordance with 24 CFR part 85.

* * * * *

(b) *Unit of general local government's record.* The State shall establish recordkeeping requirements for units of general local government receiving CDBG funds that are sufficient to facilitate reviews and audits of such units of general local government under §§ 570.492 and 570.493. For fair housing and equal opportunity purposes, whereas such data is already being collected and where applicable, such records shall include data on the racial, ethnic, and gender characteristics of persons who are applicants for, participants in, or beneficiaries of the program.

* * * * *

■ 34. In § 570.506, revise paragraph (g)(1) to read as follows:

§ 570.506 Records to be maintained.

* * * * *

(g) * * *

(1) Documentation that the recipient submitted a certification that it will affirmatively further fair housing, consistent with §§ 5.150 and 5.151 of this title.

■ 35. Revise § 570.601(a)(2) to read as follows:

§ 570.601 Public Law 88–352 and Public Law 90–284; affirmatively furthering fair housing; Executive Order 11063.

(a) * * *

(2) Public Law 90–284, which is the Fair Housing Act (42 U.S.C. 3601–3620). In accordance with the Fair Housing Act, the Secretary requires that grantees administer all programs and activities related to housing and urban development in a manner to affirmatively further the policies of the Fair Housing Act. Each community receiving a grant under subpart D of this part, shall submit a certification that it will affirmatively further fair housing, consistent with §§ 5.150 and 5.151 of this title.

* * * * *

PART 574—HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

■ 36. The authority citation for part 574 continues to read as follows:

Authority: 12 U.S.C. 1701x, 1701x–1; 42 U.S.C. 3535(d) and 5301–5320.

■ 37. In § 574.530. revise paragraph (b) to read as follows:

§ 574.530 Recordkeeping.

* * * * *

(b) Documentation that the grantee submitted a certification that it will affirmatively further fair housing, consistent with §§ 5.150 and 5.151 of this title.

* * * * *

PART 576—EMERGENCY SOLUTIONS GRANTS PROGRAM

■ 38. The authority citation for part 576 continues to read as follows:

Authority: 12 U.S.C. 1701x, 1701x–1; 42 U.S.C. 11371 *et seq.,* 42 U.S.C. 3535(d).

■ 39. Amend § 576.500 by revising paragraph (s)(1)(ii) to read as follows:

§ 576.500 Recordkeeping and reporting requirements.

* * * * *

(s) * * *

(1) * * *

(ii) Documentation that the recipient submitted a certification that it will affirmatively further fair housing, consistent with §§ 5.150 and 5.151 of this title.

* * * * *

PART 903—PUBLIC HOUSING AGENCY PLANS

■ 40. The authority citation for part 903 continues to read as follows:

Authority: 42 U.S.C. 1437c; 42 U.S.C. 1437c–1; Pub. L. 110–289; 42 U.S.C. 3535d.

■ 41. Amend § 903.7 by revising paragraphs (a)(1)(iii) and (o) to read as follows:

§ 903.7 What information must a PHA provide in the Annual Plan?

* * * * *

(a) * * *

(1) * * *

(iii) Households with individuals with disabilities and households of various races and ethnic groups residing in the jurisdiction or on the waiting list.

* * * * *

(o) *Civil rights certification.* (1) The PHA must certify that it will carry out its plan in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d–2000d–4), the Fair Housing Act (42 U.S.C. 3601–19), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*), and other applicable Federal civil right laws, and that it will affirmatively further fair housing, consistent with §§ 5.150 and 5.151 of this title.

(2) The certification is applicable to both the 5-Year Plan and the Annual Plan, including any plan incorporated therein.

* * * * *

■ 42. Revise § 903.15 to read as follows:

§ 903.15 What is the relationship of the public housing agency plans to the Consolidated Plan and a PHA's Fair Housing Requirements?

(a) The PHA must ensure that the Annual Plan is consistent with any applicable Consolidated Plan for the jurisdiction in which the PHA is located.

(1) The PHA must submit a certification by the appropriate State or local officials that the Annual Plan is consistent with the Consolidated Plan and include a description of the manner in which the applicable plan contents are consistent with the Consolidated Plans.

(2) For State agencies that are PHAs, the applicable Consolidated Plan is the State Consolidated Plan.

(b) A PHA may request to change its fiscal year to better coordinate its planning with the planning done under the Consolidated Plan process, by the State or local officials, as applicable.

■ 43. Amend § 903.23 by revising paragraph (f) to read as follows:

§ 903.23 What is the process by which HUD reviews, approves, or disapproves an Annual Plan?

* * * * *

(f) *Recordkeeping.* PHAs must maintain records reflecting a certification that the PHA will affirmatively further fair housing, consistent with §§ 5.150 and 5.151 of this title.

Dated: July 23, 2020.

Benjamin S. Carson, Sr.,

Secretary.

[FR Doc. 2020–16320 Filed 8–6–20; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2020–0402]

Special Local Regulation; Southern California Annual Marine Events for San Diego—San Diego Bayfair

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the San Diego Bayfair special local regulations on the waters of Mission Bay, California from September 18 through September 20, 2020. These special local regulations are necessary to provide for the safety of the participants, crew, spectators, sponsor vessels, and general users of the waterway. During the enforcement period, persons and vessels are prohibited from anchoring, blocking, loitering, or impeding within this regulated area unless authorized by the Captain of the Port, or his designated representative.

DATES: The regulations in 33 CFR 100.1101, Item 9, will be enforced from 6 a.m. until 6 p.m., each day from September 18, 2020 through September 20, 2020.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email Lieutenant Briana Biagas, Waterways Management, U.S. Coast Guard Sector San Diego, CA; telephone (619) 278–7656, email *D11MarineEventsSD@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce special local regulations in 33 CFR 100.1101 for the San Diego Bayfair race regulated area from 6 a.m. to 6 p.m. from September 18, 2020 through September 20, 2020. This action is being taken to provide for the safety of life on navigable waterways during this 3-day event. Our regulation for marine events within the Eleventh Coast Guard District, § 100.1101, specifies the location of the regulated area for the San Diego Bayfair which encompasses the waters of Mission Bay to include Fiesta Bay, the east side of Vacation Isle, and Crown Point shores. Under the provisions of § 100.1101, persons and vessels are prohibited from anchoring, blocking, loitering, or impeding within this regulated area unless authorized by the Captain of the Port, or his designated representative. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation.

In addition to this notice of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via the Local Notice to Mariners and local advertising by the event sponsor.

If the Captain of the Port Sector San Diego or his designated representative determines that the regulated area need not be enforced for the full duration stated on this document, he or she may use a Safety Marine Information Broadcast or other communications coordinated with the event sponsor to grant general permission to enter the regulated area.

Dated: July 29, 2020.

T.J. Barelli,

Captain, U.S. Coast Guard, Captain of the Port San Diego.

[FR Doc. 2020–17011 Filed 8–6–20; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2020–0464]

Safety Zone; Commencement Bay, Tacoma, WA

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce safety zone regulations for the Tacoma Freedom Fair Air Show on Commencement Bay from 1 p.m. to 4 p.m. on both September 12, 2020, and September 13, 2020. This action is necessary to ensure the safety of the public from inherent dangers associated with the annual aerial displays. During the enforcement periods, no person or vessel may enter or transit this safety zone unless authorized by the Captain of the Port Puget Sound or her designated representative.

DATES: The regulations in 33 CFR 165.1305 will be enforced from 1 p.m. until 4 p.m. on September 12, 2020, and September 13, 2020.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email Chief Warrant Officer William E. Martinez, Sector Puget Sound Waterways Management Division, U.S. Coast Guard; telephone 206–217–6051, email *SectorPugetSoundWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zone in 33 CFR 165.1305 from 1 p.m. to 4 p.m. on September 12, 2020, and September 13, 2020 unless the COTP of Puget Sound grants general permission to enter the regulated area during these stated enforcement periods. This action is being taken to provide for the safety of life on navigable waterways during the aerial demonstrations above the waterway.

The safety zone resembles a rectangle protruding from the shoreline along Ruston Way and will be marked by the event sponsor. The specific coordinates of the safety zone location are listed in 33 CFR 165.1305.

As specified in § 165.1305(c), during the enforcement periods, no vessel may transit the regulated area without approval from the COTP or a COTP designated representative. The COTP may be assisted by other federal, state, and local law enforcement agencies in enforcing this regulation.

In addition to this notice of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via the Local Notice to Mariners, marine information broadcasts during the day of the event. If the COTP determines the safety zone need not be enforced for the full duration stated in the notice of enforcement, she may use a Broadcast Notice to Mariners to grant general permission to enter the regulated area.

Dated: July 30, 2020.

L.A. Sturgis,

Captain, U.S. Coast Guard, Captain of the Port Puget Sound.

[FR Doc. 2020–17035 Filed 8–6–20; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2020–0454]

Safety Zone; Annual Fireworks Displays and Other Events in the Eighth Coast Guard District Requiring Safety Zones

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a safety zone for a pyrotechnics display at Green Turtle Bay Marina & Resort, Grand Rivers, KY. This action is necessary to provide for the safety of life on navigable waterways during this event. During the enforcement period, entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Sector Ohio Valley or a designated representative.

DATES: The regulations in 33 CFR 165.801 will be enforced for the Green Turtle Bay Resort/Grand Rivers Marina Day in item 74 in Table 1 of § 165.801 from 8:30 p.m. to 9:45 p.m. on August 15, 2020.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email MST2 Dylan Caikowski, MSU Paducah, U.S. Coast Guard; telephone 270–442–1621 ext. 2120, email *STL-SMB-MSUPaducah-WWM@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce a safety zone for a pyrotechnics display at Green Turtle Bay Marina & Resort, Grand Rivers, KY from 8:30 p.m. to 9:45 p.m. on August 15, 2020. This action is necessary to provide for the safety of life on navigable waterways before, during, and after a pyrotechnics display. Our annual fireworks displays and other events in the Eighth Coast Guard District requiring safety zones, § 165.801, specifies the location of the safety zone for the Green Turtle Bay Resort/Grand Rivers Marina Day which encompasses a 420 foot radius, from the fireworks launch site, at the entrance to Green Turtle Bay Marina & Resort. During the enforcement periods, as reflected in § 165.801(a), in accordance with the general regulations in § 165 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port or a designated representative.

In addition to this notice of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via Broadcast Notice to Mariners.

Dated: June 24, 2020.

A.M. Beach,

Captain, U.S. Coast Guard, Captain of the Port Sector Ohio Valley.

[FR Doc. 2020–16703 Filed 8–6–20; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2020–0420]

RIN 1625–AA00

Safety Zone; Upper Mississippi River, Muscatine, IA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is amending a pre-established safety zone for certain waters of the Upper Missippi River during a fireworks display. This Safety Zone is necessary to provide for the safety of life on these navigable waters. This rulemaking will prohibit persons and vessels from entering the safety zone unless authorized by the Captain of the Port Sector Upper Mississippi River (COTP) or a designated representative.

DATES: This rule is effective from September 6, 2020 from 8:30 p.m. until 10 p.m.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2020–0420 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Chief Warrant Officer Eric Kvistad, Sector Upper Mississippi River Waterways Management Division, U.S. Coast Guard; telephone 314–269–2575, email *Eric.A.Kvistad@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because publishing an NPRM would be impracticable due to the fireworks show scheduled in less than sixty days. It is impracticable to publish an NPRM because we must establish this safety zone by September 6, 2020.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port Sector Upper Mississippi River (COTP) has determined that potential hazards associated with the fireworks to be used in this display would be a safety concern for anyone between mile markers (MM) 455 and MM 456. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the fireworks display is taking place.

IV. Discussion of the Rule

The COTP is establishing a safety zone from 8:30 through 10 p.m. on September 6, 2020 to allow for the protection of vessels from debris and fall out from the land based fireworks show. The safety zone would cover all navigable waters between MM 455 and MM 456 on the Upper Mississippi River. The duration of the zone is intended to ensure the safety of persons, vessels, and these navigable waters before, during, and after the scheduled 8:30 p.m. to 10 p.m. fireworks display. No vessel or person would be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. The COTP or a designated representative will inform the public of the enforcement dates and times for this safety zone, as well as any emergent safety concerns that may delay the enforcement of the zone, through Local Notices to Mariners (LNM) and or broadcast Notice to Mariners (BNM).

V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This rule has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB), and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

This regulatory action determination is based on the size, location, and duration of the temporary safety zone. This action involves a firework display that impacts only one mile on the Upper Mississippi River for an hour and a half.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the safety zone may be small entities, for the reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has 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. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect 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.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969(42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting only an hour and a half that will prohibit entry between MM 455 and MM 456 on the Upper Mississippi River. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 46 U.S.C. 70034, 70051; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T08–0420 to read as follows:

§ 165.T08–0420 Upper Mississippi River, Muscatine, IA

(a) *Location.* Upper Mississippi River, Mile Marker 455 and MM 456, Muscatine, IA.

(b) *Period of enforcement.* This section is effective from 8:30 p.m. through 10 p.m. on September 6, 2020.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23, persons and vessels are prohibited from entering the safety zone unless authorized by the Captain of the Port Sector Upper Mississippi River (COTP) or a designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of USCG Sector Upper Mississippi River.

(2) Persons or vessels desiring to enter into or pass through the zone must request permission from the COTP or a designated representative. They may be contacted by telephone at 314–269–2332.

(3) If permission is granted, all persons and vessels shall comply with the instructions of the COTP or designated representative while navigating in the regulated area.

(d) *Informational broadcasts.* The COTP or a designated representative will inform the public of the enforcement date and times for this safety zone, as well as any emergent safety concerns that may delay the enforcement of the zone through Local Notices to Mariners (LNM) and or broadcast notice to mariners (BNM).

Dated: July 22, 2020.

R.M. Scott,

Captain, U.S. Coast Guard, Captain of the Port Sector Upper Mississippi River.

[FR Doc. 2020–17012 Filed 8–6–20; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF EDUCATION

34 CFR Chapter III

[Docket ID ED–2020–OPE–0044]

Final Waiver and Extension of the Project Period for the Predominantly Black Institutions (PBI) Competitive Grant Program

AGENCY: Office of Postsecondary Education (OPE), Department of Education.

ACTION: Final waiver and extension of project periods.

SUMMARY: The Secretary waives the requirements in the Education Department General Administrative Regulations that generally prohibit project periods exceeding five years and project period extensions involving the obligation of additional Federal funds. The waiver and extension would enable 23 projects under Catalog of Federal Domestic Assistance (CFDA) number 84.382A to receive funding for an additional period, not to exceed September 30, 2021.

DATES: The waiver and extension of the project periods are effective August 7, 2020.

FOR FURTHER INFORMATION CONTACT: Bernadette Miles, U.S. Department of Education, 400 Maryland Avenue SW, Room 250–22, Washington, DC 20202. Telephone: 202–453–7892. Email: *Bernadette.Miles@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: On March 23, 2020, we published a notice in the **Federal Register** (85 FR 16307) proposing an extension of the project period and a waiver of the requirements in 34 CFR 75.250, which prohibit project periods exceeding five years, as well as a waiver of the requirements in 34 CFR 75.261(a) and (c)(2), which allow the extension of a project period only if the extension does not involve the obligation of additional Federal funds, in order to enable the Secretary to provide additional funds to 23 projects under CFDA number 84.382A for an additional period, not to exceed September 30, 2021.

Background

We are extending the 23 PBI projects in order to align and coordinate the funding cycles of all discretionary grant programs authorized under Title III, Part F, Section 371 of the Higher Education Act of 1965, as amended (HEA). With the extension, the PBI program will align with (1) the Alaska Native and Native Hawaiian-serving Institutions programs (CFDA numbers 84.031R & 84.031V); (2) the Asian American and Native American Pacific Islander-serving Institutions program (CFDA number 84.382B); (3) the Native American-serving Non-Tribal Institutions program (CFDA number 84.382C); and (4) the Hispanic-Serving Institutions Science, Technology, Engineering, and Mathematics and Articulation program (CFDA number 84.031C).

In September 2015, the Department made 23 60-month awards to eligible institutions funded by the PBI program as follows:

Institution	State
University of West Alabama	AL
Mid-South/Arkansas State University	AR
Pulaski Technical College	AR
South Georgia Technical College	GA
Albany Technical College	GA
Oconee Fall Line Technical College	GA
Augusta Technical College	GA
Central Georgia Technical College	GA
Georgia State University	GA
Malcolm X College	IL
Olive Harvey College	IL
Chicago State University	IL
Mississippi Delta Community College	MS
Halifax Community College	NC
Bloomfield College	NJ
Medgar Evers College	NY
York College	NY
Community College of Philadelphia	PA
Northeastern Technical College	SC
Florence-Darlington Technical College	SC
Central Carolina Technical College	SC
Southwest Tennessee Community College	TN
Cedar Valley College	TX

All current project periods for these grantees end on September 30, 2020. One additional PBI, South Suburban College, was funded in 2016. Its project currently has an end date of September 30, 2021, and thus, does not need this waiver or extension.

The purpose of the PBI program is to increase the institutions' capacity to prepare students for careers in STEM; health education; internationalization or globalization; teacher preparation; or improve educational outcomes of African American males.

Public Comment:

In response to our invitation in the notice of proposed waiver and extension of the project periods, 15 parties submitted responsive comments. Generally, we do not address technical and other minor changes. In addition, we do not address general comments that raise concerns not directly related to the proposed waiver and extension.

There are no substantive differences between the proposed waiver and extension and this final waiver and extension.

Analysis of Comments and Changes

Comment: Thirteen of the 15 commenters provided favorable and supportive comments regarding the proposed waiver and extension of the project periods. These commenters expressed appreciation for the work carried out by these projects. Many of these commenters also noted that the extension would continue to allow students the opportunity to be connected to resources that will lead to graduations and jobs. One of the 13 commenters, who was currently funded under this program, stated that due to the success of their institution's project, extending the grant would have a considerable and measurable positive impact on furthering the goals and objectives of the projects funded under this program.

Discussion: We thank these commenters for their support for extending the project periods, and we agree that extending the project periods will allow for a continued positive impact on the students and successful project outcomes by the end of fiscal year (FY) 2021.

Changes: None.

Comment: Two commenters were in opposition, but did not substantively address the proposed waiver extension.

Discussion: We thank these commenters for their comments concerning the PBI program. However, since these comments did not relate to the purpose of the PBI program, we are not making changes to the proposed waiver and extension.

Changes: None.

Final Waivers and Extensions:

We are extending the 23 PBI projects in order to align and coordinate the funding cycles of all discretionary grant programs authorized under Title III, Part F, Section 371 of the HEA. With the final extension, the PBI program funding cycles will align with (1) the Alaska Native and Native Hawaiian-serving Institutions programs (CFDA numbers 84.031R & 84.031V); (2) the Asian American and Native American Pacific Islander-serving Institutions program (CFDA number 84.382B); (3) the Native American-serving Non-Tribal Institutions program (CFDA number 84.382C); and (4) the Hispanic-Serving Institutions Science, Technology, Engineering, and Mathematics and Articulation program (CFDA number 84.031C).

The waivers and extensions will allow the Department to align and coordinate the award cycles of all of the Title III, Part F competitive grant programs, and improve the efficiency and cost-effectiveness of direct training and technical assistance services focused on the competitive strengthening institutions programs. In addition, the Department will consider approaches for improving coordination among projects that provide these services to meet the needs of these institutions more efficiently and effectively and to allow for efficient use of the funding available to support these activities.

We do not believe that it would be in the public interest to run a competition for this program in FY 2020. The program has remaining FY 2019 appropriated funds to be carried over to the current FY 2020 grant cycle. Further, running an FY 2020 competition would continue an award cycle that would not coordinate with the Department's existing Title III Part F competitive grant programs.

The Department has also concluded that it would not be in the public interest to run two consecutive program competitions with the first using the appropriated 2019 carry over funds and the second using the funds appropriated by H.R. 2486, the Fostering Undergraduate Talent by Unlocking Resources for Education (FUTURE) Act, because doing so would increase the burden on potential applicants.

For these reasons, the Secretary waives the requirements in 34 CFR 75.250, which prohibit project periods exceeding five years, and the requirements in 34 CFR 75.261(a) and (c)(2), which allow the extension of a project period only if the extension does not involve the obligation of additional Federal funds. The waiver will allow the Department to issue one-time FY 2020 continuation awards to the current 23 PBI program grantees estimated as follows:

Institution	State	Award
University of West Alabama	AL	$414,672
Mid-South/Arkansas State University	AR	599,996
Pulaski Technical College	AR	599,856
South Georgia Technical College	GA	600,000
Albany Technical College	GA	600,000
Oconee Fall Line Technical College	GA	545,459
Augusta Technical College	GA	591,493
Central Georgia Technical College	GA	596,148
Georgia State University	GA	600,000
Malcolm X College	IL	590,500
Olive Harvey College	IL	543,246
Chicago State University	IL	600,000
Mississippi Delta Community College	MS	600,000
Halifax Community College	NC	600,000
Bloomfield College	NJ	600,000
Medgar Evers College	NY	600,000
York College	NY	600,000
Community College of Philadelphia	PA	600,000
Northeastern Technical College	SC	599,252
Florence-Darlington Technical College	SC	599,993

Institution	State	Award
Central Carolina Technical College	SC	599,921
Southwest Tennessee Community College	TN	600,000
Cedar Valley College	TX	467,126

Any activities carried out during the year of this continuation award must be consistent with the scope, goals, and objectives of the grantees' applications as approved in the 2015 competition. The requirements for continuation awards are set forth in 34 CFR 75.253.

Waiver of Delayed Effective Date

The Administrative Procedure Act requires that a substantive rule must be published at least 30 days before its effective date, except as otherwise provided for good cause (5 U.S.C. 553(d)(3)). All but two of the comments we received supported the proposed waiver and extension, and we have not made any substantive changes to the proposed waiver and extension. A delayed effective date would be contrary to public interest because we would not be able to ensure there is not a lapse in technical assistance services currently provided by the projects. Therefore, the Secretary waives the delayed effective date provision for good cause.

Regulatory Flexibility Act Certification

The Secretary certifies that the final waiver and extension of the project period will not have a significant economic impact on a substantial number of small entities. The only entities that will be affected by the final waiver and extension of the project period are the current grantees and any other potential applicants.

The Secretary certifies that the final waiver and extension will not have a significant economic impact on these entities because the extension of an existing project period imposes minimal compliance costs, and the activities required to support the additional year of funding would not impose additional regulatory burdens or require unnecessary Federal supervision.

Paperwork Reduction Act of 1995

This final waiver and extension of the project period does not contain any information collection requirements.

Intergovernmental Review

These programs are subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance. This document provides early notification of our specific plans and actions for this program.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Robert L. King,

Assistant Secretary for Postsecondary Education.

[FR Doc. 2020–17407 Filed 8–5–20; 4:15 pm]

BILLING CODE 4000–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 200127–0032]

RIN 0648–BG75

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

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

ACTION: Final rule; delay of effective date.

SUMMARY: NMFS is delaying the effective date of a final rule that published on February 24, 2020.

DATES: The effective date of the final rule amending 50 CFR part 622 that published at 85 FR 10331 on February 24, 2020, is delayed until January 4, 2021.

FOR FURTHER INFORMATION CONTACT: Karla Gore, NMFS Southeast Regional Office, telephone: 727–824–5305, or email: *karla.gore@noaa.gov.*

SUPPLEMENTARY INFORMATION: On February 24, 2020, NMFS published a final rule to implement management measures described in the For-hire Reporting Amendment, as prepared and submitted by the South Atlantic Fishery Management Council and Gulf of Mexico (Gulf) Fishery Management Council (Gulf Council), and that rule had an effective date of September 1, 2020 (85 FR 10331). That final rule establishes new, and revises existing, electronic reporting requirements for federally permitted charter vessels and headboats (for-hire vessels), respectively, in certain Atlantic fisheries. That final rule applies to an owner or operator of a for-hire vessel with a Federal permit for Atlantic Coastal Migratory Pelagic (CMP) species, Atlantic dolphin and wahoo, or South Atlantic snapper-grouper. The purpose of that final rule is to increase and improve fisheries information collected from federally permitted for-hire vessels in the Atlantic. The information is expected to improve recreational fisheries management of the for-hire component in the Atlantic. The For-hire Reporting Amendment amends three fishery management plans (FMPs), and includes Amendment 27 to the FMP for CMP Resources of the Gulf and Atlantic Region (CMP FMP), Amendment 9 to the FMP for the Dolphin and Wahoo Fishery of the Atlantic, and Amendment 39 to the FMP for the Snapper-Grouper Fishery of the South Atlantic Region. All of these FMPs are implemented by NMFS through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act.

NMFS is now delaying the effective date of the final rule published on

February 24, 2020, (85 FR 10331) to align the effective date with the effective date of a related final rule to address for-hire electronic reporting in the Gulf. The Gulf Council also developed amendments to the CMP FMP and the FMP for Reef Fish Resources of the Gulf of Mexico to address for-hire electronic reporting. A final rule to implement the Gulf FMP amendments published on July 21, 2020 (85 FR 44005), with an effective date of January 5, 2021.

NMFS is aligning the effective dates of the South Atlantic and Gulf final rules, to the extent practicable, to provide NMFS with additional time to promote compliance with the new reporting programs and to eliminate potential confusion about the applicable reporting program requirements. While an improvement over prior reporting measures, the new requirements are a substantial change from current practice, with potentially overlapping geographic requirements. Therefore, NMFS anticipates a need for additional time for fishermen to familiarize themselves with the new requirements. In addition, the recreational for-hire component has recently experienced closures of harbors and boat ramps, and other disruptions to obtaining supplies needed to operate their businesses. As a result, delaying the effective date will provide the for-hire component additional time to comply with the reporting requirements and will allow NMFS to continue its outreach efforts to assist the fishermen in meeting these new requirements.

Administrative Procedure Act

To the extent that 5 U.S.C. 553 applies to this action, it is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. 553(b)(A). Alternatively, the Assistant Administrator for NOAA Fisheries (AA) also finds that there is good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth in 5 U.S.C. 553(b)(B), because prior notice and opportunity for public comment on this temporary delay is unnecessary and contrary to the public interest. Such procedures are unnecessary because the rule that published at 85 FR 10331 on February 24, 2020, has already been subject to notice and comment, and all that remains is to notify the public of this delay in the effective date. Providing additional prior notice and opportunity for public comment is contrary to the public interest because there is a need to immediately implement this action to delay the September 1, 2020, effective date of the final rule and to provide notice of the delay to affected fishery participants. NMFS is temporarily delaying the effective date of the rule (see **DATES** section) to provide NMFS with additional time to promote compliance with the new reporting program and to eliminate potential confusion about the applicable reporting program requirements.

For these same reasons, the AA also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

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

Dated: August 4, 2020.

Donna S. Wieting,

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

[FR Doc. 2020–17341 Filed 8–6–20; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 85, No. 153
Friday, August 7, 2020

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0744; Project Identifier 2019–CE–056–AD]

RIN 2120–AA64

Airworthiness Directives; Pilatus Aircraft Ltd

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Pilatus Aircraft Ltd Model PC–24 airplanes. This proposed AD was prompted by mandatory continuing airworthiness information (MCAI) issued by the aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as the vinyl grommets on the upper panel assembly on the left-hand (LH) and right-hand (RH) emergency exits becoming rigid after exposure to low temperatures, which could result in failure of the emergency exits to open during an evacuation. This proposed AD would require replacing the grommets. 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 21, 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 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 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–2020–0744.

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–2020–0744; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the MCAI, 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, General Aviation & Rotorcraft Section, International Validation 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–2020–0744; Product Identifier 2019–CE–056–AD'' at the beginning of your comments. The FAA will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Confidential Business Information

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, General Aviation & Rotorcraft Section, International Validation 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. 2019–0293, dated December 4, 2019 (referred to after this as ''the MCAI''), to correct an unsafe condition for all PC–24 airplanes. The MCAI states:

> After exposure to low temperatures, the vinyl grommets which hold the upper panel assembly in position on the left-hand and right-hand emergency exits were found to become rigid.
>
> This condition, if not corrected, could result in failure of the emergency exits to

open during an evacuation, possibly resulting in injury to occupants.

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–2020–0744.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Pilatus Aircraft Ltd PC–24 Service Bulletin No. 25–005, dated August 12, 2019. The service information contains procedures for replacing the grommets that are used to hold the upper panel assembly in position on the LH and RH emergency exits with different part-numbered grommets. 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 it 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 39 products of U.S. registry. The FAA also estimates that it would take 1.0 work-hour 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 $30 per product.

Based on these figures, the FAA estimates the cost of the AD on U.S. operators to be $4,485 or $115 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 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:

Pilatus Aircraft Ltd.: Docket No. FAA–2020–0744; Project Identifier 2019–CE–056–AD.

(a) Comments Due Date

The FAA must receive comments by August 27, 2020.

(b) Affected ADs

None.

(c) Applicability

This airworthiness directive (AD) applies to Pilatus Aircraft Ltd. Model PC–24 airplanes, all serial numbers, with an emergency exit grommet part number (P/N) 944.87.32.001 installed, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 52: Doors.

(e) Unsafe Condition

This AD was prompted by a report that after exposure to low temperatures, the vinyl grommets that hold the upper panel assembly in position on the left-hand (LH) and right-hand (RH) emergency exits can become rigid. This unsafe condition, if not addressed, could result in failure of the emergency exits to open during an evacuation.

(f) Actions and Compliance

Unless already done, do the following actions in paragraphs (f)(1) and (2) of this AD.

(1) Within 3 months after the effective date of this AD, replace each grommet P/N 944.87.32.001 holding the upper panel assembly in position on the LH and RH emergency exits with grommet P/N 525.26.24.035 in accordance with the Accomplishment Instructions, section 3.B., of Pilatus Aircraft Ltd PC–24 Service Bulletin No. 25–005, dated August 12, 2019.

(2) As of the effective date of this AD, do not install a grommet P/N 944.87.32.001 on any airplane.

(g) Alternative Methods of Compliance (AMOCs)

The Manager, International Validation 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, General Aviation & Rotorcraft Section, International Validation 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 European Union Aviation Safety Agency AD No. 2019–0293, dated December 4, 2019. You may examine the MCAI on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0744. 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 30, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–17036 Filed 8–6–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0893; Product Identifier 2018–SW–032–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2017–09–05 for Airbus Helicopters Model AS332C, AS332C1, AS332L, AS332L1, AS332L2, and EC225LP helicopters. AD 2017–09–05 requires repetitively checking screws in the emergency flotation gear. Since the FAA issued AD 2017–09–05, Airbus Helicopters developed a modification that addresses the unsafe condition. This proposed AD would retain the requirements of AD 2017–09–05 but would require installing the modification, which would be a terminating action for the repetitive checks required by AD 2017–09–05. The actions of this proposed AD are intended to address an unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by September 21, 2020.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Docket:* Go to *https://www.regulations.gov.* Follow the online instructions for sending your comments electronically.
- *Fax:* 202–493–2251.
- *Mail:* Send comments to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to the ''Mail'' address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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–2018–0893; 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 European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) 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 service information identified in this proposed 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 referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

FOR FURTHER INFORMATION CONTACT: Matt Fuller, Safety Management Program Manager, Airworthiness Products Section, Operational Safety Branch, General Aviation and Rotorcraft Unit, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110; email *matthew.fuller@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to participate in this rulemaking by submitting written comments, data, or views. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit only one time.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will file in the docket all comments received, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments the FAA receives on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The FAA may change this proposal in light of the comments received.

Confidential Business Information

Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this 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 Matt Fuller, Safety Management Program Manager, Airworthiness Products Section, Operational Safety Branch, General Aviation and Rotorcraft Unit, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110; email *matthew.fuller@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Discussion

The FAA issued AD 2017–09–05, Amendment 39–18867 (82 FR 21913, May 11, 2017) (''AD 2017–09–05''), for Airbus Helicopters Model AS332C, AS332C1, AS332L, AS332L1, AS332L2, and EC225LP helicopters with emergency flotation gear installed. AD 2017–09–05 requires repetitive visual checks of the emergency flotation gear screws. Those actions are intended to prevent the failure of a rear upper screw fitting on the emergency flotation gear.

This condition, if not detected and corrected, could result in failure of the emergency flotation system and subsequent capsizing of the helicopter.

AD 2017–09–05 was prompted by EASA Emergency AD No. 2015–0239–E, dated December 18, 2015 (EASA AD 2015–0239–E), issued by EASA, which is the Technical Agent for the Member States of the European Union. EASA advised that a screw ruptured on the rear upper fitting on the left-hand (LH) emergency flotation gear of an AS332 helicopter. EASA stated that this condition, if not detected and corrected, could result in the failure of an emergency flotation system when ditching and unstable floating of the helicopter, possibly resulting in injury to the occupants. The EASA AD consequently required repetitive inspections of the lower attachment screws of rear upper fitting on the rear LH and right-hand (RH) emergency flotation gears. EASA stated that the root cause of the failure had not yet been identified.

Actions Since AD 2017–09–05 Was Issued

Since the FAA issued AD 2017–09–05, Airbus Helicopters identified the root cause of the screw rupture as a tapering gap under the fitting attachment screw heads creating excessive stress loads. Consequently, EASA issued AD No. 2018–0090, dated April 20, 2018 (EASA AD 2018–0090), to supersede EASA AD 2015–0239–E. EASA AD 2018–0090 retains the requirements in EASA AD 2015–0239–E and also requires the installation of Airbus Helicopters modification (MOD) 0728456 as a terminating action for the repetitive inspections required in EASA AD 2015–0239–E. MOD 0728456 involves the installation of spherical washers and longer screws on the rear upper fittings of the flotation gear to remove the stress applied to the screw heads.

FAA's Determination

These helicopters have been approved by EASA and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the European Union, EASA has notified the FAA about the unsafe condition described in its AD. The FAA is proposing this AD after evaluating all known relevant information and determining that an unsafe condition is likely to exist or develop on other helicopters of the same type design.

Differences Between This Proposed AD and the EASA AD

The EASA AD allows using tools for the inspection, while this proposed AD requires checking by hand. The EASA AD requires contacting Airbus Helicopters if a screw is missing or loose, while this proposed AD would not. The EASA AD requires that repetitive inspections occur at intervals not to exceed 15 hours time-in-service (TIS), while this proposed AD requires the repetitive checks before each flight over water.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Airbus Helicopters Alert Service Bulletin (ASB) No. AS332–25.03.43, Revision 0, dated April 4, 2018, for Model AS332C, AS332C1, AS332L, AS332L1, and AS332L2 helicopters and for military Model AS332B, AS332B1, AS332F1, AS332M, and AS332M1 helicopters. The FAA also reviewed ASB No. EC225–25A207, Revision 0, dated April 4, 2018, for Model EC 225 LP helicopters. Both ASBs specify, within 12 months, installing MOD 0728456 by installing spherical leveling washers and longer screws to attach the rear upper fittings of the LH and RH emergency flotation gear. Airbus Helicopters specifies that helicopters that have undergone MOD 0728456 are exempt from the ASB's requirements.

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

Other Related Service Information

The FAA also reviewed Airbus Helicopters Emergency Alert Service Bulletin (EASB) No. 05.01.06, Revision 0, dated December 18, 2015, for Model AS332C, AS332C1, AS332L, AS332L1, and AS332L2 helicopters and for military Model AS332B, AS332B1, AS332F1, AS332M, and AS332M1 helicopters, and EASB No. 05A047, Revision 0, dated December 18, 2015, for Model EC225LP helicopters. This service information specifies repetitively inspecting the lower screws of the rear upper fitting on the rear LH and RH emergency floating gears for the presence of the heads and stressing the screw heads using a tool to make sure that the screw head does not move. If all screw heads are present, the service information requires no further action. If at least one screw head is missing or is loose, the service information specifies replacing the two lower screws and the upper screw and informing Airbus Helicopters.

Proposed AD Requirements

This proposed AD would require, within 15 hours TIS and thereafter before each flight over water, visually checking each emergency flotation gear LH and RH rear upper fitting for the presence of screw heads and looseness. An owner/operator (pilot) may perform the required visual check but must enter compliance with the applicable paragraph of the AD into the helicopter maintenance records in accordance with 14 CFR 43.9(a)(1) through (4) and 91.417(a)(2)(v). A pilot may perform this inspection because it involves visually checking the rear upper fittings of the LH and RH emergency flotation gears for the presence of screw heads and twisting the screws by hand, which can be performed equally well by a pilot or a mechanic. This check is an exception to our standard maintenance regulations. If any screws are loose or any screw heads are missing, this proposed AD would require removing from service the screws on each LH and RH side on the flotation gear rear fitting and installing MOD 0728456, base washers and spherical washers. This proposed AD would also require, within 300 hours TIS installing MOD 0728456, as a terminating action for the repetitive checks.

Costs of Compliance

The FAA estimates that this proposed AD would affect 29 helicopters of U.S. Registry. The FAA estimates that operators may incur the following costs in order to comply with this proposed AD. Labor costs are estimated at $85 per work-hour.

Checking the screws for looseness and a missing head would take about 5 minutes, for an estimated cost of about $7 per helicopter and $203 for the U.S. fleet.

Performing the modification would take about 16 work-hours, and parts would cost about $3,030 for total estimated cost of $4,390 per helicopter and $127,310 for the U.S. fleet.

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, 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:

■ a. Removing Airworthiness Directive (AD) 2017–09–05, Amendment 39–18867 (82 FR 21913, May 11, 2017); and

■ b. Adding the following new AD:

Airbus Helicopters: Docket No. FAA–2018–0893; Product Identifier 2018–SW–032–AD.

(a) Applicability

This AD applies to Airbus Helicopters Model AS332C, AS332C1, AS332L, AS332L1, AS332L2, and EC225LP helicopters with emergency flotation gear installed, certificated in any category, except those helicopters that have Airbus Helicopters Modification (MOD) 0728456 already installed.

(b) Unsafe Condition

This AD defines the unsafe condition as failure of a rear upper screw fitting on the emergency flotation gear. This condition, if not detected and corrected, could result in failure of the emergency flotation system and subsequent capsizing of the helicopter.

(c) Affected ADs

This AD replaces AD 2017–09–05, Amendment 39–188767 (82 FR 21913, May 11, 2017).

(d) Comments Due Date

The FAA must receive comments by September 21, 2020.

(e) 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.

(f) Required Actions

(1) Within 15 hours time-in-service (TIS), and before each flight over water thereafter, visually check each emergency flotation gear left hand (LH) and right hand (RH) rear upper fitting to determine whether the heads of the lower screws are present. Figure 1 to paragraph (f)(1) of this AD depicts where the lower three screws (noted as B and E) are located. Check each screw for looseness by determining whether it can be rotated by hand. These actions may be performed by the owner/operator (pilot) holding at least a private pilot certificate and must be entered into the aircraft records showing compliance with this AD in accordance with Title 14 Code of Federal Regulations (14CFR) §§ 43.9(a)(1) through (4) and 14 CFR 91.417(a)(2)(v). The record must be maintained as required by 14 CFR 91.417, 121.380, or 135.439.

BILLING CODE 4910–13–C

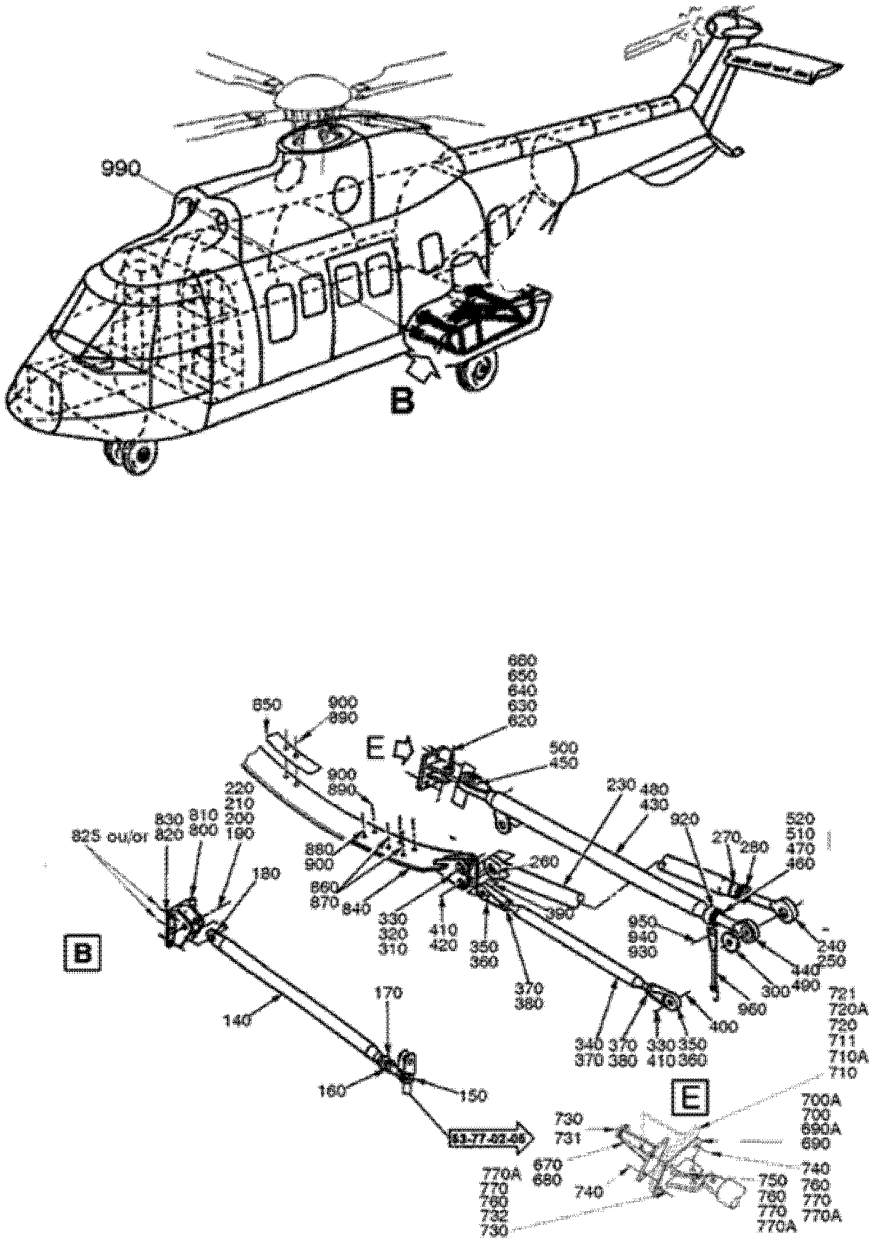

Figure 1 to Paragraph (f)(1)

(2) If a screw head is missing, or if a screw is loose, before further flight over water, install MOD 0728456 by completing paragraph (f)(3) of this AD.

(3) Within 300 hours TIS, unless required before further flight over water by paragraph (f)(2) of this AD, install MOD 0728456 by doing the following:

Note 1 to paragraph (f)(3) of this AD: The installation of MOD 0728456 on the LH and RH sides is identical.

(i) Remove external fitting (a) and remove from service screws (c), (d) and (e), washers (f), and nuts (g) as shown in Figure 1, Detail A of Airbus Helicopters Alert Service Bulletin (ASB) No. AS332–25.03.43, Revision 0, dated April 4, 2018 (ASB AS332–25.03–43), or ASB No. EC225–25A207, Revision 0, dated April 4, 2018 (ASB EC225–25A207), as applicable to your model helicopter.

(ii) Install base washers (1) (structural side), spherical washers (2) (screw side), and screws (3) and coat with sealing compound (or similar) on the smooth surface of the nuts (5) as shown in Figure 2 of ASB AS332–25.03–43 or ASB EC225–25A207, as applicable to your model helicopter.

(iii) Inspect each washer on the external fitting (a) for contact with a weld as shown in Figure 2, Detail A of ASB AS332–25.03–43 or ASB EC225–25A207, and inspect each washer on the internal fitting for contact with the fitting radius.

(A) If a washer on the external fitting makes contact with a weld, perform a spotfacing to the diameter of 17mm (+ 0.1/ + 0.1) with a cutter root radius of 0.5mm.

(B) If a washer on the internal fitting falls in the radius of the bracket, perform a spotfacing to the diameter of 17mm (+ 0.1/ +0.1) with a cutter root radius of 0.5mm.

(iv) Torque each nut to 169–203 lbf.in (1.9–2.3 daN.m), and apply sealing compound to outer edge of the LH rear upper fitting.

(4) Completion of the requirements in paragraph in (f)(3) of this AD constitute terminating action for the repetitive checks required in paragraph (f)(1) of this AD.

(g) Special Flight Permits

Special flight permits are prohibited for flights over water.

(h) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Rotorcraft Standards Branch, FAA, may approve AMOCs for this AD. Send your proposal to: Matt Fuller, Safety Management Program Manager, Airworthiness Products Section, Operational Safety Branch, General Aviation and Rotorcraft Unit, 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, 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.

(i) Additional Information

(1) Airbus Helicopters Emergency Alert Service Bulletin (EASB) No. 05.01.06, and EASB No. 05A047, both Revision 0, and both dated December 18, 2015, which are not incorporated by reference, contain additional information about the subject of this AD. 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.airbushelicopters.com/techpub.* You may review this referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

(2) The subject of this AD is addressed in European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) AD No. 2018–0090, dated April 20, 2018. You may view the EASA AD on the internet at *https://www.regulations.gov* in the AD Docket.

(j) Subject

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

Issued on August 3, 2020.

Ross Landes,

Deputy Director for Regulatory Operations, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–17300 Filed 8–6–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–1036; Product Identifier 2018–SW–015–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for Airbus Helicopters Model AS–365N2, AS 365 N3, SA–365N, SA–365N1 helicopters. This proposed AD would require replacing the main gearbox (MGB), or as an alternative, replacing the epicyclic reduction gear module for certain serial numbered planet gear assemblies installed on the MGB. This proposed AD would also require inspecting the MGB magnetic plugs and oil filter for particles. Depending on the outcome of the inspections, this proposed AD would require further inspections, and replacing certain parts. This proposed AD is prompted by the failure of an MGB second stage planet gear. The actions of this proposed AD are intended to correct an unsafe condition on these helicopters.

DATES: The FAA must receive comments on this proposed AD by September 21, 2020.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Docket:* Go to *https://www.regulations.gov.* Follow the online instructions for sending your comments electronically.
- *Fax:* 202–493–2251.
- *Mail:* Send comments to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to the ''Mail'' address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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–2017–1036; 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 European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) 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 service information identified in this proposed 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 the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

FOR FURTHER INFORMATION CONTACT: Rao Edupuganti, Aviation Safety Engineer, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110; email *rao.edupuganti@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to participate in this rulemaking by submitting written comments, data, or views. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit only one time.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will file in the docket all comments received, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments received on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The FAA may change this proposal in light of the comments received.

Confidential Business Information

Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act

(FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this 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 Rao Edupuganti, Aviation Safety Engineer, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110; email *rao.edupuganti@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

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD No. 2017–0116, Revision 2, dated March 2, 2018, (EASA AD 2017–01162R2) to correct an unsafe condition for Airbus Helicopters Model AS 365 N2, AS 365 N3, SA 365 N, and SA 365 N1 helicopters. EASA advises that after an accident on a Model EC225 helicopter, an investigation revealed the failure of a second stage planet gear of the MGB. EASA states that one of the two types of planet gear assemblies used in the MGB epicyclic module is subject to higher outer race contact pressures and therefore is more susceptible to spalling and cracking. Airbus Helicopters reviewed its range of helicopters with regard to this issue and provided instructions to improve the reliability of the installed MGB. Therefore, EASA AD 2017–01162R2 requires repetitive inspections of the MGB magnetic plugs and corrective action if any particles are detected. EASA AD 2017–01162R2 also requires, if certain MGB planet gear assemblies are installed, replacing the planet gear assemblies. Finally, the EASA AD prohibits installing an MGB with a Type X or Type Y planet gear assembly on any helicopter.

FAA's Determination

These helicopters have been approved by EASA and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the European Union, EASA has notified the FAA of the unsafe condition described in its AD. The FAA is proposing this AD after evaluating all known relevant information and determining that an unsafe condition is likely to exist or develop on other products of the same type designs.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Airbus Helicopters Alert Service Bulletin (ASB) No. AS365–05.00.78, Revision 3, dated March 2, 2018, for Model SA–365N, SA–365N1, AS–365N2, and AS 365 N3 helicopters. This service information specifies performing periodic inspections of the MGB magnetic plugs for particles. This service information also specifies identifying the type of gear assembly installed in the MGB and replacing any Type X assembly within 50 hours time-in-service (TIS). For Type Y gear assemblies, the service information requires replacing the assembly within 50 hours TIS or within 300 hours TIS, depending on the time since new. The service information specifies Type Z gear assemblies should be left as is.

The FAA also reviewed Airbus Helicopters Service Bulletin No. AS365–63.00.21, Revision 3, dated July 26, 2018 for Model AS365 helicopters. This service information contains procedures for replacing the MGB epicyclic reduction gear as an option to replacing the MGB.

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.

Proposed AD Requirements

This proposed AD would require before further flight, for helicopters with a Type X planet gear assembly with a certain S/N installed, replacing the MGB. This proposed AD would require, for helicopters with no Type X planet gear assembly installed but at least one Type Y planet gear assembly with a certain S/N installed, replacing the MGB within 300 hours TIS or before any planet gear assembly accumulates 1,300 hours TIS since new, whichever occurs first. As an alternative to replacing the MGB, this proposed AD would allow replacing the epicyclic reduction gear module in the affected MGB.

This proposed AD would prohibit installing a MGB with Type Y or Type X planet gear assembly installed on any helicopter.

This proposed AD also would require within 10 hours TIS and thereafter before the first flight of the day or at intervals not to exceed 10 hours TIS, whichever occurs first, inspecting the lower MGB magnetic plugs for particles. If there are particles, the proposed AD would require replacing the MGB, depending on the type and the size of particles.

Differences Between This Proposed AD and the EASA AD

The EASA AD requires a 50-hour or 300-hour TIS compliance time or by June 30, 2019, whichever occurs first, to determine the type of planet gear installed in the MGB, and depending on the outcome, to replace the MGB. This proposed AD would set compliance deadlines based only on hours TIS or before further flight. The EASA AD allows a pilot to inspect the MGB magnetic plugs for particles, while this proposed AD would not.

Costs of Compliance

The FAA estimates that this proposed AD affects 34 helicopters of U.S. Registry. The FAA estimates that operators may incur the following costs in order to comply with this proposed AD. Labor costs are estimated at $85 per work-hour.

Inspecting the magnetic plugs and oil filter for particle deposits would take about 1 work-hour for an estimated cost of $85 per inspection cycle.

Replacing an MGB would take about 42 work-hours for cost of $3,570 and parts would cost about $295,000 (overhauled) for a total cost of $298,570 per helicopter.

Replacing the epicyclic reduction gear would take about 56 work-hours for an estimated cost of $4,760 and parts would cost about $11,404 for a total cost of $16,164 per helicopter.

Authority for This Rulemaking

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

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

Regulatory Findings

The FAA 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, I certify this proposed regulation:

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

2. Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus Helicopters: Docket No. FAA–2017–1036; Product Identifier 2018–SW–015–AD.

(a) Applicability

This AD applies to Airbus Helicopters Model AS–365N2, AS 365 N3, SA–365N, and SA–365N1 helicopters, certified in any category, with at least one Type X or Y planet gear assembly with a serial number (S/N) listed in Appendices 4.A. through 4.B of Airbus Helicopters Alert Service Bulletin (ASB) No. AS365–05.00.78, Revision 3, dated March 2, 2018 (ASB AS–365–05.00.78) installed on the main gearbox (MGB).

(b) Unsafe Condition

This AD defines the unsafe condition as failure of an MGB planet gear assembly. This condition could result in failure of the MGB and subsequent loss of helicopter control.

(c) Comments Due Date

The FAA must receive comments by September 21, 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) For helicopters with at least one Type X planet gear assembly with an S/N listed in Appendix 4.A. of ASB AS–365–05.00.78 installed, before further flight, replace the MGB or as an alternative to replacing an affected MGB, replace the epicyclic reduction gear module Post Modification (MOD) 0763C52 in the affected MGB in accordance with paragraph 3.B.2 of the Accomplishment Instructions of Airbus Helicopters Service Bulletin SB No. AS365–63.00.21, Revision 3, dated July 26, 2018 (SB AS365–63.00.21), except you are not required to contact Airbus Helicopters.

(2) For helicopters without any Type X planet gear assembly installed but with at least one Type Y planet gear assembly with an S/N listed in Appendix 4.B. of ASB AS–365–05.0078 installed, within 300 hours time-in-service (TIS), or before any gear accumulates 1,300 hours TIS since new, whichever occurs first, replace the MGB or as an alternative to replacing the MGB, replace the epicyclic reduction gear module MOD 0763C52 in the affected MGB in accordance with paragraphs 3.B.2. of the Accomplishment Instructions of SB AS365–63.00.21, except you are not required to contact Airbus Helicopters.

(3) After the effective date of this AD, do not install an MGB with a Type X or Type Y gear assembly with an S/N listed in Appendix 4.A. or 4.B. of ASB AS–365–05.0078 installed, on any helicopter.

(4) For all helicopters, within 10 hours TIS and thereafter before the first flight of the day or at intervals not to exceed 10 hours TIS, whichever occurs first, inspect the lower MGB magnetic plugs for particles.

(i) If there are particles that consist of any scale, flake, or splinter, or particles other than cotter pin fragments, pieces of lock wire, swarf, abrasion, or miscellaneous non-metallic waste and the planet gear assembly has logged less than 50 hours TIS since new, inspect the MGB plugs for particles before further flight and inspect the oil filter for particles within 5 hours TIS. Thereafter, for 25 hours TIS, continue to inspect the MGB plugs for particles before each flight, inspect the oil filter for particles at intervals not to exceed 5 hours TIS, and perform the actions required by paragraphs (e)(4)(ii)(A) through (B) of this AD.

(ii) If there are particles that consist of any scale, flake, or splinter, or particles other than cotter pin fragments, pieces of lock wire, swarf, abrasion, or miscellaneous non-metallic waste and the planet gear assembly has logged more than 50 hours TIS since new, inspect the cumulative surface area of the particles collected from both the magnetic plug and the oil filter, since last MGB overhaul or since new if no overhaul has been performed.

(A) If the total surface area of the particles is less than 3 mm^2, examine the particles with largest surface area (S), longest particle length (L) and thickest particles (e).

(*1*) If largest surface area (S) of a particle is less than 1 mm^2, the L is less than 1.5 mm, and the e is less than 0.2 mm, inspect the MGB plugs for particles before further flight and inspect the oil filter for particles within 5 hours TIS. Thereafter, for 25 hours TIS, continue to inspect the MGB plugs for particles before each flight, inspect the oil filter for particles at intervals not to exceed 5 hours TIS, and perform the actions required by paragraphs (e)(4)(ii)(A) through (B) of this AD.

(*2*) If largest particle size (S) is greater than 1 mm^2, the L is greater than 1.5 mm, or the e is greater than 0.2 mm, perform a metallurgical analysis for any 16NCD13 particles using a method in accordance with FAA-approved procedures.

(*3*) If there are any 16NCD13 particles, replace the MGB with an airworthy MGB.

(*4*) If there are no 16NCD13 particles, inspect the MGB plugs for particles before further flight and inspect the oil filter for particles within 5 hours TIS. Thereafter, for 25 hours TIS, continue to inspect the MGB plugs for particles before each flight, inspect the oil filter for particles at intervals not to exceed 5 hours TIS, and perform the actions required by paragraphs (e)(4)(ii)(A) through (B) of this AD.

(B) If the total surface area of collected particles is greater than or equal to 3 mm^2, before further flight, perform a metallurgical analysis for any 6NCD13 particles using a method in accordance with FAA-approved procedures.

(*1*) If there are any 16NCD13 particles, before further flight, replace the MGB with an airworthy MGB.

(*2*) If there are no 16NCD13 particles, inspect the MGB plugs for particles before further flight and inspect the oil filter for particles within 5 hours TIS. Thereafter, for 25 hours TIS, continue to inspect the MGB plugs for particles before each flight, inspect the oil filter for particles at intervals not to exceed 5 hours TIS, and perform the actions required by paragraphs (e)(4)(ii)(A) through (B) of this AD.

(f) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Rotorcraft Standards Branch, FAA, may approve AMOCs for this AD. Send your proposal to: Rao Edupuganti, Aviation Safety Engineer, Regulations and Policy 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, the FAA suggests that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office before operating any aircraft complying with this AD through an AMOC.

(g) Additional Information

The subject of this AD is addressed in European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) AD 2017–0116R2, dated March 2, 2018. You may view the EASA AD on the

internet at *https://www.regulations.gov* in the AD Docket.

(h) Subject

Joint Aircraft Service Component (JASC) Code: 6300, Main Rotor Drive System.

Issued on August 3, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–17271 Filed 8–6–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0642; Airspace Docket No. 19–AWP–98]

RIN 2120–AA66

Proposed Amendment of V–25, V–27, V–494, V–108, V–301, and T–257 in the Vicinity of Santa Rosa, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend VHF Omnidirectional Range (VOR) Federal airways V–25, V–27, V–494, V–108, V–301, and United States Area Navigation route T–257 in the vicinity of Santa Rosa, CA. The amendments are due to the planned decommissioning of the Santa Rosa, CA VOR/Distance Measuring Equipment (DME) navigation aid (NAVAID) which provides navigation guidance for portions of the affected airways. The Santa Rosa VOR/DME is being decommissioned as part of the FAA's VOR Minimum Operational Network (MON) program.

DATES: Comments must be received on or before September 21, 2020.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1(800) 647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2020–0642; Airspace Docket No. 19–AWP–98 at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.*

FAA Order 7400.11D, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *https://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Rules and Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11D at NARA, email: *fedreg.legal@nara.gov* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

FOR FURTHER INFORMATION CONTACT: Christopher McMullin, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would modify the National Airspace System as necessary to preserve the safe and efficient flow of air traffic.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA–2020–0642; Airspace Docket No. 19–AWP–98) and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the internet at *https://www.regulations.gov.*

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2020–0642; Airspace Docket No. 19–AWP–98.'' The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified comment closing date will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the comment closing date. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the office of the Operations Support Group, Western Service Center, Federal Aviation Administration, 2200 South 216th St., Des Moines, WA 98198.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019. FAA Order 7400.11D is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11D lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

Background

The FAA is planning to decommission the Santa Rosa, CA VOR/DME in December 2020. The Santa Rosa, CA VOR/DME was one of the candidate VORs identified for discontinuance by the FAA's VOR MON

program and listed in the Final policy statement notice, ''Provision of Navigation Services for the Next Generation Air Transportation System (NextGen) Transition to Performance-Based Navigation (PBN) (Plan for Establishing a VOR Minimum Operational Network),'' published in the **Federal Register** of July 26, 2016 (81 FR 48694), Docket No. FAA–2011–1082.

The Federal airway dependencies to the Santa Rosa, CA VOR/DME are V–25, V–27, V–494, V–108, V–301, and T–257. With the planned decommissioning of the Santa Rosa, CA VOR/DME, the proposed modifications to the dependent airways would result in airway segments supported by the Santa Rosa, CA VOR/DME being amended. The intersection GETER will be amended utilizing radials from the Point Reyes and Mendocino VORs. The amended intersection will slightly change the placement by .21 Nautical Miles (NM) to the east of the current location. A new intersection (ROZZA) will be established at the current location and coordinates of the Santa Rosa, CA VOR/DME, and the effected airways (V–494, V–108, and V–301) legal descriptions will be updated to reflect the change. The new ROZZA intersection forced a slight change to GETER since pilots only have one navigational aid (Mendocino, CA) to navigate to ROZZA on V–494, which will also affect the position of FREES intersection. These intersections will be redefined and relocated, which will effect V–27, V–494, and T–257.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 to amend Federal airways V–25, V–27, V–494, V–108, V–301, and T–257 due to the planned decommissioning of the Santa Rosa, CA VOR/DME. The proposed Federal airway actions are described below.

V–25: V–25 currently extends between Mission Bay, CA and Wenatchee, WA. The FAA proposes to amend V–25 to reflect the new description of GETER intersection. GETER intersection will be redefined by deleting the Santa Rosa, CA VOR/DME references and using radials from Point Reyes and Mendocino VORs. The unaffected portions of the existing airway would remain as charted.

V–27: V–27 currently extends between Mission Bay, CA and Seattle, WA. The FAA proposes to amend the description of GETER intersection to reflect the deletion of Santa Rosa, CA references and include new references using radials from Point Reyes, CA and Mendocino, CA VORs. The unaffected portions of the existing airway would remain as charted.

V–494: V–494 currently extends from Crescent City, CA to Hazen, NV. The FAA proposes to amend the legal description by removing the reference to the Santa Rosa, CA VOR/DME and establishing an intersection (ROZZA) utilizing radials from Point Reyes, CA VOR/DME and Scaggs Island, CA VOR Collocated Tactical Air Navigation System (VORTAC). The unaffected portion of the existing airway would remain as charted.

V–108: V–108 currently extends from Santa Rosa, CA to Hill City, KS. The FAA proposes to amend the route removing references to the Santa Rosa, CA VOR/DME and referring to the newly established ROZZA intersection utilizing radials from Point Reyes, CA VOR/DME and Scaggs Island, CA VORTAC. The unaffected portion of the existing airway would remain as charted.

V–301: V–301 currently extends from Panoche, CA to Williams, CA. The FAA proposes to amend the route, removing references to the Santa Rosa, CA VOR/DME and referring to the newly established ROZZA intersection utilizing radials from Point Reyes, CA VOR/DME and Scaggs Island, CA VORTAC. The unaffected portion of the existing airway would remain as charted.

T–257: T–257 currently extends from Ventura, CA to Tatoosh, WA. The FAA proposes to amend the route to reflect the amended location of FREES due to the relocation on GETER. The unaffected portion of the existing airway would remain as charted.

VOR Federal airways are published in paragraph 6010(a) and United States Area Navigation Routes are published in paragraph 6011 of FAA Order 7400.11D dated August 8, 2019, and effective September 15, 2019, which is incorporated by reference in 14 CFR 71.1. The ATS routes listed in this document would be subsequently published in the Order.

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, is amended as follows:

Paragraph 6010(a) Domestic VOR Federal Airways.

* * * * *

V–25 [Amended]

From Mission Bay, CA, via Los Angeles, CA; INT Los Angeles 261° and Ventura, CA, 144° radials; 6 miles wide, Ventura; San Marcus, CA; Paso Robles, CA; Salinas, CA; INT Salinas 310° and Woodside, CA, 158° radials; Woodside; San Francisco, CA; INT San Francisco 304° and Point Reyes, CA, 161° radials; Point Reyes; INT Point Reyes 352° (T) 335 (M) and Mendocino, CA, 146° (T) 130° (M) radials; 28 miles, 24 miles, 85 MSL, 18 miles, 75 MSL, Red Bluff, CA; 53 miles, 95 MSL, INT Red Bluff 015° and Klamath Falls, OR, 181° radials; 19 miles, 95 MSL, Klamath Falls; 21 miles, 77 miles, 90 MSL, Deschutes, OR; Klickitat, WA; Yakima, WA; Ellensburg, WA; Wenatchee, WA. The

airspace below 2,000 feet MSL outside the United States and the airspace more than 3 miles NE of the airway centerline between Seal Beach and INT of Seal Beach 287° and Los Angeles 138° radials is excluded. The airspace within R–2511 and W–289 is excluded. The airspace within R–2519 more than 3 statute miles west of the airway centerline, and the airspace within R–2519 below 5,000 feet MSL is excluded. The portion outside the United States has no upper limit.

* * * * *

V–27 [Amended]

From Mission Bay, CA, INT Mission Bay 319° and Santa Catalina, CA, 099° radials; Santa Catalina; 6 miles wide, Ventura, CA; INT Ventura 326° and Fillmore, CA, 265° radials; INT Fillmore 265° and Gaviota, CA, 143° radials; Gaviota; Morro Bay, CA; INT Morro Bay 308° and Big Sur, CA, 157° radials; Big Sur; INT Big Sur 325° and Point Reyes, CA, 161° radials; Point Reyes; INT Point Reyes 352° (T) 335° (M) and Mendocino, CA, 146° (T) 130° (M) radials; Mendocino; Fortuna, CA; Crescent City, CA; 31 miles, 32 miles, 59 MSL, North Bend, OR; Newport, OR; 39 miles, 30 miles, 45 MSL, Astoria, OR; Hoquiam, WA; Seattle, WA. The airspace below 2,000 feet MSL outside the United States between San Diego and Santa Catalina, the airspace within R–2516 and W–289, the airspace within R–2519 more than 3 statute miles west of the airway centerline, and the airspace within R–2519 below 5,000 feet MSL, is excluded. The portion outside the United States has no upper limit.

* * * * *

V–494 [Amended]

From Crescent City, CA, via INT Crescent City 195° and Fortuna, CA, 345° radials; Fortuna; INT Fortuna 170° and Mendocino, CA 321° radials,; INT Point Reyes, CA 006° (T) 349° (M) and Scaggs Island, CA 314° (T) 297° (M) radials; Sacramento, CA; INT Sacramento 038° and Squaw Valley, CA, 249° radials; Squaw Valley; INT Squaw Valley 078° and Hazen, NV, 244° radials; Hazen.

* * * * *

V–108 [Amended]

From INT Point Reyes 006° (T) 349° (M) and Scaggs Island 314° (T) 297° (M) radials, via Scaggs Island, CA; INT Scaggs Island 131°. and Concord, CA, 276°. radials; 7 miles wide (4 miles N. and 3 miles S. of centerline), Concord; Linden, CA. From Meeker, CO; via Red Table, CO; Black Forest, CO; Hugo, CO; 74 miles, 65 MSL, Goodland, KS; Hill City, KS.

* * * * *

V–301 [Amended]

From Panoche, CA; via INT Panoche 317° and Oakland, CA, 110° radials; Oakland; Point Reyes, CA; INT Point Reyes 006° (T) 349° (M) and Scaggs Island 314° (T) 297° (M); Williams, CA.

* * * * *

Paragraph 6011 United States Area Navigation Routes.

* * * * *

T–257 Ventura, CA (VTU) to Tatoosh, WA (TOU) [Amended]

Ventura, CA (VTU)	VOR/DME	(Lat. 34°06′54.21″ N, long. 119°02′58.17″ W)
San Marcus, CA (RZS)	VORTAC	(Lat. 34°30′34.32″ N, long. 119°46′15.57″ W)
Morro Bay, CA (MQO)	VORTAC	(Lat. 35°15′08.12″ N, long. 120°45′34.44″ W)
BLANC, CA	FIX	(Lat. 35°37′53.19″ N, long. 121°21′23.04″ W)
CAATE, CA	WP	(Lat. 36°46′32.29″ N, long. 122°04′09.57″ W)
CHAWZ, CA	WP	(Lat. 37°06′48.59″ N, long. 122°21′09.58″ W)
PORTE, CA	NFIX	(Lat. 37°29′23.23″ N, long. 122°28′28.48″ W)
THHEO, CA	WP	(Lat. 37°44′54.55″ N, long. 122°36′54.79″ W)
JAMIN, CA	WP	(Lat. 37°51′16.99″ N, long. 122°40′12.05″ W)
Point Reyes, CA (PYE)	VORTAC	(Lat. 38°04′47.12″ N, long. 122°52′04.18″ W)
FREES, CA	FIX	(Lat. 38°23′13.59″ N, long. 122°55′20.56″ W)
NACKI, CA	WP	(Lat. 38°43′47.73″ N, long. 123°05′52.93″ W)
Mendocino, CA (ENT)	VORTAC	(Lat. 39°03′11.58″ N, long. 123°16′27.58″ W)
FLUEN, CA	FIX	(Lat. 39°32′47.92″ N, long. 123°33′42.75″ W)
PLYAT, CA	FIX	(Lat. 40°20′20.90″ N, long. 123°41′35.88″ W)
CCHUK, CA	WP	(Lat. 40°31′42.18″ N, long. 124°04′16.08″ W)
SCUPY, CA	WP	(Lat. 40°55′23.94″ N, long. 124°18′09.85″ W)
OLJEK, CA	FIX	(Lat. 41°28′30.66″ N, long. 124°14′20.68″ W)
CIGCA, CA	WP	(Lat. 41°36′39.60″ N, long. 124°17′27.58″ W)
FURNS, CA	WP	(Lat. 41°55′15.86″ N, long. 124°26′09.40″ W)
MITUE, OR	FIX	(Lat. 43°18′49.00″ N, long. 124°30′22.74″ W)
JANAS, OR	FIX	(Lat. 44°17′33.63″ N, long. 124°05′14.25″ W)
Newport, OR (ONP)	VORTAC	(Lat. 44°34′31.26″ N, long. 124°03′38.14″ W)
CUTEL, OR	FIX	(Lat. 44°54′27.50″ N, long. 124°01′25.30″ W)
ILWAC, WA	FIX	(Lat. 46°19′46.62″ N, long. 124°10′49.49″ W)
ZEDAT, WA	FIX	(Lat. 46°35′50.64″ N, long. 124°10′01.14″ W)
WAVLU, WA	FIX	(Lat. 46°50′00.90″ N, long. 124°06′35.70″ W)
Hoquiam, WA (HQM)	VORTAC	(Lat. 46°56′49.35″ N, long. 124°08′57.37″ W)
COPLS, WA	WP	(Lat. 47°06′46.78″ N, long. 124°07′40.80″ W)
WAPTO, WA	FIX	(Lat. 47°28′19.54″ N, long. 124°13′50.38″ W)
OZETT, WA	WP	(Lat. 48°03′07.00″ N, long. 124°35′54.42″ W)
Tatoosh, WA (TOU)	VORTAC	(Lat. 48°17′59.64″ N, long. 124°37′37.36″ W)

* * * * *

Issued in Washington, DC, on August 4, 2020.

Scott M. Rosenbloom,

Acting Manager, Rules and Regulations Group.

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[REG–132434–17]

RIN 1545–B012

Certain Non-Government Persons Not Authorized To Participate in Examinations of Books and Witnesses as a Section 6103(n) Contractor

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Withdrawal of notice of proposed rulemaking; notice of proposed rulemaking.

SUMMARY: This document withdraws a notice of proposed rulemaking (REG–132434–17) published in the **Federal Register** on March 28, 2018, which contained proposed regulations that addressed the participation of persons described under section 6103(n) of the Code in the interview of a summoned witness and excluded certain non-government attorneys from participating in an IRS examination.

This document also contains new proposed regulations to implement section 7602(f) of the Internal Revenue Code (Code), which was added to the Code by the Taxpayer First Act of 2019. The new proposed regulations implement new section 7602(f) regarding the persons who may be provided books, papers, records, or other data obtained pursuant to section 7602 for the sole purpose of providing expert evaluation and assistance to the IRS, and continue to propose limitations on the types of non-governmental attorneys to whom, under the authority of section 6103(n), any books, papers, records, or other data obtained pursuant to section 7602 may be provided. The new proposed regulations also propose to prohibit any IRS contractors from asking a summoned person's representative to clarify an objection or assertion of privilege. The regulations affect these persons.

DATES: Written or electronic comments and requests for a public hearing must be received by October 6, 2020. Requests for a public hearing must be submitted as prescribed in the ''Comments and Requests for a Public Hearing'' section.

ADDRESSES: Commenters are strongly encouraged to submit public comments electronically. Submit electronic submissions via the Federal eRulemaking Portal at *www.regulations.gov* (indicate IRS and REG–132434–17) by following the online instructions for submitting comments. Once submitted to the Federal eRulemaking Portal, comments cannot be edited or withdrawn. The IRS expects to have limited personnel available to process public comments that are submitted on paper through mail. Until further notice, any comments submitted on paper will be considered to the extent practicable. The Department of the Treasury (Treasury Department) and the IRS will publish for public availability any comment submitted electronically, and to the extent practicable on paper, to its public docket. Send paper submissions to: CC:PA:LPD:PR (REG–132434–17), Room 5203, Internal Revenue Service, PO Box 7604, Ben Franklin Station, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulations, William V. Spatz at (202) 317–5461; concerning submission of comments, Regina Johnson, (202) 317–5177; (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

Overview

These proposed regulations amend the Procedure and Administration Regulations (26 CFR part 301) under section 7602(a) of the Code relating to participation by persons described in section 6103(n) and 26 CFR 301.6103(n)–1(a) in receiving and reviewing summoned books, papers, records, or other data and in interviewing a summoned witness under oath.

The U.S. tax system relies upon taxpayers' self-assessment and reporting of their tax liability. The expansive information-gathering authority that Congress granted to the IRS under the Code includes the IRS's broad examination and summons authority, which allows the IRS to determine the accuracy of that self-assessment. *See United States* v. *Arthur Young & Co.,* 65 U.S. 805, 816 (1984). Section 7602(a), in relevant part, provides that, for the purpose of ascertaining the correctness of any return, making a return where none has been made, or determining the liability of any person for any internal revenue tax, the IRS is authorized to examine books and records, issue summonses seeking documents and testimony, and take testimony from witnesses under oath. These provisions have been part of the revenue laws since 1864.

Use of outside specialists is appropriate to assist the IRS in determining the correctness of the taxpayer's self-assessed tax liability. The assistance of persons from outside the IRS, such as economists, engineers, appraisers, individuals with specialized knowledge who are also attorneys, industry specialists, and actuaries, promotes fair and efficient administration and enforcement of the laws administered by the IRS by providing specialized knowledge, skills, or abilities that the IRS officers or employees assigned to the examination may not possess. Section 6103(n) and 26 CFR 301.6103(n)–1(a) authorize the IRS to disclose returns and return information to such persons in their capacity as contractors.

On June 18, 2014, temporary regulations (TD 9669) regarding participation in a summons interview of a person described in section 6103(n) were published in the **Federal Register** (79 FR 34625). A notice of proposed rulemaking (REG–121542–14) cross-referencing the temporary regulations was published in the **Federal Register** (79 FR 34668) the same day. No public hearing was requested or held. The IRS received two comments on the proposed regulations and, after consideration of these comments, the proposed regulations were adopted in final regulations (TD 9778) published in the **Federal Register** (81 FR 45409) on July 14, 2016 (2016 Summons Interview Regulations).

The 2016 Summons Interview Regulations under § 301.7602–1(b)(3) were issued, in part, to clarify that persons described in section 6103(n) and § 301.6103(n)–1(a) may receive and review books, papers, records, or other data summoned by the IRS. The regulations under § 301.7602–1(b)(3) were also issued to clarify that, in the presence and under the guidance of an IRS officer or employee, these non-government persons could participate fully in the interview of a person whom the IRS had summoned as a witness to provide testimony under oath, allowing a contractor to ask a summoned witness substantive questions. See 81 FR 45409, at 45410.

New section 7602(f), enacted by section 1208 of the Taxpayer First Act of 2019, Public Law 116–25, and effective on July 1, 2019, now bars non-government persons who are hired by

the IRS from questioning a witness under oath whose testimony was obtained pursuant to a summons issued under section 7602.

Executive Order 13789, Notice 2017–38, and the Reports to the President

Before new section 7602(f) was enacted on July 1, 2019, the President issued Executive Order 13789 on April 21, 2017 (E.O. 13789, 82 FR 19317), instructing the Secretary of the Treasury (Secretary) to review all significant tax regulations issued on or after January 1, 2016, and to identify regulations that (i) impose an undue burden on U.S. taxpayers; (ii) add undue complexity to the Federal tax laws; or (iii) exceed the statutory authority of the IRS, and take appropriate action to alleviate the burdens of these regulations. E.O. 13789 further instructed the Secretary to submit to the President within 60 days a report (First Report) that identified regulations that meet the criteria and should be modified. Notice 2017–38 (2017–30 I.R.B. 147 (July 24, 2017)) included the 2016 Summons Interview Regulations in a list of regulations identified by the Secretary in the First Report as meeting the President's criteria. E.O. 13789 instructed the Secretary to submit to the President a second report (Second Report) that recommended specific actions to mitigate the burden imposed by regulations identified in the First Report.

In response to Notice 2017–38, the Treasury Department and the IRS received seven comments from professional and business associations addressing the 2016 Summons Interview Regulations. All but one of these comments recommended removal of the regulations based primarily on the commenters' perception that the 2016 Summons Interview Regulations create longer and less efficient examinations by improperly delegating authority to outside law firms to conduct examinations. The one commenter that did not recommend removal of the regulations in their entirety requested removal of the provisions permitting a contractor to question directly a witness during a summons interview.

On October 16, 2017, the Secretary published the Second Report in the **Federal Register** (82 FR 48013) stating that the Treasury Department and the IRS were considering proposing an amendment to the 2016 Summons Interview Regulations to narrow their scope to prohibit certain non-government attorneys from questioning witnesses on behalf of the IRS and playing a behind-the-scenes role in an examination, such as by reviewing summoned records or consulting on IRS legal strategy.

2018 Notice of Proposed Rulemaking

On March 28, 2018, the Treasury Department and the IRS published proposed regulations (REG–132434–17) in the **Federal Register** (83 FR 13206), which split the 2016 Summons Interview Regulations in § 301.7602–1(b)(3) into two new subparagraphs set forth as § 301.7602–1(b)(3)(i) and (ii). The first new subparagraph—§ 301.7602–1(b)(3)(i)—described the general rule for IRS contractor participation in an examination of books, records, and witnesses under section 7602 in the same terms as the 2016 Summons Interview Regulations, except it did not include the last clause which addressed IRS contractors asking a summoned person's representative to clarify an objection or assertion of privilege. The second new subparagraph—§ 301.7602–1(b)(3)(ii)—provided that non-governmental attorneys were not eligible to be hired by the IRS to participate in an examination, unless the non-governmental attorney fit into one of three exceptions: (1) A specialist in foreign, state, or local law, including tax law; (2) a specialist in non-tax substantive law that is relevant to an issue in the examination, such as patent law, property law, or environmental law; or (3) a person who happens to be an attorney, but is hired by the IRS for knowledge, skills, or abilities other than providing legal services as an attorney. These exceptions were designed to ensure that the IRS remained able to continue to hire and receive critical support from outside experts and ancillary contractors with the special skills, knowledge, and abilities the IRS needs to be successful in its most high profile cases, while prohibiting the IRS from hiring non-governmental attorneys as specialists in federal tax law or in U.S. civil litigation to participate in an examination under section 7602.

A public hearing on the 2018 proposed regulations was held on July 31, 2018. There were six speakers at the hearing, four of whom had previously provided the IRS with written public comments in response to the notice of proposed rulemaking. Those comments are available at *www.regulations.gov.*

Three speakers at the public hearing generally supported the direction of the 2018 proposed amendments to the 2016 Summons Interview Regulations. They supported both paring back the types of non-government attorney contractors whom the IRS may hire to assist it in the activities described in section 7602(a) and removing prior approval for any contractor to ask a summoned person's representative to clarify an objection or assertion of privilege. Two of these speakers stated in their public comments a new argument that allowing any non-government attorney to ask questions of a witness under oath was ''the most intrusive of governmental actions, because it carries immediate perjury implications.'' Overall, however, these three speakers urged that the 2016 Summons Interview Regulations be eliminated entirely, contending that allowing any contractor to participate fully in a summons interview may cause the IRS officer or employee in charge of the interview to lose control of the interview, that permitting any IRS contractors to receive and review information and documents obtained pursuant to section 7602 was an unlawful delegation of inherently governmental functions to private contractors, and that allowing any IRS contractors access to such information and documents posed an unacceptably high risk of unlawful disclosure of private tax information by these contractors. The Treasury Department and the IRS previously addressed and declined to adopt these arguments in the preamble to the 2016 Summons Interview Regulations (TD 9778) published in the **Federal Register** (81 FR 45409) on July 14, 2016.

A fourth speaker, who also submitted a public comment to the notice of proposed rulemaking, spoke for himself and six federal tax law professors. This speaker commented that under the 2018 proposed regulations the IRS was disarming itself in examinations of multinational companies in complex cases. This speaker opposed the 2018 proposed regulations, saying the IRS would be foreclosing its access to external expert litigation skills, while large U.S. taxpayers can hire all the legal talent they want. A fifth speaker observed that transfer pricing issues are complex, and the IRS needs non-tax law expertise to understand the technological, logistical, economic, and financial interactions that are at stake in transfer pricing cases.

A sixth speaker argued that the legislative history to section 6103(n) provided that the ''other services'' allowed thereunder through a 1990 amendment to the statute were limited to those provided to the IRS by ''expert witnesses.'' This was another argument that was previously discussed and addressed in the preamble to the 2016 Summons Interview Regulations. This speaker further contended that it would be improper for the IRS to use as an expert witness any specialist in domestic, non-tax laws. This second

argument, in combination with the speaker's first argument, argue for rejection of the portion of the 2018 proposed regulations (and of the present proposed regulations) that allows the IRS to use in an examination any attorney hired as a specialist ''in non-tax substantive law that is relevant to an issue in the examination, such as patent law, property law, or environmental law.''

Most of the speakers and written comments recommended that the Treasury Department and the IRS postpone action on the 2018 proposed regulations, because the House of Representatives and Senate Finance Committee had each previously approved proposed legislation that would alter the 2016 Summons Interview Regulations. Congress enacted new section 7602(f) on July 1, 2019, before the 2018 proposed regulations were finalized.

Legislative History of Section 7602(f)

Prior to 2018, bills were introduced in the House and Senate that included proposed legislative provisions to alter the IRS contractor conduct allowed pursuant to the 2016 Summons Interview Regulations. On April 18, 2018, H.R. 5444 passed the House with a section 11308 that would have added new section 7602(f) to the Internal Revenue Code. Section 11308 of H.R. 5444 was explained in H. Rep. 115–637, Part 1, at 34–36 (April 13, 2018). This bill was not passed by the Senate in 2018, but S. 3728 was introduced in the Senate on July 26, 2018 with a corresponding proposal in section 704 of the bill to add new section 7602(f) to the Internal Revenue Code.

In 2019, different versions of the Taxpayer First Act were introduced in the House and Senate, and these bills again contained provisions for adding new section 7602(f) to the Internal Revenue Code. H.R. 1957 was introduced in the House on March 28, 2019 and passed the House on April 9, 2019, but did not pass the Senate. Section 1208 of H.R. 1957 contained proposed statutory language for new Internal Revenue Code section 7602(f) that was identical to the statutory language that was enacted a short time later on July 1, 2019 in section 1208 of H.R. 3151. Due to the procedural way in which H.R. 3151 became a vehicle for enacting the Taxpayer First Act, there are no separate House, Senate, or Conference Reports regarding H.R. 3151. Therefore, it is appropriate for the Treasury Department and the IRS to look to the House Ways and Means Committee and Joint Committee Reports for H.R. 1957, the immediate predecessor to H.R. 3151, to identify what Congress meant by the words ''expert evaluation and assistance'' used in new section 7602(f).

The House Ways and Means Committee and Joint Committee Reports for H.R. 1957 clarify the meaning of ''expert evaluation and assistance.'' The House Ways and Means Committee Report explained that pursuant to new section 7602(f), the IRS could not under the authority of section 6103(n) ''provide to a tax administration contractor any books, papers, records or other data obtained by summons, except when such person requires such information for the sole purpose of providing expert evaluation and assistance to the IRS *(including, for example, access to such information by translators)* . . . [and, that new section 7602(f)] is not intended to restrict the Office of Chief Counsel's ability to use *court reporters, translators or interpreters, photocopy services, and other similar ancillary contractors.*'' H.R. Rep. No. 116–39, at 50 (2019) (emphasis added). The Joint Committee staff report for the House Committee markup of H.R. 1957 used the same explanatory language as the House Committee Report to describe the types of IRS contractor participation that new section 7602(f) was intended to allow under the terms ''expert evaluation and assistance.'' JCX–15–19, at 22 (2019). These reports confirm that Congress intended these terms to have a broad interpretation in the examination context of section 7602.

The restrictions in the second sentence of new section 7602(f) on an IRS contractor questioning a witness are expressly limited to witnesses whose testimony was obtained pursuant to section 7602 and to a witness questioned ''under oath.'' The IRS will continue to interview summoned witnesses ''under oath,'' even though doing so limits the opportunity of an IRS contractor to ask a summoned witness any questions directly. Contractors may continue to ask questions informally (not under oath) of a taxpayer, a taxpayer's employee, or third parties in appropriate circumstances.

Explanation of Provisions

Overview

This document withdraws, effective as of August 7, 2020, the previously proposed 2018 regulations because Public Law 116–25 (enacted on July 1, 2019) bars persons other than officers or employees of the Internal Revenue Service or the Office of Chief Counsel from substantively questioning summoned persons who are providing testimony to the IRS under oath, effective as of July 1, 2019.

These new proposed regulations continue to narrow the scope of the 2016 Summons Interview Regulations by providing that non-government attorneys may not be hired by the IRS to assist in an examination under section 7602 unless the attorney is hired by the IRS as a specialist in foreign, state, or local law (including foreign, state, or local tax law), or in non-tax substantive law that is relevant to an issue in the examination, or is hired for knowledge, skills, or abilities other than providing legal services as an attorney. These proposed regulations also prohibit any IRS contractors from asking a summoned person's representative to clarify an objection or assertion of privilege.

These proposed regulations include some aspects of the 2018 proposed regulations and provide new rules. Consistent with the 2018 proposed regulations, these proposed regulations prohibit the hiring of certain non-government attorneys to assist in section 7602 examinations even though this prohibition on hiring is not required by section 7602(f). The 2018 proposed regulations described the extent of a contractor's participation in IRS examinations and summons interviews in broad terms. In contrast, these proposed regulations interpret and implement the statutory restrictions under section 7602(f) on sharing information obtained in an examination with contractors and questioning a witness under oath in a summons interview. These proposed regulations also prohibit IRS contractors from asking a summoned person's representative to clarify an objection or assertion of privilege in a summons interview even though this prohibition is not required by section 7602(f).

Contractor Access to Books and Records

Proposed § 301.7602–1(b)(3)(i)(A) tracks the first sentence of new section 7602(f). Proposed § 301.7602–1(b)(3)(i)(B) then describes three non-exclusive types of potential IRS contractors who may appropriately provide the IRS with ''expert evaluation and assistance,'' so as to receive from and review for the IRS any books, papers, records, or other data the IRS obtained pursuant to section 7602 in an examination. The first of these non-exclusive types described in the proposed regulations is a person with specialized expertise in certain substantive areas, including but not limited to an economist, an engineer, an attorney specializing in an area relevant

to an issue in the examination (such as patent law, property law, environmental law, or foreign, state, or local law (including foreign, state, or local tax law)), an industry expert, or other subject-matter expert. The second type of specialists who are described in the proposed regulations as persons with whom the IRS may appropriately provide books, papers, records, or other data the IRS obtained pursuant to section 7602 in an examination for their assistance are persons providing support to an IRS examination as ancillary service providers, including but not limited to court reporters, translators or interpreters, photocopy services, providers of data processing programs or equipment, litigation support services, or other similar contractors. The third type of eligible potential contractors under section 7602(f) are whistleblower-related contractors, who are described in § 301.6103(n)–2 and who may possess special factual knowledge that may assist the IRS in a section 7602 examination. Neither section 7602(f) nor its legislative history suggest that Congress intended to curtail the IRS's ability to work with whistleblower-related contractors.

Proposed § 301.7602–1(b)(3)(i)(C) describes the circumstances in which the IRS may hire certain attorneys as contractors to assist the IRS in a section 7602 examination. The IRS will not hire an attorney as a contractor for this purpose unless the attorney is hired as a specialist in foreign, state, or local law (including foreign, state, or local tax law), or in non-tax substantive law that is relevant to an issue in the examination, such as patent law, property law, or environmental law, or is hired for knowledge, skills, or abilities other than providing legal services as an attorney. Proposed § 301.7602–1(b)(3)(i)(C) largely repeats the restriction on non-government attorney hiring in the 2018 proposed regulations and is intended to exclude two types of potential IRS contractors—Federal tax lawyers and U.S. civil litigators—from being hired for their expertise in Federal tax law or civil litigation to assist in an examination under section 7602. Though not required by new section 7602(f), the Treasury Department and the IRS choose to impose this hiring restriction in the interests of sound tax administration. The IRS workforce (including the Office of Chief Counsel), already possesses the knowledge, skills, and abilities the IRS needs with respect to the interpretation and application of Federal tax law and the practice of U.S. civil litigation involving Federal taxes in the U.S. Tax Court.

IRS Contractor Participation in an IRS Summons Interview

The first sentence of proposed § 301.7602–1(b)(3)(ii)(A) tracks the second sentence of new section 7602(f). The 2016 Summons Interview Regulations and the 2018 proposed regulations both clarified that eligible IRS contractors could attend a summons interview and provide assistance to the IRS or Office of Chief Counsel employees in attendance. New section 7602(f) does not prevent these eligible IRS contractors from attending and providing assistance to the IRS at a summons interview under oath. New section 7602(f) only prohibits IRS contractors from asking substantive questions of the summoned witness under oath. The second sentence of proposed § 301.7602–1(b)(3)(ii)(A) makes this distinction between allowable contractor attendance and assistance to the IRS, on the one hand, and unallowable direct questioning of a summoned witness under oath, on the other hand. In this second sentence, the Treasury Department and the IRS also make explicit the treatment of a potential issue that section 7602(f) did not address—whether the same IRS contractors who are now barred from questioning a summoned witness under oath could nevertheless ask a summoned person's representative to clarify an objection or assertion of privilege. The Treasury Department and the IRS propose in the interests of sound tax administration, and in light of the purposes behind new section 7602(f), to forego explicitly any potential opportunity for an IRS contractor attending an IRS summons interview to ask the summoned person's representative to clarify an objection or assertion of a privilege. However, a Department of Justice attorney in the Tax Division or U.S. Attorney office may attend a summons interview conducted under oath. The Department of Justice attorney may ask the summoned person's representative to clarify an objection or assertion of privilege.

Proposed § 301.7602–1(b)(3)(ii)(B) provides, in part, that IRS contractors who are court reporters are not barred from asking a summoned witness the types of typical housekeeping questions which are an essential part of their jobs. Some examples of typical housekeeping questions asked by court reporters of a summoned witness include: Does the witness swear to tell the truth, will the witness speak up or speak (rather than gesture) an answer, and will the witness spell a name or address provided in an answer. The IRS has for some time hired contractor court reporters to make a record of IRS summons interviews in both large- and medium-size civil tax cases, where creating an exact and undisputed record of the matters discussed is considered important by the IRS to the case. The House Ways and Means Committee Report and the Joint Committee Report both specifically state that Congress did not intend section 7602(f) to prohibit the IRS from continuing to use court reporters in section 7602 circumstances. Congress could not have intended that the IRS continue to hire court reporters to prepare transcripts of summoned witnesses under oath, but yet prevent these court reporters from asking the witness the types of ordinary housekeeping questions that go along with the job of acting as a court reporter.

Proposed § 301.7602–1(b)(3)(ii)(B) also provides, in part, that IRS contractors who are translators or interpreters are permitted to translate questions asked by an IRS or Office of Chief Counsel employee to a summoned witness. In these circumstances, the Treasury Department and the IRS interpret new section 7602(f)'s restriction on a contractor asking questions as applying only to the originator of a question, and not to contractors who translate the original question from an IRS or Office of Chief Counsel employee for the witness. Translators or interpreters in these circumstances may also need to ask questions to clarify the translation. The IRS has again for some time hired contractor translators and interpreters in summons cases of all sizes where the IRS was alerted in advance of a summons interview of the need. The House Ways and Means Committee Report and the Joint Committee report both again specifically state that Congress did not intend by section 7602(f) to prohibit the IRS from continuing to hire translators and interpreters in section 7602 circumstances. Congress could not have intended for the IRS to continue hiring translators and interpreters to assist the IRS with conducting summons interviews under oath, yet prevent these translators or interpreters from translating an IRS or Office of Chief Counsel employee's questions.

These regulations are proposed to be effective for examinations begun and summonses served by the IRS on or after the date that these proposed regulations are published in the **Federal Register**. This applicability date is appropriate because these proposed regulations would, as of August 7, 2020, prohibit

the IRS from engaging in certain activities in the context of an examination under section 7602 that the Treasury Department and the IRS have determined are not in the interests of sound tax administration.

Special Analyses

Certain IRS regulations, including these, are exempt from the requirements of Executive Order 12866, as supplemented and affirmed by Executive Order 13563. Therefore, a regulatory assessment is not required. Because the proposed regulations mainly affect the IRS and would not impose requirements on small entities, it is certified, under the Regulatory Flexibility Act (5 U.S.C. chapter 6) that the proposed regulations do not impose a significant economic impact on a substantial number of small entities. Pursuant to section 7805(f) of the Code, the IRS will submit the proposed regulations to the Chief Counsel for Advocacy of the Small Business Administration for comments about the regulations' impact on small businesses.

Comments and Request for a Public Hearing

Before these proposed regulations are adopted as final, consideration will be given to comments that are submitted timely to the IRS as prescribed in the preamble under the **ADDRESSES** section. The Treasury Department and the IRS request comments on all aspects of the proposed regulations. Any electronic comments submitted, and to the extent practicable any paper comments submitted, will be made available at *www.regulations.gov* or upon request.

A public hearing will be scheduled if requested in writing by any person who timely submits electronic or written comments. Requests for a public hearing are also encouraged to be made electronically. If a public hearing is scheduled, notice of the date and time for the public hearing will be published in the **Federal Register**. Announcement 2020–4, I.R.B. 2020–17, provides that until further notice, public hearings conducted by the IRS will be held telephonically. Any telephonic hearing will be made accessible to people with disabilities.

Drafting Information

The principal author of these regulations is William V. Spatz of the Office of Associate Chief Counsel (Procedure and Administration).

List of Subjects in 26 CFR Part 301

Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Penalties, Reporting and recordkeeping requirements.

Withdrawal of a Notice of Proposed Rulemaking

Accordingly, under the authority of 26 U.S.C. 7805, the notice of proposed rulemaking (REG–132434–17) that was published in the **Federal Register** on March 28, 2018 (83 FR 13206) is withdrawn.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 301 is proposed to be amended as follows:

PART 301—PROCEDURE AND ADMINISTRATION

■ **Paragraph 1.** The authority citation for part 301 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

■ **Par. 2.** Section 301.7602–1 is amended by:

■ 1. In paragraph (b)(2), adding ''(Secretary)'' at the end of the first sentence.

■ 2. Revising paragraphs (b)(3) and (d). The revisions read as follows:

§ 301.7602–1 Examination of books and witnesses.

* * * * *

(b) * * *

(3) *Participation of a person described in section 6103(n)*—(i) *IRS contractor access to books and records obtained by the IRS administratively*—(A) *In general.* The Secretary may not, under the authority of section 6103(n), provide any books, papers, records, or other data obtained pursuant to section 7602 to any person authorized under section 6103(n), except when such person requires such information for the sole purpose of providing expert evaluation and assistance to the IRS.

(B) *Persons providing expert evaluation and assistance.* For the purposes of paragraph (b)(3)(i)(A) of this section, persons providing expert evaluation and assistance may include, but are not limited to, the following:

(*1*) Persons with specialized expertise in certain substantive areas, including, but not limited to, economists, engineers, attorneys specializing in an area relevant to an issue in the examination (such as patent law, property law, environmental law, or foreign, state, or local law (including foreign, state, or local tax law)), industry experts, or other subject-matter experts;

(*2*) Persons providing support as ancillary service contractors including, but not limited to, court reporters, translators or interpreters, photocopy services, providers of data processing programs or equipment, litigation support services, or other similar contractors; and

(*3*) Whistleblower-related contractors described in § 301.6103(n)–2.

(C) *Hiring of certain non-government attorneys.* The IRS may not hire an attorney as a contractor to assist in an examination under section 7602 unless the attorney is hired by the IRS as a specialist in foreign, state, or local law (including foreign, state, or local tax law), or in non-tax substantive law that is relevant to an issue in the examination, such as patent law, property law, or environmental law, or is hired for knowledge, skills, or abilities other than providing legal services as an attorney.

(ii) *IRS contractor participation in an IRS summons interview*—(A) *In general.* No person other than an officer or employee of the IRS or its Office of Chief Counsel may, on behalf of the Secretary, question a witness under oath whose testimony was obtained pursuant to section 7602. Persons authorized by section 6103(n) and with whom the Secretary may provide books, papers, records, or other data obtained pursuant to section 7602 may also attend a summons interview and provide assistance to the IRS or Office of Chief Counsel employees in attendance, but may not question the summoned witness under oath or ask a summoned person's representative to clarify an objection or assertion of privilege.

(B) *Court reporters, translators, and interpreters are not barred from asking questions.* Court reporters who are hired as contractors by the IRS to make a record of an IRS summons interview are permitted to ask typical housekeeping questions of a summoned witness. Examples of such questions include, but are not limited to, asking whether the witness swears to tell the truth, asking the witness to spell a word or phrase, and asking whether the witness can speak up or speak rather than gesture an answer. Translators and interpreters who are hired as contractors by the IRS to assist in the interview of a summoned witness are permitted to translate any of the questions that are asked of the witness by an IRS or Office of Chief Counsel officer or employee and to ask questions which may be necessary to clarify the translation.

* * * * *

(d) *Applicability date.* This section is applicable after September 3, 1982, except for paragraphs (b)(1) and (2) of this section which are applicable on and after April 1, 2005 and paragraph (b)(3) of this section which applies to

examinations begun or administrative summonses served by the IRS on or after August 6, 2020. For rules under paragraphs (b)(1) and (2) of this section that are applicable to summonses issued on or after September 10, 2002 or under paragraph (b)(3) of this section that are applicable to summons interviews conducted on or after June 18, 2014 and before July 14, 2016, see 26 CFR 301.7602–1T (revised as of April 1, 2016). For rules under paragraph (b)(3) of this section that are applicable to administrative summonses served by the IRS before August 6, 2020, see 26 CFR 301.7602–1 (revised as of April 1, 2020).

Sunita Lough,

Deputy Commissioner for Services and Enforcement.

[FR Doc. 2020–16912 Filed 8–6–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2020–0148]

RIN 1625–AA08

Special Local Regulation; Chesapeake Bay, Between Sandy Point and Kent Island, MD

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking; withdrawal.

SUMMARY: The Coast Guard is withdrawing its proposed rule to establish temporary special local regulations for certain waters of the Chesapeake Bay. The rulemaking was initiated to establish a special local regulation during the ''Bay Bridge Paddle,'' a marine event to be held on certain waters of the Chesapeake Bay located between Sandy Point in Anne Arundel County, MD, and Kent Island in Queen Anne's County, MD. The proposed rule is being withdrawn because it is no longer necessary. The event sponsor has cancelled the paddling event.

DATES: The Coast Guard is withdrawing the proposed rule for the event scheduled on September 27, 2020 from 7 a.m. to 1:30 p.m. published on June 2, 2020 (85 FR 33592) as of August 7, 2020.

ADDRESSES: To view the docket for this withdrawn rulemaking, go to *https://www.regulations.gov,* type USCG–2020–0148 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice, call or email Mr. Ron Houck, Waterways Management Division, U.S. Coast Guard Sector Maryland-National Capital Region; telephone 410–576– 2674, email *Ronald.L.Houck@uscg.mil.*

SUPPLEMENTARY INFORMATION:

Background Information and Regulatory History

On June 2, 2020, we published an NPRM entitled ''Special Local Regulation; Chesapeake Bay, Between Sandy Point and Kent Island, MD'' in the **Federal Register** (85 FR 33592). The proposed rulemaking concerned the Coast Guard's establishment of a temporary special local regulation for certain navigable waters of the Chesapeake Bay, effective from 7 a.m. to 1:30 p.m. on September 27, 2020. This action was necessary to provide for the safety of life on these waters during a paddling event. This rulemaking would have prohibited persons and vessels from entering the regulated area unless authorized by the Captain of the Port Maryland-National Capital Region or the Coast Guard Patrol Commander.

Withdrawal

The proposed rule is being withdrawn due to the regulated area no longer being necessary following a cancellation of the paddling event by the event sponsor.

Authority

We issue this notice of withdrawal under the authority of 46 U.S.C. 70041.

Dated: July 28, 2020.

Joseph B. Loring,

Captain, U.S. Coast Guard, Captain of the Port Maryland-National Capital Region.

[FR Doc. 2020–16829 Filed 8–6–20; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 110

[Docket Number USCG–2020–0312]

Request To Modify Thames River Special Anchorage Area No. 4

AGENCY: Coast Guard, DHS.

ACTION: Notification of inquiry; request for comments.

SUMMARY: We are requesting your comments on a submission we received from a company to modify the coordinates of Thames River Special Anchorage Area No. 4 as they begin the permitting process for a new waterfront facility in New London, CT. The facility will be located on the Thames River between the Gold Star Bridge and the Coast Guard Academy, and the current pier design would intersect the current Thames River Special Anchorage Area No. 4. We seek your comments on how the Thames River Special Anchorage Area No. 4 is currently used and how any modifications to the anchorage may impact you.

DATES: Your comments and related material must reach the Coast Guard on or before October 6, 2020.

ADDRESSES: You may submit comments identified by docket number USCG–2020–0312 using the Federal portal at *https://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of inquiry, call or email LT Jennifer Sheehy, Waterways Management Division, Sector Long Island Sound; telephone (203) 468–4432; email *Jennifer.L.Sheehy@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
§ Section
U.S.C. United States Code

II. Background and Purpose

In May 2020, Coast Guard Sector Long Island Sound was notified that Mohawk Northeast, Inc. was developing plans to construct a new waterfront facility in New London, CT on the Thames River between the Gold Star Bridge (I–95) and the U.S. Coast Guard Academy. The plans for this new facility included a pier which would intersect the southern half of the existing Thames River Special Anchorage Area No. 4, a special anchorage area cited in 33 CFR 110.52.

Under authority in 33 U.S.C. 2071, the Coast Guard establishes special anchorage areas in order to facilitate use of inland navigable waterways by both recreational and commercial vessels. Special anchorage areas allow vessels less than 65 feet in length to safely anchor without requiring an anchor light or sound signal.

In late 2019, Mohawk Northeast, Inc. purchased three acres of property providing direct access to the waterfront on the Thames River, which included

Riparian rights in the river. Mohawk intends to develop their New London property to include a marine terminal capable of handling heavy civil and industrial materials with direct rail access.

Due to safety concerns with unlit, anchored vessel in close proximity to an active marine terminal, Mohawk requested a modification to the anchorage boundaries to exclude the southern half of the anchorage which intersects the proposed marine terminal. This would remove the southern half of the anchorage area, but leave the northern half available for anchoring.

III. Information Requested

We encourage you to submit comments on the requested modification to Thames River Special Anchorage Area No. 4. Specifically, do you use the anchorage area? If so, do you typically anchor in the northern or southern half? How often do you anchor there and for how long? Do you see other vessels anchoring in Area No. 4? Do you agree or disagree with modifying the special anchorage area?

IV. Public Participation and Request for Comments

We encourage you to submit comments through the Federal portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. In your submission, please include the docket number for this notice of inquiry and provide a reason for each suggestion or recommendation.

We accept anonymous comments. All comments received will be posted without change to *https://www.regulations.gov* and will include any personal information you have provided. For more about privacy and submissions in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

Documents mentioned in this notice of inquiry as being available in the docket, and all public comments, will be in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions.

Dated: July 27, 2020.

E.J. Van Camp,

Captain, U.S. Coast Guard, Captain of the Port Long Island Sound.

[FR Doc. 2020–16522 Filed 8–6–20; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2020–0435]

RIN 1625–AA00

Safety Zone; Patuxent and Patapsco Rivers, Solomons, MD, and Baltimore, MD

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish two temporary safety zones for certain waters within the Captain of the Port Maryland-National Capital Region Zone. This action is necessary to provide for the safety of life on these navigable waters of the Patuxent River at Solomons, MD, on September 5, 2020, (with alternate date of September 6, 2020), and Patapsco River (Inner Harbor) at Baltimore, MD, on October 2, 2020, (with no alternate date), during fireworks displays. This proposed rulemaking would prohibit persons and vessels from being in the safety zones unless authorized by the Captain of the Port Maryland-National Capital Region or a designated representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before August 24, 2020.

ADDRESSES: You may submit comments identified by docket number USCG–2020–0435 using the Federal eRulemaking Portal at *https://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Mr. Ron Houck, Sector Maryland-National Capital Region Waterways Management Division, U.S. Coast Guard; telephone 410–576–2674, email *Ronald.L.Houck@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background, Purpose, and Legal Basis

The Solomons Business Association, of Solomons, MD, notified the Coast Guard that it will be conducting a fireworks display on September 5, 2020, at 9 p.m. The fireworks display is to be launched from a barge located in the Patuxent River, near Solomons, MD. In the event of inclement weather, the fireworks display will be rescheduled for September 6, 2020. Hazards from the fireworks display include accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris. The COTP Maryland-National Capital Region has determined that potential hazards associated with the fireworks to be used in this display would be a safety concern for anyone within 200 yards of the fireworks barge.

The Baltimore Office of Protion and The Arts, of Baltimore, MD, notified the Coast Guard that it will be conducting a fireworks display on October 2, 2020, at 9 p.m. The fireworks display is to be launched from a barge located in the Patapsco River (Inner Harbor), at Baltimore, MD. Hazards from the fireworks display include accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris. The COTP Maryland-National Capital Region has determined that potential hazards associated with the fireworks to be used in this display would be a safety concern for anyone within 100 yards of the fireworks barge.

The Coast Guard is requesting that interested parties provide comments within a shortened comment period of 15 days instead of the more typical 30 days for this notice of proposed rulemaking. The Coast Guard believes a shortened comment period is necessary and reasonable to ensure the Coast Guard has time to review and respond to any significant comments submitted by the public in response to this NPRM and has a final rule in effect in time for the scheduled event.

The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231).

III. Discussion of Proposed Rule

The COTP proposes to establish two temporary safety zones for certain waters within the Captain of the Port Maryland-National Capital Region Zone, as described in 33 CFR 3.25–15. This rule would be effective from 8:30 p.m. on September 5, 2020, through 10 p.m. on October 2, 2020, and would be enforced during the times described below for each zone.

The safety zone for the fireworks event at Solomons, MD, would be

enforced from 8 p.m. to 10:30 p.m. on September 5, 2020, or if necessary due to inclement weather on September 6, 2020, during those same hours. This zone would cover all navigable waters of the Patuxent River within 200 yards of the fireworks barge in approximate position latitude 38°19′18″ N, longitude 076°27′45″ W, located approximately 700 feet from shore at Solomons, MD. The duration of the regulation and enforcement of the safety zone is intended to ensure the safety of vessels on these navigable waters before, during, and after the scheduled 9 p.m. to 9:30 p.m. fireworks display.

The safety zone for the fireworks event at Baltimore, MD, would be enforced from 8 p.m. to 10 p.m. on October 2, 2020. This zone would cover all navigable waters of the Patapsco River, Inner Harbor, within 100 yards of the fireworks barge in approximate position latitude 39°17′01.54″ N, longitude 076°36′31.81″ W, located approximately 290 feet southwest of Inner Harbor pier 3, at Baltimore, MD. The duration and enforcement of the safety zone is intended to ensure the safety of vessels on these navigable waters before, during, and after the scheduled 9 p.m. to 9:08 p.m. fireworks display.

No vessel or person would be permitted to enter these safety zones without obtaining permission from the COTP or a designated representative. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and Executive Orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive Orders, and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This NPRM has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, the NPRM has not been reviewed by the Office of Management and Budget (OMB), and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

This regulatory action determination is based on the size, duration, and time-of-day of the safety zones, which would impact only small designated areas of the Patuxent River and the Patapsco River (Baltimore Inner Harbor) for a maximum of 7 enforcement hours, during the evening when vessel traffic is normally low. Moreover, the Coast Guard will issue Local Notices to Mariners and a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zones.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the safety zone may be small entities, for the reasons stated in section IV.A above, this proposed rule would not have a significant economic impact on any vessel owner or operator.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

This proposed rule would not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132 (Federalism), if it has 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. We have analyzed this proposed rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this proposed rule does not have tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments) because it would not have a substantial direct effect 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. If you believe this proposed rule has implications for federalism or Indian tribes, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves two safety zones lasting a total of 5.5 enforcement hours that would prohibit entry within portions of the Patuxent River, and Patapsco River

(Inner Harbor). Normally such actions are categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A preliminary Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places, or vessels.

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to *https://www.regulations.gov* and will include any personal information you have provided. For more about privacy and submissions in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

Documents mentioned in this NPRM as being available in the docket, and all public comments, will be in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 46 U.S.C. 70034, 70051; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T05–0435 to read as follows:

§ 165.T05–0435 Safety Zones; Fireworks Displays in the Coast Guard Captain of the Port Maryland-National Capital Region Zone.

(a) *Locations.* The following areas are a safety zone. All coordinates are based on datum NAD 83.

(1) *Safety zone 1.* All navigable waters of the Patuxent River within 200 yards of the fireworks barge in approximate position latitude 38°19′18″ N, longitude 076°27′45″ W, located approximately 700 feet from shore at Solomons, MD.

(2) *Safety zone 2.* All navigable waters of the Patapsco River, Inner Harbor, within 100 yards of the fireworks barge in approximate position latitude 39°17′01.54″ N, longitude 076°36′31.81″ W, located approximately 290 feet southwest of Inner Harbor pier 3, at Baltimore, MD.

(b) *Definitions.* As used in this section—

Captain of the Port (COTP) means the Commander, U.S. Coast Guard Sector Maryland-National Capital Region.

Designated representative means any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port Maryland-National Capital Region to assist in enforcing any safety zone described in paragraph (a) of this section.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter either safety zone described in paragraph (a) of this section while being enforced unless authorized by the COTP or the COTP's designated representative. All vessels underway within a safety zone at the time enforcement is activated for that zone are to depart the zone.

(2) To seek permission to enter, contact the COTP or the COTP's representative by telephone at 410–576–2693 or on Marine Band Radio VHF–FM channel 16 (156.8 MHz). The Coast Guard vessels enforcing this section can be contacted on Marine Band Radio VHF–FM channel 16 (156.8 MHz).

(3) Those in a safety zone during enforcement must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement officials.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the safety zone by Federal, State, and local agencies.

(e) *Enforcement periods.* (1) Paragraph (a)(1) of this section will be enforced from 8 p.m. to 10:30 p.m. on September 5, 2020, or if necessary due to inclement weather on September 5, 2020, from 8 p.m. to 10:30 p.m. on September 6, 2020.

(2) Paragraph (a)(2) of this section will be enforced from 8 p.m. to 10 p.m. on October 2, 2020.

Dated: August 4, 2020.

Joseph B. Loring,

Captain, U.S. Coast Guard Captain of the Port Maryland-National Capital Region.

[FR Doc. 2020–17366 Filed 8–6–20; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

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

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

Correction

In Proposed Rule document 2020–15720, appearing on pages 44027–44031, in the issue of Tuesday, July 21, 2020, make the following correction:

On page 44027, in the second column, in the heading title ''**DATES:**'', the entry ''July 21, 2020'' is corrected to read ''August 20, 2020''.

[FR Doc. C1–2020–15720 Filed 8–5–20; 8:45 a.m.]

BILLING CODE 1301–00–D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 82

[EPA–HQ–OAR–2020–0084; FRL–10011–84–OAR]

RIN 2060–AU80

Protection of Stratospheric Ozone: Extension of the Laboratory and Analytical Use Exemption for Essential Class I Ozone-Depleting Substances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to revise regulations governing the production and import of class I ozone-depleting substances in the United States to extend indefinitely the global essential laboratory and analytical use exemption. This exemption currently expires on December 31, 2021. This change would allow for continued production and import of class I substances in the United States solely for laboratory and analytical uses that have not been identified by the EPA as nonessential. This action is proposed under the Clean Air Act and is consistent with a decision by the Parties to the *Montreal Protocol on Substances that Deplete the Ozone Layer* to extend the global laboratory and analytical use exemption indefinitely beyond 2021.

DATES: Comments on this notice of proposed rulemaking must be received on or before October 6, 2020. Any party requesting a public hearing must notify the contact listed below under **FOR FURTHER INFORMATION CONTACT** by 5 p.m. Eastern Daylight Time on August 12, 2020. If a public hearing is requested, the EPA would hold a virtual hearing on August 24, 2020. If a hearing is requested, the date, time, and other relevant information for a hearing will be available at *https://www.epa.gov/ods-phaseout/phaseout-exemptions-laboratory-and-analytical-uses.*

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2020–0084, to the Federal eRulemaking Portal: *http://www.regulations.gov.* Out of an abundance of caution for members of the public and our staff, the EPA Docket Center and Reading Room was closed to public visitors on March 31, 2020, to reduce the risk of transmitting COVID–19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. We encourage the public to submit comments via *https://www.regulations.gov* or email, as there may be a delay in processing mail, and hand deliveries may not be accepted. For further information on EPA Docket Center services and the current status, please visit us online at *https://www.epa.gov/dockets.*

Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or withdrawn. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*e.g.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Jeremy Arling, U.S. Environmental Protection Agency, Stratospheric Protection Division, telephone number: 202–343–9055; or email address: *arling.jeremy@epa.gov.* You may also visit the EPA's website at *https://www.epa.gov/ods-phaseout/phaseout-exemptions-laboratory-and-analytical-uses* for further information.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this proposed action apply to me?

You may be potentially affected by this proposal if you manufacture, process, import, or distribute into commerce certain ozone-depleting substances (ODS) and mixtures. Potentially affected entities may include but are not limited to:

- Basic chemical manufacturing (NAICS code 3251)
- Pharmaceutical preparations manufacturing businesses (NAICS code 325412)
- Other chemical and allied production merchant wholesalers (NAICS code 424690)
- Environmental consulting services (NAICS code 541620)
- Research and development in the physical, engineering, and life sciences (NAICS code 54171)
- Medical laboratories (NAICS code 621511)

This list is not intended to be exhaustive, but rather provide a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this section could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What action is the Agency proposing?

The EPA is proposing to revise regulations governing the production and import of class I [1] ozone-depleting substances (ODS) in the United States to extend indefinitely the global essential laboratory and analytical use exemption (referred to hereafter as the ''L&A exemption''). Laboratory distributors currently supply around 1,000 laboratories, and consumption [2] for laboratory use was approximately 4.4 ODP-weighted metric tons in 2018 under the L&A exemption.[3] The EPA is proposing this action under the Clean Air Act (CAA) following a recent decision by the Parties to the *Montreal Protocol on Substances that Deplete the Ozone Layer* (Montreal Protocol) to extend the global L&A exemption indefinitely.[4] The global exemption is implemented domestically through the EPA's regulations at 40 CFR part 82 subpart A and is currently in effect in the United States through December 31, 2021. The change proposed in this notice would allow for continued production and import of class I ODS in the United States, after that date, for laboratory and analytical uses that have not been identified by the EPA as nonessential.

C. What is the Agency's authority for this proposed action?

The CAA grants the EPA the authority to implement the Montreal Protocol's phaseout schedules in the United States. CAA section 604 requires the EPA to

[1] Under the CAA, certain ODS are classified as ''class I'' substances. Class I substances are listed in Appendix A to 40 CFR part 82, subpart A. This includes Groups I, II, III, IV, and V under the Montreal Protocol.

[2] Consumption is defined in § 82.3 as production plus imports minus exports of a controlled substance (other than transshipments or used controlled substances).

[3] These data are available in the docket to this rule as well as on the Montreal Protocol's Ozone Secretariat's Data Centre web page: *https://ozone.unep.org/countries/data-table.*

[4] *Decision XXXI/5: Laboratory and Analytical Use*

issue regulations phasing out production and consumption of class I ODS according to a prescribed schedule. The EPA's phaseout regulations for class I ODS are codified at 40 CFR part 82, subpart A.

II. Background of the Laboratory and Analytical Use Exemption

The United States was one of the original signatories to the 1987 Montreal Protocol and ratified it on April 12, 1988. After ratification, Congress enacted, and President George H.W. Bush signed into law, the CAA Amendments of 1990, which included Title VI on Stratospheric Ozone Protection, codified as 42 U.S.C. Chapter 85, Subchapter VI, to ensure, among other things, that the United States could satisfy its obligations under the Montreal Protocol.

The Montreal Protocol is a multinational environmental agreement to protect Earth's ozone layer by phasing out the consumption and the production of most chemicals that deplete it. The Montreal Protocol provides a set of schedules to phase out ODS and also provides for mechanisms to establish certain specific and limited exemptions. For most class I ODS, the Parties may agree to grant exemptions to the ban on production and import of ODS for uses that they determine to be ''essential.'' For example, with respect to chlorofluorocarbons (CFCs), Article 2A(4) of the Montreal Protocol provides that the phaseout will apply ''save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be essential.'' Similar language appears in the control provisions for other ODS, such as halons (Article 2B), carbon tetrachloride (Article 2D), and methyl chloroform (Article 2E). As defined by Decision IV/25 of the Parties, ''use of a controlled substance should qualify as 'essential' only if: it is necessary for the health, safety or is critical for the functioning of society (encompassing cultural and intellectual aspects); and there are no available technically and economically feasible alternatives or substitutes that are acceptable from the standpoint of environment and health.'' In addition, Annex II of the report of the Sixth Meeting of the Parties (MOP) from Decision VI/9 describes conditions applied to the exemption for laboratory and analytical uses such as purity, quantity, and specification for cylinders and handling for these controlled substances.

Decision X/19 under the Montreal Protocol extended the global exemption for essential laboratory and analytical uses through December 31, 2005. Consistent with the flexibility allowed for by the Parties, in 2001, the EPA codified a L&A exemption at 40 CFR 82.4 (see 66 FR 14760, March 13, 2001). In the preamble to that rule, the EPA determined that the statutory language in section 604 of the CAA provided grounds for the creation of a *de minimis* exemption for essential laboratory and analytical uses of certain class I ODS. Id. at 14764. The 2001 rule explains how the controls in place for laboratory and analytical uses provide adequate assurance that very little, if any, environmental damage will result from the handling and disposal of the small amounts of class I ODS used in such applications due to the Appendix G requirements under 40 CFR part 82, subpart A for small quantity and high purity. For example, class I ODS must be sold in cylinders three liters or smaller or in glass ampoules 10 milliliters or smaller, as per Appendix G. Since issuing the original exemption, the EPA has not received information that would suggest otherwise. As discussed later in this notice, the quantities of class I ODS used for this exemption have declined substantially since the exemption was initially created.

Decision X/19 under the Montreal Protocol also requested the Montreal Protocol's Technology and Economic Assessment Panel (TEAP) report annually to the Parties to the Montreal Protocol on laboratory and analytical procedures that could be performed without the use of ODS. It further stated that at future MOPs, the Parties would decide whether such procedures should no longer be eligible for exemptions. Informed by the TEAP's report, the Parties to the Montreal Protocol decided in 1999, under Decision XI/15, that the general exemption no longer applied to the following uses: Testing of oil, grease, and total petroleum hydrocarbons in water; testing of tar in road-paving materials; and forensic finger-printing. The EPA incorporated these exclusions at Appendix G to subpart A of 40 CFR part 82 (see 67 FR 6352, February 11, 2002).

At the 18th MOP, the Parties acknowledged the need to use methyl bromide for laboratory and analytical procedures and added methyl bromide to the ODS covered by the L&A exemption in Appendix G. Decision XVIII/15 outlined specific uses and exclusions for methyl bromide under the exemption (see 72 FR 73264, December 27, 2007).

In November 2009, at the 21st MOP, the Parties in Decision XXI/6 extended the global L&A exemption through December 31, 2014. Based on this Decision, the EPA amended the regulation at 40 CFR 82.8(b) to extend the L&A exemption domestically through December 31, 2014 (see 76 FR 77909, December 15, 2011). Decision XXI/6 lists laboratory and analytical uses of ODS for which the TEAP and its Chemicals Technical Options Committee (CTOC) determined that alternative procedures exist. However, the Parties did not exclude any additional procedures from the exemption for laboratory and analytical uses. The Parties asked the TEAP and the CTOC to continue to consider possible alternatives and report back to the Parties.

Under Decision XXVI/5 at the 26th MOP, the Parties extended the L&A exemption until December 31, 2021, which the EPA implemented domestically through a rulemaking in 2015 (see 80 FR 3885, January 26, 2015). This Decision also requested the TEAP provide a report on the development and availability of laboratory and analytical uses that can be performed without using ODS, and Parties were encouraged to continue to investigate replacements to ODS for laboratory and analytical uses.

In 2018, the TEAP and its Medical and Chemicals Technical Options Committee (MCTOC) provided a report on alternatives to ODS for laboratory and analytical uses, available in the docket. The report noted that annual data reported to the Ozone Secretariat under Article 7 of the Montreal Protocol show a downward trend with global production of ODS for these uses of only 151 metric tons in 2016.

Most recently, in November 2019, at the 31st MOP, the Parties agreed in Decision XXXI/5 to ''extend the global laboratory and analytical-use exemption indefinitely beyond 2021, without prejudice to the parties deciding to review the exemption at a future meeting.'' The Decision also encourages parties to further reduce their production and consumption of ODS for laboratory and analytical uses and to facilitate the introduction of laboratory standards that do not require such substances.

III. Proposed Rule

The EPA is proposing to indefinitely extend the L&A exemption for class I ODS in 40 CFR 82.8(b). This proposal would make the regulatory exemption indefinite unless or until it is limited or eliminated through future rulemaking. If the Agency finalizes this action as proposed, the Agency would still have authority to review the scope of and need for the exemption at a future date;

however, the regulations would no longer contain an expiration date for the exemption. The EPA could also change the list of uses in Appendix G, as alternatives are identified through new standards.

This proposed action is consistent with the Montreal Protocol's Decision XXXI/5. Non-ODS replacements for class I ODS may not be identified for all uses given the effort required to establish new analytical procedures for such small quantities of material. While some analytical procedures have transitioned, many ASTM and ISO standards still require small amounts of ODS, and it could take years for standards organizations to develop alternatives and for laboratories to adopt the new standards.

The Agency is also proposing to add clarifying text to explain that the L&A exemption allows for the production and import of class I ODS that have been phased out in the United States, subject to certain restrictions as described in Appendix G. The text in 40 CFR 82.8(b) establishes the exemption for essential laboratory and analytical uses but does not explicitly state that the exemption is from the prohibitions on production and import of class I ODS, although that is clear from context and the explanation in the 2001 rule (see 66 FR 14760, March 13, 2001).

Making the L&A exemption indefinite will have little effect on the stratospheric ozone layer. Exempted production and consumption of ODS for laboratory and analytical uses in the United States is on a general decline. Consumption peaked in 2004 at 55 ODP-weighted metric tons and was only 4.4 ODP-weighted metric tons in 2018, which is a negligible amount.[5] This indicates that many users, primarily laboratories, have been able to transition from ODS even with this exemption available to them. However, certain laboratory and analytical procedures continue to require the use of class I ODS in the United States. There are currently ten laboratory distributors that supply around 1,000 laboratories with primarily carbon tetrachloride but also small quantities of chlorobromomethane, CFCs, methyl chloroform, and methyl bromide. Maintaining this exemption would provide laboratories with essential class I ODS for which no alternatives are currently available, with negligible environmental impacts.

The EPA requests comment on the proposal to indefinitely extend the L&A exemption. The EPA is also seeking comment from standards organizations that either continue to use ODS in their standards or who have developed new standards. For instance, the EPA is seeking comment on which standards still exist that use ODS, if there are any plans or actions underway to replace those existing standards, and whether there are alternatives to using ODS. Likewise, the EPA seeks comment from laboratories that continue to use ODS or that have transitioned to ozone-safe alternatives. The EPA is seeking comments from laboratories on whether they use ODS or have transitioned to alternatives and, if they have not transitioned, which methods are still being employed that require the use of ODS. The EPA encourages laboratories to continue ongoing efforts to transition to methods that do not require the use of ODS, and information provided by commenters could be aggregated and shared to assist others.

IV. Statutory and Executive Order Reviews

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

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Executive Order 13771: Reducing Regulations and Controlling Regulatory Costs

This action is expected to be an Executive Order 13771 deregulatory action. This proposed rule is expected to provide meaningful burden reduction because it allows for the continued use of ODS for laboratory and analytical use.

C. Paperwork Reduction Act (PRA)

This action does not impose any new information collection burden under the PRA. OMB has previously approved the information collection activities contained in the existing regulations and has assigned OMB control number 2060–0170. The laboratory and analytical use exemption currently expires on December 31, 2021, and this action would allow for continued production and import of class I substances in the United States solely for laboratory and analytical uses that have not been identified by the EPA as nonessential, and therefore there are no PRA implications. This action proposes to indefinitely remove the expiration date for the existing exemption from the prohibitions in production and import of class I ODS.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action does not modify the recordkeeping and reporting requirements that apply to laboratory distributors who utilize the exemption. These requirements will continue to apply to distributors who use the exemption; however, the requirements are minimal and impose no significant burden. Further, nothing in this rule compels any entity to use the exemption. The Agency thus assumes that the burden reduction provided by the exemption from the phaseout on production and import of class I ODS outweighs the limited cost associated with recordkeeping and reporting. Otherwise, laboratory distributors could choose not to use the exemption, removing the need for relevant recordkeeping and reporting.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538 and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local, or tribal governments or the private sector.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

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

This action does not have tribal implications as specified in Executive Order 13175. It will not have substantial direct effects on tribal governments, 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, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this action. The EPA periodically updates tribal officials on air regulations through the monthly meetings of the National Tribal Air Association and will share information on this rulemaking through this and other fora.

[5] These data are available in the docket to this rule as well as on the Ozone Secretariat's Data Centre web page: *https://ozone.unep.org/countries/data-table.*

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

This action is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. Depletion of stratospheric ozone results in greater transmission of the sun's ultraviolet (UV) radiation to the earth's surface. The following studies describe the effects of excessive exposure to UV radiation on children: (1) Westerdahl J, Olsson H, Ingvar C. ''At what age do sunburn episodes play a crucial role for the development of malignant melanoma,'' Eur J Cancer 1994: 30A: 1647–54; (2) Elwood JM Japson J. ''Melanoma and sun exposure: an overview of published studies,'' Int J Cancer 1997; 73:198–203; (3) Armstrong BK, ''Melanoma: childhood or lifelong sun exposure,'' In: Grobb JJ, Stern RS Mackie RM, Weinstock WA, eds. ''Epidemiology, causes and prevention of skin diseases,'' 1st ed. London, England: Blackwell Science, 1997: 63–6; (4) Whiteman D., Green A. ''Melanoma and Sunburn,'' Cancer Causes Control, 1994: 5:564–72; (5) Heenan, PJ. ''Does intermittent sun exposure cause basal cell carcinoma? A case control study in Western Australia,'' Int J Cancer 1995; 60: 489–94; (6) Gallagher, RP, Hill, GB, Bajdik, CD, et al. ''Sunlight exposure, pigmentary factors, and risk of nonmelanocytic skin cancer I, Basal cell carcinoma,'' Arch Dermatol 1995; 131: 157–63; (7) Armstrong, DK. ''How sun exposure causes skin cancer: an epidemiological perspective,'' Prevention of Skin Cancer. 2004. 89–116. However, because maintaining the laboratory and analytical exemption would have negligible environmental impacts (as discussed in sections II and III of the preamble), the EPA does not expect any additional risks to children.

I. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

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

The EPA believes that it is not feasible to quantify any disproportionately high and adverse human health or environmental effects from this action on minority populations, low-income populations, and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994).

List of Subjects in 40 CFR Part 82

Environmental protection, Administrative practice and procedure, Air pollution control, Chemicals, Chlorofluorocarbons, Imports, Methyl chloroform, Ozone, Reporting and recordkeeping requirements.

Andrew Wheeler,

Administrator.

For the reasons set out in the preamble, 40 CFR part 82 is proposed to be amended as follows:

PART 82—PROTECTION OF STRATOSPHERIC OZONE

■ 1. The authority citation for part 82 continues to read as follows:

Authority: 42 U.S.C. 7414, 7601, 7671–7671q.

■ 2. Section 82.8 is amended by revising paragraph (b) to read as follows:

§ 82.8 Grant of essential use allowances and critical use allowances.

* * * * *

(b) There is a global exemption for the production and import of class I controlled substances for essential laboratory and analytical uses, subject to the restrictions in appendix G of this subpart, and subject to the recordkeeping and reporting requirements at § 82.13(u) through (x). There is no amount specified for this exemption.

* * * * *

[FR Doc. 2020–16255 Filed 8–6–20; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register

Vol. 85, No. 153

Friday, August 7, 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.

JUDICIAL CONFERENCE OF THE UNITED STATES

Advisory Committee on Criminal Rules; Meeting of the Judicial Conference

AGENCY: Judicial Conference of the United States Advisory Committee on Criminal Rules.

ACTION: Notice of open meeting.

SUMMARY: The Advisory Committee on Criminal Rules will hold a virtual meeting on November 2, 2020. The meeting is open to the public. When a meeting is held virtually, members of the public may join by telephone conference to listen but not participate. An agenda and supporting materials will be posted at least 7 days in advance of the meeting at: *http://www.uscourts.gov/rules-policies/records-and-archives-rules-committees/agenda-books.*

DATES: November 2, 2020.

Time: 10 a.m.–5 p.m. (Eastern).

ADDRESSES: N/A.

FOR FURTHER INFORMATION CONTACT: Rebecca A. Womeldorf, Secretary, Committee on Rules of Practice and Procedure of the Judicial Conference of the United States, Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, Suite 7–300, Washington, DC 20544, Telephone (202) 502–1820, *RulesCommittee_Secretary@ao.uscourts.gov.*

Authority: 28 U.S.C. 2073.

Dated: August 3, 2020.

Shelly L. Cox,

Rules Committee Staff.

[FR Doc. 2020–17256 Filed 8–6–20; 8:45 am]

BILLING CODE 2210–55–P

DEPARTMENT OF AGRICULTURE

Forest Service

Forest Service Handbook 2309.13, Chapter 50; Operation and Maintenance of Developed Recreation Sites

AGENCY: Forest Service, USDA.

ACTION: Notice of availability for public comment; correction.

SUMMARY: The Forest Service published a document in the **Federal Register** of July 9, 2020, concerning request for comments on a proposed directive to update its handbook on operation and maintenance of recreation sites on National Forest System lands that contain infrastructure or amenities authorized by the Forest Service for public enjoyment and resource protection. The document contained an incorrect link to the proposed directive; updated contact information and text.

FOR FURTHER INFORMATION CONTACT: Matt Arnn, Recreation Staff, by phone at 917–597–6488 or via email at *matthew.arnn@usda.gov.*

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of July 9, 2020, in FR Doc. 2020–14785, on page 41226, in the third column, correct under the **ADDRESSES** caption to read:

ADDRESSES: Comments may be submitted electronically to *https://cara.ecosystem-management.org/Public/CommentInput?project=ORMS-2572.* Written comments may be mailed to Director, Recreation Staff, 1400 Independence Avenue SW, Washington, DC 20250–1124. All timely received comments, including names and addresses, will be placed in the record and will be available for public inspection and copying. The public may inspect comments received at *https://cara.ecosystem-management.org/Public/ReadingRoom?project=ORMS-2572.*

Correction

On page 41227, in the first column, correct under the **FOR FURTHER INFORMATION CONTACT** caption to read:

Matt Arnn, Recreation Staff, 917–597–6488, *matthew.arnn@usda.gov.* Individuals who use telecommunication devices for the deaf may call the Federal Relay Service at 800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

Correction

On page 41227, in the first column, correct under the **SUPPLEMENTARY INFORMATION** caption to read:

The United States Department of Agriculture (USDA), Forest Service is proposing to update its handbook on operation and maintenance of recreation sites on National Forest System lands that contain infrastructure or amenities for public enjoyment and resource protection. Examples of developed recreation sites include boat launches, campgrounds, climbing areas, day use areas, picnic sites, fishing sites, group campgrounds and picnic sites, horse camps, informational and interpretive sites, visitor centers, recreation rental cabins, observation sites, off-highway vehicle staging areas, Nordic ski areas, developed swimming sites, snow play areas, target ranges, trailheads, and wildlife viewing sites.

Developed recreation sites may be operated and maintained by Forest Service personnel or by a concessioner under a special use permit. This chapter addresses operation and maintenance of developed recreation sites by the Forest Service, including Forest Service operation of a concession site during a shoulder season. See FSM 2340 for direction on issuance and administration of special use permits for operation and maintenance of developed recreation sites by concessioners.

Tina Johnna Terrell,

Associate Deputy Chief, National Forest System.

[FR Doc. 2020–17262 Filed 8–6–20; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Office of Partnerships and Public Engagement

[FOA No.: OPPE–015]

Funding Opportunity Announcement—Solicitation for Applications To Assist Persistent Poverty Farmers, Ranchers, Agriculture Producers and Communities Through Agriculture Resources, Correction

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

ACTION: Funding Opportunity Announcement (FOA).

SUMMARY: OPPE published a document in the **Federal Register** of July 10, 2020, concerning the availability of funds and solicits applications from community-based and non-profit organizations, institutions of higher education, and Tribal entities to compete for financial assistance through the Outreach and Assistance for Socially Disadvantaged Farmers and Ranchers and Veteran Farmers and Ranchers Program (hereinafter referred to as the ''2501 Program'') and the Soil and Water Conservation Program. The language is being revised to reflect eligible beneficiaries.

FOR FURTHER INFORMATION CONTACT: Jacqueline Davis-Slay, Deputy Director, Jamie L. Whitten Building, Room 520–A, 1400 Independence Avenue SW, Washington, DC 20250; Phone: (202) 720–6350; Fax: (202) 720–7704; Email: *CommunityProsperity@usda.gov*.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of July 10, 2020, in FR Doc. 2020–14325, on page 41516, make the following corrections:

1. On page 41516, in the second column, correct the second and third sentences of the **SUMMARY** to read as follows: ''Funding will be made available for the purpose of leveraging USDA, state, local and private sector resources, to address local agricultural and natural resource issues, encourage collaboration and to develop state and local leadership and partnerships to assist limited resource socially disadvantaged, socially disadvantaged and veteran farmers, ranchers, agricultural producers and communities through agriculture industries. The eligible entities will provide technical assistance to persistent poverty communities, with emphasis on socially disadvantaged and/or veteran farmers, ranchers and agricultural producers to assist them in establishing a local working leaders group, identifying issues, challenges and assets, preparing a plan of action and identifying resources and means to address and accomplish results through available programmatic services and opportunities.''

2. On page 41517, in the first column, replace the sentence ''Higher consideration will be given to socially disadvantaged, limited resource, beginning, or veteran farmer or rancher servicing legal entities, or joint operations according to the definition in the Agriculture Improvement Act of 2018.'' with ''Only consideration will be given to socially disadvantaged limited resource, beginning, or veteran farmer or rancher servicing legal entities, or joint operations according to the definition in the Agriculture Improvement Act of 2018.''

Signed July 23, 2020.

Jacqueline Davis-Slay,

Deputy Director, Office of Partnerships and Public Engagement.

[FR Doc. 2020–16398 Filed 8–6–20; 8:45 am]

BILLING CODE 3412–89–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the California Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meetings.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the California Advisory Committee (Committee) will hold a series of meetings via teleconference on Monday, August 17 and Monday, August 24, 2020 at 1:00 p.m. Pacific Time. The purpose of the meetings is for the Committee to review their report on immigration enforcement.

DATES: The meetings will be held on:

- Monday, August 17, 2020, at 1:00 p.m. Pacific Time
- Monday, August 24, 2020, at 1:00 p.m. Pacific Time

Public Call Information: Dial: 800–367–2403, Conference ID: 8007275.

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes, Designated Federal Officer (DFO), at *afortes@usccr.gov* or (202) 681–0857.

SUPPLEMENTARY INFORMATION: Members of the public may listen to the discussion. This meeting is available to the public through the above listed toll free number. An open comment period will be provided to allow members of the public to make a statement as time allows. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the Conference Room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 N Los Angeles St., Suite 2010, Los Angeles, CA 90012 or you can email Ana Victoria Fortes at *afortes@usccr.gov*.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available at: *https://www.facadatabase.gov/FACA/FACAPublicViewCommitteeDetails?id=a10t0000001gzkUAAQ.* Please click on the ''Meeting Details'' and ''Documents'' links. Persons interested in the work of this Committee are also directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Unit office at the above email or street address.

Agenda

I. Welcome
II. Review Report
III. Public Comment
IV. Adjournment

Dated: August 3, 2020.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2020–17238 Filed 8–6–20; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

First Responder Network Authority

Public Finance Committee and Board Meeting

AGENCY: First Responder Network Authority (FirstNet Authority), National Telecommunications and Information Administration (NTIA), U.S. Department of Commerce.

ACTION: Announcement of meeting.

SUMMARY: The FirstNet Authority Board will convene an open public meeting of the Finance Committee and the Board.

DATES: August 18, 2020; 11:00 a.m. to 1:00 p.m. Eastern Standard Time (EST); WebEx.

ADDRESSES: The public meeting will be conducted via teleconference and WebEx only. Members of the public may listen to the meeting by dialing toll-free: 1–800–369–1723 and entering participant code 2081846#. If you experience technical difficulty, please contact the Conferencing Center Customer Service at: 1–866–900–1011. To view the slide presentation, the public may visit the URL: *http://www.mymeetings.com/nc/join* and enter Conference Number: PWXW1405729 and Audience Passcode: 2081846. Alternately, members of the public may view the slide presentation by directly visiting the URL: *https://www.mymeetings.com/nc/join.php?i=PWXW1405729&p=2081846&t=c.* The teleconference and WebEx information can also be found on the FirstNet website (*FirstNet.gov*).

FOR FURTHER INFORMATION CONTACT: *For general information:* Janell Smith, (202) 257–5929, *Janell.Smith@FirstNet.gov.*

For media inquiries: Ryan Oremland, (571) 665–6186, *Ryan.Oremland@FirstNet.gov.*

SUPPLEMENTARY INFORMATION:

Background: The Middle Class Tax Relief and Job Creation Act of 2012 (codified at 47 U.S.C. 1401 *et seq.*) (Act) established the FirstNet Authority as an independent authority within NTIA. The Act directs the FirstNet Authority to ensure the building, deployment, and operation of a nationwide interoperable public safety broadband network. The FirstNet Authority Board is responsible for making strategic decisions regarding the FirstNet Authority's operations.

Matters to be Considered: The FirstNet Authority will post a detailed agenda for the Finance Committee and Board Meeting on FirstNet.gov prior to the meeting. The agenda topics are subject to change. Please note that the subjects discussed by the Finance Committee and Board may involve commercial or financial information that is privileged or confidential, or other legal matters affecting the FirstNet Authority. As such, the Board and Committee Chairs may call for a vote to close the meeting only for the time necessary to preserve the confidentiality of such information, pursuant to 47 U.S.C. 1424(e)(2).

Other Information: The public Finance Committee and Board meeting is accessible to people with disabilities. Individuals requiring accommodations, such as sign language interpretation or other ancillary aids, are asked to notify Ms. Janell Smith at (202) 257–5929 or email: *Janell.Smith@FirstNet.gov* at least five (5) business days (August 11) before the meeting.

Records: The FirstNet Authority maintains records of all Board proceedings. Minutes of the Finance Committee and Board meeting will be available on FirstNet.gov.

Dated: August 3, 2020.

Janell Smith,

Board Secretary, First Responder Network Authority.

[FR Doc. 2020–17227 Filed 8–6–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–21–2020]

Foreign-Trade Zone (FTZ) 70—Detroit, Michigan; Authorization of Production Activity; Pacific Industrial Development Corporation (Zeolites, Specialty Alumina Products, Rare Earth Powders and Aqueous Solutions); Ann Arbor, Michigan

On April 6, 2020, Greater Detroit Foreign-Trade Zone, Inc., grantee of FTZ 70, submitted a notification of proposed production activity to the FTZ Board on behalf of Pacific Industrial Development Corporation, within FTZ 70, in Ann Arbor, Michigan.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (85 FR 20664–20665, April 14, 2020). On August 4, 2020, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: August 4, 2020.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2020–17316 Filed 8–6–20; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Judges Panel of the Malcolm Baldrige National Quality Award

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of closed meeting.

SUMMARY: The Judges Panel of the Malcolm Baldrige National Quality Award (Judges Panel) will meet in closed session on Wednesday, August 19, 2020, from 10:30 a.m. to 4:30 p.m. Eastern time. The purpose of this meeting is to review the results of examiners' scoring of written applications. Panel members will vote on which applicants merit site visits by examiners to verify the accuracy of quality improvements claimed by applicants. The meeting is closed to the public in order to protect the proprietary data to be examined and discussed.

DATES: The meeting will be held on Wednesday, August 19, 2020, from 10:30 a.m. to 4:30 p.m. Eastern time. The entire meeting will be closed to the public.

ADDRESSES: The meeting will be held virtually via web conference.

FOR FURTHER INFORMATION CONTACT: Robert Fangmeyer, Director, Baldrige Performance Excellence Program, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 1020, Gaithersburg, Maryland 20899–1020, telephone number (301) 975–2361, email *robert.fangmeyer@nist.gov.*

SUPPLEMENTARY INFORMATION:

Authority: 15 U.S.C. 3711a(d)(1) and the Federal Advisory Committee Act, as amended, 5 U.S.C. App.

Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. App., notice is hereby given that the Judges Panel of the Malcolm Baldrige National Quality Award will meet on Wednesday, August 19, 2020, from 10:30 a.m. to 4:30 p.m. Eastern time. The Judges Panel is composed of twelve members, appointed by the Secretary of Commerce, with a balanced representation from U.S. service, manufacturing, nonprofit, education,

and health care industries. Members are selected for their familiarity with quality improvement operations and competitiveness issues of manufacturing companies, service companies, small businesses, nonprofits, health care providers, and educational institutions. The purpose of this meeting is to review the results of examiners' scoring of written applications. Panel members will vote on which applicants merit site visits by examiners to verify the accuracy of quality improvements claimed by applicants. The meeting is closed to the public in order to protect the proprietary data to be examined and discussed.

The Chief Financial Officer/Assistant Secretary for Administration and Deputy Assistant Secretary for Administration, with the concurrence of the Assistant General Counsel for Employment, Litigation and Information, formally determined on May 25, 2020 pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, Public Law 94–409, that the meeting of the Judges Panel may be closed to the public in accordance with 5 U.S.C. 552b(c)(4) because the meeting is likely to disclose trade secrets and commercial or financial information obtained from a person which is privileged or confidential, and 5 U.S.C. 552b(c)(9)(B) because the meeting is likely to disclose information the premature disclosure of which would, in the case of any agency, be likely to significantly frustrate implementation of a proposed agency action. The meeting, which involves examination of current Malcolm Baldrige National Quality Award (Award) applicant data from U.S. organizations and a discussion of these data as compared to the Award criteria in order to recommend Award recipients, will be closed to the public.

Kevin Kimball,

NIST Chief of Staff.

[FR Doc. 2020–17295 Filed 8–6–20; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA340]

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council's is convening its Scientific and Statistical Committee (SSC) via webinar to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This webinar will be held on Monday, August 24, 2020 at 9:30 a.m. Webinar registration URL information: *https://attendee.gotowebinar.com/register/9158177281113157 26* Call in information: +1 (415) 930–5321, Access Code: 792–543–455.

ADDRESSES: The meeting will be held via webinar.

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

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

SUPPLEMENTARY INFORMATION:

Agenda

The Scientific and Statistical Committee will meet to review recent stock assessment information from the U.S/Canada Transboundary Resource Assessment Committee and information provided by the Council's Groundfish Plan Development Team (PDT) and recommend the overfishing level (OFL) and acceptable biological catch (ABC) for Georges Bank yellowtail flounder for the 2021 and 2022 fishing years. The committee will also review information provided by the Groundfish Plan Development Team (PDT) on possible rebuilding approaches and on the basis for the range of alternative rebuilding strategies developed by the PDT. Other business will be discussed as necessary.

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

Special Accommodations

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

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

Dated: August 4, 2020.

Tracey L. Thompson,

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

[FR Doc. 2020–17287 Filed 8–6–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA325]

Gulf of Mexico Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will hold a five-day webinar meeting to consider actions affecting the Gulf of Mexico fisheries in the exclusive economic zone (EEZ).

DATES: The webinar will convene Monday, August 24 through Friday, August 28, 2020, from 9 a.m. until 4 p.m., EDT, each day.

ADDRESSES: The meeting will take place via webinar; you may register for the meeting at *www.gulfcouncil.org.*

Council address: Gulf of Mexico Fishery Management Council, 4107 W Spruce Street, Suite 200, Tampa, FL 33607; telephone: (813) 348–1630.

FOR FURTHER INFORMATION CONTACT: Dr. Carrie Simmons, Executive Director, Gulf of Mexico Fishery Management Council; telephone: (813) 348–1630.

SUPPLEMENTARY INFORMATION:

Agenda

Monday, August 24, 2020; 9 a.m.–9:30 a.m.

The meeting will begin in a CLOSED SESSION of the FULL COUNCIL to make final selection of members to the Coastal Migratory Pelagics and Red Drum Advisory Panels; and other internal administrative matters.

Monday, August 24, 2020; 10 a.m.–4 p.m.

The meeting will open to the general public mid-morning (approximately 10 a.m.) beginning with the Administrative/Budget Committee review and approval of the Funded 2020 Budget. The Data Collection Committee will review potential regulatory changes from Commercial Electronic Logbook Program Implementation; receive a briefing on Shrimp Electronic Logbook Program and an update on Southeast For-hire Electronic Reporting (SEFHIER) Program. The Sustainable Fisheries Committee will review Aquaculture Aspects of Executive Order 13921, and receive recommendations and public comments on Executive Order 13921; review Public Hearing Draft Amendment Reef Fish 48/Red Drum 5: Status Determination Criteria and Optimum Yield for reef Fish and Red Drum; and receive a presentation on Depredation by Marine Mammals.

Tuesday, August 25, 2020; 9 a.m.–4 p.m.

The Reef Fish Committee will review the Reef Fish Landings; discuss the Fishing Industry Impacts Due to COVID–19 and Potential Emergency Rule Requests; and, receive status of Gulf State Recreational Data Collection Programs and 2020 Red Snapper Seasons. The Committee will receive an update from the Marine Recreational Information Program (MRIP) Fishing Effort Survey Calibration Workshop; receive a meeting summary from the August 5, 2020 MRIP Red Snapper State Data Calibration Meeting and SSC recommendations.

Wednesday, August 26, 2020; 9 a.m.–4 p.m.

The Reef Fish Committee will reconvene to review Revised Draft Amendment 53: Red Grouper Catch Limits and Sector Allocations, Draft Framework Action: Modification of the Gulf of Mexico Lane Snapper Annual Catch Limit, and SEDAR 64: Southeastern U.S. Yellowtail Snapper Stock Assessment. The Committee will also review Public Hearing Draft Amendment 36B: Modifications to Commercial IFQ Programs, and any remaining items from the SSC Agenda. The Gulf Southeast Data Assessment and Review (SEDAR) Committee will receive update on Operational Stock Assessment Process and SSC Recommendations; and discuss the Timing and Use of Interim Analyses for Management.

Thursday, August 27, 2020; 9 a.m.–4 p.m.

The Mackerel Committee will receive an update on Coastal Migratory Pelagics Landings; and, review of SEDAR 28 Update: Gulf of Mexico Migratory Group Cobia Stock Assessment. The Ecosystem Committee will receive an update on Gulf of Mexico Fishery Ecosystem Plan and the Southeast Regional Efforts to Build a Foundation for the Fishery Ecosystem Plan.

Full Council will convene after lunch with a Call to Order, Announcements, and Introductions; Induction of New Council Members; Adoption of Agenda and Approval of Minutes. The Council will hold public comment testimony beginning at approximately 1:20 p.m. until 3:30 p.m. on Comments on Executive Order 13921; and, open testimony on other fishery issues or concerns. Public comment may begin earlier than 1:20 p.m. EDT but will not conclude before that time. Persons wishing to give public testimony must register on the Council website before the start of the public comment period at 1:20 p.m. EDT.

Following Public Comment period, the Council will begin to receive committee reports from Administrative/Budget and the Coastal Migratory Pelagics and Red Drum Advisory Panel (AP) Appointments.

Friday, August 28, 2020; 9 a.m.–4 p.m.

The Council will continue to receive committee reports from Gulf SEDAR, Data Collection, Sustainable Fisheries, Ecosystem, Mackerel, and Reef Fish Committees. The Council will receive updates from the following supporting agencies: Texas Law Enforcement Efforts; South Atlantic Fishery Management Council; NOAA Office of Law Enforcement (OLE); Gulf States Marine Fisheries Commission; U.S. Coast Guard; U.S. Fish and Wildlife Service; and Department of State.

The Council will discuss Other Business item; and, hold an election for Chair and Vice Chair.

—Meeting Adjourns

The meeting will be broadcast via webinar. You may register for the webinar by visiting *www.gulfcouncil.org* and clicking on the Council meeting on the calendar.

The timing and order in which agenda items are addressed may change as required to effectively address the issue, and the latest version along with other meeting materials will be posted on the website as they become available.

Although other non-emergency issues not contained in this agenda may come before this group for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during these meeting. Actions will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided that the public has been notified of the Council's intent to take final action to address the emergency.

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

Dated: August 4, 2020.

Tracey L. Thompson,

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

[FR Doc. 2020–17286 Filed 8–6–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA357]

Caribbean Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Caribbean Fishery Management Council's (Council) District Advisory Panels (DAPs) will hold public virtual meetings to address the items contained in the tentative agenda included in the **SUPPLEMENTARY INFORMATION**.

DATES: The DAPs public virtual meetings will be held as follows: St. Thomas/St. John DAP, August 24, 2020, from 9 a.m. to 3 p.m., and on August 25, 2020, from 9 a.m. to 12:30 p.m.; St. Croix DAP, August 26, 2020, from 9 a.m. to 3 p.m.; Puerto Rico DAP, August 27, 2020, from 9 a.m. to 3 p.m. All meetings will be at Eastern Day Time.

ADDRESSES: You may join the DAPs public virtual meetings (via GoToMeeting) from a computer, tablet or smartphone by entering the following address:

Monday, August 24, 2020—St. Thomas/St. John, DAP, 9 a.m.–3 p.m.

Please, join the meeting from your computer, tablet or smartphone.

https://global.gotomeeting.com/join/386200149

You can also dial in using your phone.

United States: +1 (646) 749–3122
Access Code: 386–200–149

New to GoToMeeting? Get the app now and be ready when your first meeting starts:

https://global.gotomeeting.com/install/386200149

Tuesday, August 25, 2020—St. Thomas/St. John, DAP, 9 a.m.–12:30 p.m.

Please, join the meeting from your computer, tablet or smartphone.

https://global.gotomeeting.com/join/386200149

You can also dial in using your phone.

United States: +1 (646) 749–3122
Access Code: 386–200–149

New to GoToMeeting? Get the app now and be ready when your first meeting starts:

https://global.gotomeeting.com/install/386200149

Wednesday, August 26, 2020—St. Croix, DAP, 9 a.m.–3 p.m.

Please, join the meeting from your computer, tablet or smartphone.

https://global.gotomeeting.com/join/819012045

You can also dial in using your phone.

United States: +1 (872) 240–3412
Access Code: 819–012–045

New to GoToMeeting? Get the app now and be ready when your first meeting starts:

https://global.gotomeeting.com/install/819012045

Thursday, August 27, 2020—Puerto Rico, DAP, 9 a.m.–3 p.m.

Please, join the meeting from your computer, tablet or smartphone. Please join my meeting from your computer, tablet or smartphone.

https://global.gotomeeting.com/join/343080229

You can also dial in using your phone.

United States: +1 (669) 224–3412
Access Code: 343–080–229

New to GoToMeeting? Get the app now and be ready when your first meeting starts:

https://global.gotomeeting.com/install/343080229

FOR FURTHER INFORMATION CONTACT: Miguel Rolón, Executive Director, Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico 00918–1903, telephone: (787) 398–3717.

SUPPLEMENTARY INFORMATION: The following items included in the tentative agenda will be discussed:

DAP St.Thomas/St. John, USVI

Monday, August 24, 2020, 9 a.m.–12 p.m.

—Call to Order
—Roll Call
—Adoption of Agenda
—Ecosystem Elements Discussion—Graciela García-Moliner

Monday, August 24, 2020, 12 p.m.–1 p.m.

—Lunch Break

Monday, August 24, 2020, 1 p.m.–3 p.m.

—E.O. on Promoting American Seafood Competitiveness and Economic Growth

Tuesday, August 25, 2020, 9 a.m.–12:30 p.m.

—5-year Strategic Plan Priorities

DAP St. Croix, USVI

Wednesday, August 26, 2020, 9 a.m.–12 p.m.

—5-year Strategic Plan Priorities

Wednesday, August 26, 2020, 12 p.m.–1 p.m.

Lunch Break

Wednesday, August 26, 2020, 1 p.m.–2 p.m.

—Review of Ecosystem Elements—Graciela García-Moliner

Wednesday, August 26, 2020, 2 p.m.–3 p.m.

—E.O. on Promoting American Seafood Competitiveness and Economic Growth

DAP Puerto Rico

Thursday, August 27, 2020, 9 a.m.–12 p.m.

—5-year Strategic Plan Priorities

Thursday, August 27, 2020, 12 p.m.–1 p.m.

—Lunch Break

Thursday, August 27, 2020, 1 p.m.–2 p.m.

—Review of Ecosystem Elements—Graciela García-Moliner

Thursday, August 27, 2020, 2 p.m.–3 p.m.

—E.O. on Promoting American Seafood Competitiveness and Economic Growth

At all these meetings CFMC will provide for public participation, aside from DAP members. The CFMC is interested in hearing feedback on priorities for this Strategic Plan. Each Chair of the DAPs will allocate a public comment period at the virtual meetings. The list of topics to considered include: (1) Resource Health: Invasive species, climate change, erosion & sedimentation, coastal development, natural disasters, habitat loss & destruction, enforcement, pollution, bycatch & discard mortality, abundance of baitfish and forage species, lack of biological or ecosystem information, overfishing, and illegal fishing; (2) Social, Cultural, Economic Concerns: Closed seasons and stock assessment, valuation and assessment of area closures, increasing costs, competition with foreign fishermen, recreational & commercial user conflicts, displacement of fishing communities, and ability to support a family, illegal/unlicensed commercial fishers, lack of new entrants into fishery, lack of social & economic data, excess gear, market instability, infrastructure needs (landing sites), inadequate enforcement, excess fishing capacity; (3) Management & Operational Issues: accurate/timely commercial and recreational catch data, enforcement of existing regulations, fisher involvement in data collection, regulatory consistency (federal & territorial), clear management objectives, bycatch/regulatory discards, gear limits, cost-effective data collection technology, balancing commercial & recreational concerns, incorporation of climate change into management, Federal permit program, and territorial licensing requirements; (4) Communication and Outreach: Frequency of communication (alerts/reminders of scoping meetings and council meetings), variety of tools used in communication (*e.g.* email, website, social media, paper, text message alerts), educational resources (*e.g.* science & stock assessment, business planning, restaurant choices, etc.), improving general public awareness of fisheries issues, regular in-person outreach workshops on important topics, and clarity and simplicity of presentations.

The order of business may be adjusted as necessary to accommodate the completion of agenda items. Other than the start time, interested parties should be aware that discussions may start earlier or later than indicated, at the discretion of the Chair.

Special Accommodations

Simultaneous interpretation will be provided. To receive interpretation in Spanish you can dial into the meeting as follows:

US/Canada: call +1–888–947–3988, when system answers, enter 1*999996#.

Para interpretación en inglés marcar:

US/Canada: call +1–888–947–3988, cuando el sistema conteste, entrar el siguiente número 2*999996#.

For any additional information on this public virtual meeting, please contact Diana Martino, Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico 00918–1903, telephone: (787) 226–8849.

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

Dated: August 4, 2020.

Tracey L. Thompson,

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

[FR Doc. 2020–17288 Filed 8–6–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA359]

North Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of webconference.

SUMMARY: The Economic Data Reporting (EDR) Stakeholder Discussion will be held on August 26, 2020.

DATES: The meeting will be held on Wednesday, August 26, 2020, from 2 p.m. to 4 p.m., Alaska Time.

ADDRESSES: The meeting will be a webconference. Join online through the link at *https://npfmc.adobeconnect.com/edr.*

Council address: North Pacific Fishery Management Council, 1007 W 3rd Ave., Anchorage, AK 99501–2252; telephone: (907) 271–2809. Instructions for attending the meeting are given under **SUPPLEMENTARY INFORMATION**, below.

FOR FURTHER INFORMATION CONTACT: Sarah Marrinan, Council staff; email: *sarah.marrinan@noaa.gov.* For technical support please contact our administrative staff; email: *npfmc.admin@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Agenda

Wednesday, August 26, 2020

The August EDR Stakegholder meeting will facilitate discussion to generate ideas for improving the utility of the EDRs, increasing consistency and minimizing burden. The agenda is subject to change, and the latest version will be posted at *https://meetings.npfmc.org/Meeting/Details/1564* prior to the meeting, along with meeting materials.

Connection Information

You can attend the meeting online using a computer, tablet, or smart phone; or by phone only. Connection information will be posted online at: *https://meetings.npfmc.org/Meeting/Details/1564.*

Public Comment

Public comment letters will be accepted and should be submitted electronically to *https://meetings.npfmc.org/Meeting/Details/1564.*

Special Accommodations

The meetings are physically accessible to people with disabilities. Requests should be directed to Shannon Gleason at (907) 903–3107 at least 7 working days prior to the meeting date.

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

Dated: August 4, 2020.

Tracey L. Thompson,

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

[FR Doc. 2020–17289 Filed 8–6–20; 8:45 am]

BILLING CODE 3510–22–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and deletions from the Procurement List.

SUMMARY: This action adds services to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes products from the Procurement List previously furnished by such agencies.

DATES: *Date added to and deleted from the Procurement List:* September 06, 2020.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 715, Arlington, Virginia, 22202–4149.

FOR FURTHER INFORMATION CONTACT: Michael R. Jurkowski, Telephone: (703) 603–2117, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Additions

On 2/21/2020, 2/28/2020, 3/6/2020 and 3/20/2020, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed additions to the Procurement List. This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51–2.3.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the services and impact of the additions on the current or most recent contractors, the Committee has determined that the services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the services to the Government.

2. The action will result in authorizing small entities to furnish the services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the services proposed for addition to the Procurement List.

End of Certification

Accordingly, the following services are added to the Procurement List:

Services

Service Type: Mess Attendant Service
Mandatory for: US Air Force, Barksdale Air Force Base, LA
Mandatory Source of Supply: Global Connections to Employment, Inc., Pensacola, FL
Contracting Activity: Dept of the Air Force, Air Force Nonappropriated Funds Purchasing Office, San Antonio, TX

Service Type: Mess Attendant Service
Mandatory for: US Air Force, Dyess Air Force Base, TX
Mandatory Source of Supply: Work Services Corporation, Wichita Falls, TX
Contracting Activity: Dept of the Air Force, Air Force Nonappropriated Funds Purchasing Office, San Antonio, TX

Service Type: Mess Attendant Service
Mandatory for: US Air Force, F.E. Warren Air Force Base, WY
Mandatory Source of Supply: Skils'kin, Spokane, WA
Contracting Activity: Dept of the Air Force, Air Force Nonappropriated Funds

Purchasing Office, San Antonio, TX
Service Type: Mess Attendant Service
Mandatory for: US Air Force, Fairchild Air Force Base, WA
Mandatory Source of Supply: Skils'kin, Spokane, WA
Contracting Activity: Dept of the Air Force, Air Force Nonappropriated Funds Purchasing Office, San Antonio, TX

Deletions

On 7/2/2020, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List. This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51–2.3.

After consideration of the relevant matter presented, the Committee has determined that the services listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.
2. The action may result in authorizing small entities to furnish the services to the Government.
3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the services deleted from the Procurement List.

End of Certification

Accordingly, the following products are deleted from the Procurement List:

Products

NSN(s)—Product Name(s):
7510–01–318–8641—Refill, Eraser, Mechanical Pencil, Thin, White
Mandatory Source of Supply: San Antonio Lighthouse for the Blind, San Antonio, TX
Contracting Activity: GSA/FAS Admin SVCS Acquisition BR (2, New York, NY

NSN(s)—Product Name(s):
7510–01–600–7625—Wall Calendar, Dated 2020, Wire Bound w/Hanger, 12″ x 17″ Cover
7510–01–679–2688—Monthly Planner, Recycled, Dated 2020, 14-month, 6–7/8″ x 8–3/4″
7510–01–679–5239—Professional Planner, Dated 2020, Recycled, Weekly, Black, 8–1/2″ x 11″
7510–01–679–2414—Wall Calendar, Recycled, Dated 2020, Vertical, 3 Months, 12–1/4″ x 26″
7530–01–600–7589—Daily Desk Planner, Dated 2020, Wire bound, Non-refillable, Black Cover
7530–01–600–7596—Weekly Desk Planner, Dated 2020, Wire Bound, Non-refillable, Black
Mandatory Source of Supply: Chicago Lighthouse Industries, Chicago, IL
Contracting Activity: GSA/FAS Admin SVCS Acquisition BR (2, New York, NY

NSN(s)—Product Name(s):
7530–01–583–3819—Folders, File, Interior Height, Manila, ⅓ Cut, Legal
Mandatory Source of Supply: Association for Vision Rehabilitation and Employment, Inc., Binghamton, NY
Contracting Activity: GSA/FAS Admin SVCS Acquisition BR (2, New York, NY

NSN(s)—Product Name(s):
7210–00–715–9130—Cover, Mattress
Mandatory Source of Supply: LC Industries, Inc., Durham, NC
Contracting Activity: DLA Troop Support, Philadelphia, PA

Michael R. Jurkowski,
Deputy Director, Business & PL Operations.

[FR Doc. 2020–17276 Filed 8–6–20; 8:45 am]
BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to the Procurement List.

SUMMARY: The Committee is proposing to add services to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Comments must be received on or before:* September 6, 2020.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, Virginia, 22202–4149.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 603–2117, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

The following services are proposed for addition to the Procurement List for production by the nonprofit agencies listed:

Service

Service Type: Contractor Operated Civil Engineer Supply Store
Mandatory for: US Air Force, 9th Civil Engineering Squadron, Beale AFB, CA
Mandatory Source of Supply: Industries for the Blind and Visually Impaired, Inc., West Allis, WI
Contracting Activity: Dept of the Air Force, FA4686 9 CONS LGC

Michael R. Jurkowski,
Deputy Director, Business & PL Operations.

[FR Doc. 2020–17275 Filed 8–6–20; 8:45 am]
BILLING CODE 6353–01–P

DEPARTMENT OF DEFENSE

Department of the Air Force

[Docket ID USAF–2020–HQ–0011]

Privacy Act of 1974; System of Records

AGENCY: Department of the Air Force (AF), Department of Defense (DoD).

ACTION: Rescindment of a System of Records Notice (SORN).

SUMMARY: The Office of the Secretary of the Air Force is rescinding a System of Records, Chaplain Personnel Action Folder, F052 AFHC C. The records in this system are covered by SORN F036 AF PC C, Military Personnel Records.

DATES: This System of Records rescindment is effective upon publication.

FOR FURTHER INFORMATION CONTACT: Mr. Bill Feeney, Department of the Air Force, Air Force Privacy Office, Office of Warfighting Integration and Chief Information Officer, ATTN: SAF/CN, 1800 Air Force Pentagon, Washington, DC 20330–1800, or by phone at (703) 614–6622.

SUPPLEMENTARY INFORMATION: The Chaplain Personnel Action Folder maintained information on the assignments and selection of chaplains to insure an equitable distribution of chaplains on an installation by denomination. This System of Records was used by the Chaplain Support Element, Headquarters United States Air Force, which no longer exists. A deletion of this System of Records is being requested as the function is no longer accomplished at Air Force

Headquarters and the files within this System of Records have been destroyed in accordance with the National Archives and Records Administration retention and disposition instructions. The subject records are now covered by the Military Personnel Records SORN, F036 AF PC C.

The DoD notices for Systems of Records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or at the Defense Privacy, Civil Liberties and Transparency Division website at https://dpcld.defense.gov.

The proposed system reports, as required by the Privacy Act, as amended, were submitted on July 10, 2020, to the House Committee on Oversight and Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to Section 6 of OMB Circular No. A–108, ''Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act,'' revised December 23, 2016 (December 23, 2016, 81 FR 94424).

SYSTEM NAME AND NUMBER:

Chaplain Personnel Action Folder, F052 AFHC C.

HISTORY:

February 22, 1993, 58 FR 10354.

Dated: August 3, 2020.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2020–17264 Filed 8–6–20; 8:45 am]

BILLING CODE 5001–05–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Availability of Record of Decision for the Mariana Islands Training and Testing Final Supplemental Environmental Impact Statement/Overseas Environmental Impact Statement

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The United States Department of the Navy (DON), after carefully weighing the strategic, operational, and environmental consequences of the Proposed Action, announces its decision to continue training and testing activities as identified in Alternative 2 in the Mariana Islands Training and Testing (MITT) Final Supplemental Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS), dated June 2020. Under Alternative 2, the U.S. military services and the U.S. Coast Guard will be able to fully meet current and future training and testing requirements.

SUPPLEMENTARY INFORMATION: Alternative 2 is the DON's preferred alternative and includes changes in the types and tempo of training and testing activities at sea and on Farallon de Medinilla to meet current and future military readiness requirements. Alternative 2 reflects the maximum number of training and testing activities that could occur within a given year, and assumes that the maximum number of fleet exercises would occur annually. This alternative allows for the greatest flexibility for the DON to maintain readiness when considering potential changes in the national security environment, fluctuations in training and deployment schedules, and anticipated in-theater demands. The complete text of the Record of Decision (ROD) is available on the project website at *www.MITT-EIS.com,* along with the June 2020 MITT Final Supplemental EIS/OEIS and supporting documents. Single copies of the ROD are available upon request by contacting: Naval Facilities Engineering Command Pacific, Attn: MITT Supplemental EIS/OEIS Project Manager, 258 Makalapa Drive, Suite 100, Pearl Harbor, HI 96860–3134.

Dated: July 29, 2020.

D.J. Antenucci,

Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2020–16898 Filed 8–6–20; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

Tests Determined To Be Suitable for Use in the National Reporting System for Adult Education

AGENCY: Office of Career, Technical, and Adult Education, Department of Education.

ACTION: Notice.

SUMMARY: The Secretary announces tests, test forms, and delivery formats that the Secretary determines to be suitable for use in the National Reporting System for Adult Education (NRS). This notice relates to the approved information collections under OMB control numbers 1830–0027 and 1830–0567.

FOR FURTHER INFORMATION CONTACT: John LeMaster, Department of Education, 400 Maryland Avenue SW, Room 11–152, Potomac Center Plaza, Washington, DC 20202–7240. Telephone: (202) 245–6218. Email: *John.LeMaster@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll-free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: On January 14, 2008, and as amended on August 19, 2016, we published in the **Federal Register** final regulations for 34 CFR part 462, Measuring Educational Gain in the National Reporting System for Adult Education (NRS regulations) (73 FR 2305, Jan. 14, 2008, as amended at 81 FR 55552, Aug. 19, 2016). The NRS regulations established the process the Secretary uses to determine the suitability of tests for use in the NRS by States and local eligible providers. We annually publish in the **Federal Register**, and post on the internet at *www.nrsweb.org,* a list of the names of tests and the educational functioning levels the tests are suitable to measure in the NRS as required by § 462.12(c)(2).

On September 7, 2017, the Secretary published in the **Federal Register** (82 FR 42339) an annual notice of tests determined to be suitable for use in the NRS (September 2017 notice). In the September 2017 notice, the Secretary announced a new test and test forms that were determined to be suitable for use in the NRS, in accordance with § 462.13.

On February 5, 2018, the Secretary published in the **Federal Register** (83 FR 5087) an annual notice of tests determined to be suitable for use in the NRS (February 2018 notice). In the February 2018 notice, the Secretary announced a new test and test forms that were also determined to be suitable for use in the NRS, in accordance with § 462.13.

On September 21, 2018, the Secretary published in the **Federal Register** (83 FR 47910) an annual notice of tests determined to be suitable for use in the NRS (September 2018 notice). In the September 2018 notice, the Secretary announced a list of English as a Second Language (ESL) tests and test forms determined to be suitable for use in the NRS. The Secretary's previous approval of these ESL tests and test forms was set to expire on February 2, 2019, but the Secretary approved their use for an additional period of time through February 2, 2021. The Secretary also announced the extended approval of tests that were originally approved for States and local providers to use in the NRS through February 2, 2019. These tests were approved for use during a sunset period ending on June 30, 2019.

On March 7, 2019, the Secretary published in the **Federal Register** (84 FR 8322) an annual notice of tests determined to be suitable for use in the NRS (March 2019 notice). In the March 2019 notice, the Secretary announced a new test and test forms that were also determined to be suitable for use in the NRS, in accordance with § 462.13.

On May 2, 2019, the Secretary published in the **Federal Register** (84 FR 18830) an annual notice of tests determined to be suitable for use in the NRS (May 2019 notice). In the May 2019 notice, the Secretary announced new tests that were determined to be suitable for use in the NRS, in accordance with § 462.13.

In this notice, the Secretary consolidates the information from the September 2017, February 2018, September 2018, March 2019, and May 2019 notices that announced tests determined to be suitable for use in the NRS, in accordance with § 462.13. Also, in this notice, the Secretary announces that ESL tests and test forms approved for an extended period through February 2, 2021, are approved for an additional extended period through February 2, 2023, and that an Adult Basic Education (ABE) test and test forms previously approved for a three-year period through March 7, 2021, are approved for an extended period through March 7, 2023.

The Secretary is taking this action with respect to the previously approved tests and test forms, due to the Department's desire to minimize disruption for its grantees caused by the Novel Coronavirus Disease (COVID–19).

Adult education programs must use only the forms and computer-based delivery formats for the tests approved in this notice. If a particular test form or computer delivery format is not explicitly specified for a test in this notice, it is not approved for use in the NRS.

TESTS DETERMINED TO BE SUITABLE FOR USE IN THE NRS FOR A SEVEN-YEAR PERIOD FROM THE PUBLICATION DATE OF THE ORIGINAL NOTICE IN WHICH THEY WERE ANNOUNCED:

The Secretary has determined that the following test is suitable for use in Literacy/English Language Arts and Mathematics at all ABE levels of the NRS until September 7, 2024:

(1) *Tests of Adult Basic Education (TABE 11/12).* Forms 11 and 12 are approved for use on paper and through a computer-based delivery format. Publisher: Data Recognition Corporation—CTB, 13490 Bass Lake Road, Maple Grove, MN 55311. Telephone: 800–538–9547. Internet: *www.ctb.com/.*

The Secretary has determined that the following test is suitable for use in Literacy/English Language Arts at all ABE levels of the NRS until February 5, 2025:

(1) *Comprehensive Adult Student Assessment System (CASAS) Reading GOALS Series.* Forms 901, 902, 903, 904, 905, 906, 907, and 908 are approved for use on paper and through a computer-based delivery format. Publisher: CASAS, 5151 Murphy Canyon Road, Suite 220, San Diego, CA 92123–4339. Telephone: (800) 255–1036. Internet: *www.casas.org/.*

The Secretary has determined that the following tests are suitable for use at ABE levels 2 through 6 of the NRS until May 2, 2026:

(1) *Massachusetts Adult Proficiency Test—College and Career Readiness (MAPT–CCR) for Reading.* This test is approved for use through a computer-adaptive delivery format. Publisher: Massachusetts Department of Elementary and Secondary Education and University of Massachusetts Amherst, College of Education, N110, Furcolo Hall, 813 North Pleasant Street, Amherst, MA 01003. Telephone: (413) 545–0564. Internet: *www.doe.mass.edu/acls/assessment/.*

(2) *Massachusetts Adult Proficiency Test—College and Career Readiness (MAPT–CCR) for Mathematics.* This test is approved for use through a computer-adaptive delivery format. Publisher: Massachusetts Department of Elementary and Secondary Education and University of Massachusetts Amherst, College of Education, N110, Furcolo Hall, 813 North Pleasant Street, Amherst, MA 01003. Telephone: (413) 545–0564. Internet: *www.doe.mass.edu/acls/assessment/.*

TEST DETERMINED TO BE SUITABLE FOR USE IN THE NRS FOR A THREE-YEAR PERIOD FROM THE PUBLICATION DATE OF THE ORIGINAL NOTICE IN WHICH IT WAS ANNOUNCED AND NOW APPROVED FOR AN EXTENDED PERIOD THROUGH MARCH 7, 2023:

The Secretary has determined that the following test is suitable for use in Mathematics at all ABE levels of the NRS until March 7, 2023:

(1) *Comprehensive Adult Student Assessment System (CASAS) Math GOALS Series.* Forms 900, 913, 914, 917, and 918 are approved for use on paper and through a computer-based delivery format. Publisher: CASAS, 5151 Murphy Canyon Road, Suite 220, San Diego, CA 92123–4339. Telephone: (800) 255–1036. Internet: *www.casas.org/.*

ESL TESTS PREVIOUSLY APPROVED FOR AN EXTENDED PERIOD THROUGH FEBRUARY 2, 2021, AND NOW APPROVED FOR AN ADDITIONAL EXTENDED PERIOD THROUGH FEBRUARY 2, 2023:

The Secretary has determined that the following tests are suitable for use at all ESL levels of the NRS until February 2, 2023:

(1) *Basic English Skills Test (BEST) Literacy.* Forms B, C, and D are approved for use on paper. Publisher: Center for Applied Linguistics, 4646 40th Street NW, Washington, DC 20016–1859. Telephone: (202) 362–0700. Internet: *www.cal.org.*

(2) *Basic English Skills Test (BEST) Plus 2.0.* Forms D, E, and F are approved for use on paper and through the computer-adaptive delivery format. Publisher: Center for Applied Linguistics, 4646 40th Street NW, Washington, DC 20016–1859. Telephone: (202) 362–0700. Internet: *www.cal.org.*

(3) *Comprehensive Adult Student Assessment Systems (CASAS) Life and Work Listening Assessments (LW Listening).* Forms 981L, 982L, 983L, 984L, 985L, and 986L are approved for use on paper and through the computer-based delivery format. Publisher: CASAS, 5151 Murphy Canyon Road, Suite 220, San Diego, CA 92123–4339. Telephone: (800) 255–1036. Internet: *www.casas.org.*

(4) *Comprehensive Adult Student Assessment Systems (CASAS) Reading Assessments (Life and Work, Life Skills, Reading for Citizenship, Reading for Language Arts—Secondary Level).* Forms 27, 28, 81, 82, 81X, 82X, 83, 84, 85, 86, 185, 186, 187, 188, 310, 311, 513, 514, 951, 952, 951X, and 952X of this test are approved for use on paper and through the computer-based delivery format. Publisher: CASAS, 5151 Murphy Canyon Road, Suite 220, San Diego, CA 92123–4339. Telephone: (800) 255–1036. Internet: *www.casas.org.*

(5) *Tests of Adult Basic Education Complete Language Assessment System-English (TABE/CLAS–E).* Forms A and B are approved for use on paper and through a computer-based delivery format. Publisher: Data Recognition Corporation—CTB, 13490 Bass Lake Road, Maple Grove, MN 55311. Telephone: (800) 538–9547. Internet: *www.tabetest.com.*

REVOCATION OF TESTS:

Under certain circumstances, the Secretary may revoke the determination that a test is suitable (see § 462.12(e)). If the Secretary revokes the determination of suitability, the Secretary announces the revocation, as well as the date by

which States and local eligible providers must stop using the revoked test, through a notice published in the **Federal Register** and posted on the internet at *www.nrsweb.org.*

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (such as braille, large print, audiotape, or compact disc) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically through the advanced search feature at this site, you can limit your search to documents published by the Department.

Program Authority: 29 U.S.C. 3292.

Scott Stump,

Assistant Secretary for Career, Technical, and Adult Education.

[FR Doc. 2020–17301 Filed 8–6–20; 8:45 am]

BILLING CODE 4000–01–P

ELECTION ASSISTANCE COMMISSION

Sunshine Act Meetings

AGENCY: U.S. Election Assistance Commission.

ACTION: Sunshine Act notice; notice of public meeting agenda.

SUMMARY: Public Meeting: U.S. Election Assistance Commission Technical Guidelines Development Committee.

DATES: August 12, 2020 2:00 p.m.–4:00 p.m. Eastern.

ADDRESSES: Virtual via Zoom.

The meeting is open to the public and will be livestreamed on the U.S. Election Assistance Commission YouTube Channel: *https://www.youtube.com/channel/UCpN6i0g2rlF4ITWhwvBwwZw.*

FOR FURTHER INFORMATION CONTACT: Jerome Lovato, Telephone: (301) 960–1216, Email: *jlovato@eac.gov.*

SUPPLEMENTARY INFORMATION:

Purpose: In accordance with the Government in the Sunshine Act (Sunshine Act), Public Law 94–409, as amended (5 U.S.C. 552b), the U.S. Election Assistance Commission (EAC) will conduct a virtual meeting of the EAC Technical Guidelines Development Committee to discuss the comments and updates on the Voluntary Voting System Guidelines (VVSG) 2.0 Requirements as submitted by the Technical Guidelines Development Committee (TGDC).

Agenda: EAC Commissioners and TGDC members will hold a virtual meeting to discuss the comments and updates for the proposed Voluntary Voting System Guidelines (VVSG) 2.0 Requirements. The agenda also includes a presentation on NIST staff transition, the RABET–V pilot program, and an open discussion on non-voting election technology approaches.

Background: The VVSG 2.0 Requirements were published for a 90-day public comment period that concluded on June 22, 2020. The first VVSG public hearing on March 27, 2020 covered an introduction to the VVSG process as well a high-level overview of the proposed VVSG 2.0 requirements. A recording of the hearing is available on the EAC's website. The second public hearing on May 6, 2020 addressed the importance of VVSG 2.0 at the state and local level, and the consideration of accessibility and security in VVSG 2.0. A recording of the second hearing is available on the EAC's website. The third public hearing on May 20, 2020 included discussions with voting system manufacturers and voting system testing labs. A recording of the third hearing is available on the EAC's website. The EAC Board of Advisors held their annual meeting to discuss the VVSG 2.0 Requirements on June 16, 2020. A recording of the hearing is available on the EAC's website. The EAC Standards Board held their annual meeting to discuss the VVSG 2.0 Requirements on July 31, 2020. During this meeting, the Standards Board passed a resolution recommending the EAC adopt the VVSG 2.0 Requirements. A recording of the hearing is available on the EAC's website.

The TGDC unanimously approved to recommend VVSG 2.0 Requirements on February 7, 2020, and sent the Requirements to the then EAC Acting Executive Director via the Director of the National Institute of Standards and Technology (NIST), in the capacity of the Chair of the TGDC on March 9, 2020. Upon adoption, the VVSG 2.0 would become the fifth iteration of national level voting system standards. The Federal Election Commission published the first two sets of federal standards in 1990 and 2002. The EAC then adopted Version 1.0 of the VVSG on December 13, 2005. In an effort to update and improve version 1.0 of the VVSG, on March 31, 2015, the EAC commissioners unanimously approved VVSG 1.1.

The full agenda will be posted in advance on the EAC website: *https://www.eac.gov.*

Status: This meeting will be open to the public.

Amanda Joiner,

Associate Counsel, U.S. Election Assistance Commission.

[FR Doc. 2020–17381 Filed 8–5–20; 11:15 am]

BILLING CODE P

ELECTION ASSISTANCE COMMISSION

Sunshine Act Meetings

AGENCY: U.S. Election Assistance Commission.

ACTION: Sunshine Act notice; notice of public roundtable agenda.

SUMMARY: Roundtable Discussion: UOCAVA and Accessibility Issues During the COVID–19 Pandemic.

DATES: Wednesday, August 19, 2020, 1:30 p.m.–3:30 p.m. Eastern.

ADDRESSES: Virtual via Zoom.

The roundtable discussion is open to the public and will be livestreamed on the U.S. Election Assistance Commission YouTube Channel: *https://www.youtube.com/channel/UCpN6i0g2rlF4ITWhwvBwwZw.*

FOR FURTHER INFORMATION CONTACT: Kristen Muthig, Telephone: (202) 897–9285, Email: *kmuthig@eac.gov.*

SUPPLEMENTARY INFORMATION:

Purpose: In accordance with the Government in the Sunshine Act (Sunshine Act), Public Law 94–409, as amended (5 U.S.C. 552b), the U.S. Election Assistance Commission (EAC) will conduct a virtual roundtable discussion on the challenges facing military and overseas voters, and voters with disabilities as they prepare to vote in the coming election, and discuss how state and local election offices are preparing to serve these voters.

Agenda: The U.S. Election Assistance Commission (EAC) will hold a roundtable discussion on serving military and overseas voters and voters with disabilities during the COVID–19 pandemic. This roundtable will have two panels including speakers from federal agencies as well as state and local election officials. Speakers will offer remarks on what they experienced while serving these voters in the primaries and discuss how they are

planning to address the needs of these voters for the general election. Speakers will also answer questions from the EAC Commissioners.

The full agenda will be posted in advance on the EAC website: *https://www.eac.gov.*

Status: This roundtable discussion will be open to the public.

Amanda Joiner,

Associate Counsel, U.S. Election Assistance Commission.

[FR Doc. 2020–17380 Filed 8–5–20; 11:15 am]

BILLING CODE P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER20–2596–000]

Exelon Generation Supply, 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 Exelon Generation Supply, 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 24, 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: August 3, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–17320 Filed 8–6–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER20–2595–000]

SR Rattlesnake, 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 SR Rattlesnake, 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 24, 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: August 3, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–17319 Filed 8–6–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. AD20–24–000, ER02–2001–000]

Electric Quarterly Report Users Group Meeting; Electric Quarterly Reports; Notice of Electric Quarterly Report Users Group Meeting

Take notice [1] that on September 23, 2020, staff of the Federal Energy Regulatory Commission (Commission) will convene an Electric Quarterly Report (EQR) User Group meeting that will be webcast electronically. A supplemental notice will be issued prior to the meeting with further details regarding the agenda, meeting registration information, and electronic log in information.

This meeting provides a forum for dialogue between Commission staff and EQR users to discuss potential improvements to the EQR program and the EQR filing process. Prior to the meeting, staff would like input on discussion topics. Individuals may suggest agenda topics for consideration by emailing *EQRUsersGroup@ferc.gov.*

Please note that matters pending before the Commission and subject to ex parte limitations cannot be discussed at this meeting.

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to *accessibility@ferc.gov* or call toll free 1–866–208–3372 (voice) or 202–502–8659 (TTY), or send a FAX to 202–208–2106 with the required accommodations.

For more information about the EQR Users Group meeting, please contact Jeff Sanders of the Commission's Office of Enforcement at (202) 502–6455, or send an email to *EQRUsersGroup@ferc.gov.* Additional information will also be provided on the EQR webpage.

Dated: August 3, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–17299 Filed 8–6–20; 8:45 am]

BILLING CODE 6717–01–P

[1] 18 CFR 2.1 (2019).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2302–090]

Brookfield White Pine Hydro, LLC; Notice of Application for Amendment of License, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Proceeding:* Application non-capacity amendment of license.

b. *Project No.:* 2302–095.

c. *Date Filed:* April 21, 2020, and supplemented on June 3 and 8, 2020.

d. *Licensee:* Brookfield White Pine Hydro, LLC.

e. *Name of Project:* Lewiston Falls Hydroelectric Project.

f. *Location:* The project is located on the Androscoggin River in the town of Lewiston, Androscoggin County, Maine.

g. *Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Licensee Contact:* Ms. Kelly Maloney, Manager, Compliance Northeast, 150 Main Street, Lewiston, Maine 04240, 207–755–5606 or *kelly.maloney@brookfieldrenewable.com.*

i. *FERC Contact:* Christopher Chaney, (202) 502–6788 or *christopher.chaney@ferc.gov.*

j. Deadline for filing comments, interventions, and protests is September 2, 2020.

The Commission strongly encourages electronic filing. Please file motions to intervene, protests and comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). 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. The first page of any filing should include docket number P–2302–090.

k. *Description of Proceeding:* The applicant proposes to modify the project boundary to shorten the downstream extent of the project boundary by approximately 5 miles. Currently, the boundary encloses approximately 5.3 miles of the Androscoggin River downstream of the project powerhouse. The revised boundary would enclose approximately 0.28 mile of the downstream river. There are no lands proposed to be removed from the boundary. Additionally, the proposal does not include any changes to current project features, operations, recreation facilities, or public access, and it will have no impact on the generating or water control capabilities.

l. Filings may be viewed on the Commission's website at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–2302–090) excluding the last three digits in the docket number field to access the documents. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .212 and .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title COMMENTS, PROTEST, or MOTION TO INTERVENE as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR

385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: August 3, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–17297 Filed 8–6–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–470–000]

Freeport LNG Development, LP, FLNG Liquefaction 4, LLC; Notice of Request for Extension of Time

Take notice that on July 27, 2020, Freeport LNG Development, LP (Freeport LNG) and FLNG Liquefaction 4, LLC (FLNG) (collectively the applicants) requested that the Federal Energy Regulatory Commission (Commission) grant an extension of time, until May 17, 2026, to construct and place into service a fourth natural gas liquefaction train and pretreatment unit, as well as interconnecting pipelines and utility lines (Train 4 Project), to support additional liquefaction and export operations at Freeport LNG's existing Quintana Island terminal, as authorized in the May 17, 2019 Order Granting Authorization Under Section 3 of the Natural Gas Act (May 17 Order).[1] The May 17 Order required the applicants to complete construction and make the facilities available for service within four years of the Order date.

The applicants state that, due to unforeseen construction delays, additional time is now required in order to complete the construction of the authorized Project facilities.

This notice establishes a 15-calendar day intervention and comment period deadline. Any person wishing to comment on the applicant's request for an extension of time may do so. No reply comments or answers will be considered. If you wish to obtain legal status by becoming a party to the proceedings for this request, you should, on or before the comment date stated below, file a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10).[2]

As a matter of practice, the Commission itself generally acts on requests for extensions of time to complete construction for Natural Gas Act facilities when such requests are contested before order issuance. For those extension requests that are contested,[3] the Commission will aim to issue an order acting on the request within 45 days.[4] The Commission will address all arguments relating to whether the applicant has demonstrated there is good cause to grant the extension.[5] The Commission will not consider arguments that re-litigate the issuance of the certificate order, including whether the Commission properly found the project to be in the public convenience and necessity and whether the Commission's environmental analysis for the certificate complied with the National Environmental Policy Act.[6] At the time a pipeline requests an extension of time, orders on certificates of public convenience and necessity are final and the Commission will not re-litigate their issuance.[7] The OEP Director, or his or her designee, will act on all of those extension requests that are uncontested.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

The Commission strongly encourages electronic filings of comments in lieu of paper using the eFile link at *http://www.ferc.gov.* In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Comment Date: 5:00 p.m. Eastern Time on August 18, 2020.

Dated: August 3, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–17296 Filed 8–6–20; 8:45 am]

BILLING CODE 6717–01–P

[1] *Freeport LNG Development, LP & FLNG Liquefaction 4, LLC,* 167 FERC 61,155 (2019).

[2] Only motions to intervene from entities that were party to the underlying proceeding will be accepted. *Algonquin Gas Transmission, LLC,* 170 FERC 61,144, at P 39 (2020).

[3] Contested proceedings are those where an intervenor disputes any material issue of the filing. 18 CFR 385.2201(c)(1) (2019).

[4] *Algonquin Gas Transmission, LLC,* 170 FERC 61,144, at P 40 (2020).

[5] *Id.* at P 40.

[6] Similarly, the Commission will not re-litigate the issuance of an NGA section 3 authorization, including whether a proposed project is not inconsistent with the public interest and whether the Commission's environmental analysis for the permit order complied with NEPA.

[7] *Algonquin Gas Transmission, LLC,* 170 FERC 61,144, at P 40 (2020).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC20–64–000.

Applicants: Catalyst Old River Hydroelectric Limited Partnership, Brookfield Power US Holding America Co.

Description: Clarification to May 7, 2020 Joint Application for Authorization Under Section 203 of the Federal Power Act, et al. of Catalyst Old River Hydroelectric Limited Partnership, et al.

Filed Date: 8/3/20.

Accession Number: 20200803–5152.

Comments Due: 5 p.m. ET 8/10/20.

Docket Numbers: EC20–86–000.

Applicants: Weaver Wind, LLC, Weaver Wind Maine Master Tenant, LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act, et al. of Weaver Wind, LLC, et al.

Filed Date: 7/31/20.

Accession Number: 20200731–5337.

Comments Due: 5 p.m. ET 8/21/20.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG20–223–000.

Applicants: Diamond Spring, LLC.

Description: Diamond Spring, LLC Notice of Self-Certification of Exempt Wholesale Generator.

Filed Date: 7/31/20.

Accession Number: 20200731–5278.

Comments Due: 5 p.m. ET 8/21/20.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2042–036; ER10–1944–009; ER10–2051–011; ER10–1942–028; ER17–696–016; ER14–2931–009; ER10–1941–013; ER19–1127–003; ER10–2043–011; ER10–2029–013; ER10–2041–011; ER18–1321–004; ER10–2040–011; ER20–1939–002; ER10–1938–031; ER10–2036–012; ER13–1407–010; ER10–1934–030; ER10–1893–030; ER10–3051–035; ER10–2985–034; ER10–3049–035; ER10–1889–009; ER10–1888–013; ER10–1885–013; ER10–1884–013; ER10–1883–013; ER10–1878–013; ER10–3260–011; ER10–1877–008; ER20–1699–001; ER10–1895–009; ER10–1876–013; ER10–1875–013; ER10–1873–013; ER10–1871–009; ER10–1870–009; ER11–4369–015; ER16–2218–015; ER12–1987–011; ER10–1947–013; ER12–2645–006; ER10–1863–008; ER10–1862–030; ER12–2261–012; ER10–1865–013; ER10–1858–009; ER13–1401–009; ER10–2044–011.

Applicants: Calpine Energy Services, L.P., Bethpage Energy Center 3, LLC, Calpine Bethlehem, LLC, Calpine Construction Finance Company, LP, Calpine Energy Solutions, LLC, Calpine Fore River Energy Center, LLC, Calpine Gilroy Cogen, L.P., Calpine King City Cogen, LLC, Calpine Mid-Atlantic Generation, LLC, Calpine Mid-Atlantic Marketing, LLC, Calpine Mid Merit, LLC, Calpine Mid-Merit II, LLC, Calpine New Jersey Generation, LLC, Calpine Northeast Development, LLC, Calpine Power America—CA, LLC, Calpine Vineland Solar, LLC, CCFC Sutter Energy, LLC, CES Marketing IX, LLC, CES Marketing X, LLC, Champion Energy, LLC, Champion Energy Marketing LLC, Champion Energy Services, LLC, CPN Bethpage 3rd Turbine, Inc., Creed Energy Center, LLC, Delta Energy Center, LLC, Geysers Power Company, LLC, Gilroy Energy Center, LLC, Goose Haven Energy Center, LLC, Granite Ridge Energy, LLC, Hermiston Power, LLC, Johanna Energy Center, LLC, KIAC Partners, Los Esteros Critical Energy Facility LLC, Los Medanos Energy Center, LLC, Metcalf Energy Center, LLC, Morgan Energy Center, LLC, Nissequogue Cogen Partners, North American Power and Gas, LLC, North American Power Business, LLC, O.L.S. Energy-Agnews, Inc., Otay Mesa Energy Center, LLC, Pastoria Energy Facility L.L.C., Pine Bluff Energy, LLC, Power Contract Financing, L.L.C., Russell City Energy Company, LLC, TBG Cogen Partners, South Point Energy Center, LLC, Zion Energy LLC, Westbrook Energy Center, LLC.

Description: Notification of Change in Status of the Calpine MBR Sellers, et. al.

Filed Date: 7/30/20.

Accession Number: 20200730–5279.

Comments Due: 5 p.m. ET 8/20/20.

Docket Numbers: ER10–2861–007; ER13–1504–008; ER10–2866–007.

Applicants: Fountain Valley Power, L.L.C., SWG Arapahoe, LLC, SWG Colorado, LLC.

Description: Amendment to December 20, 2019 Updated Market Power Analysis for the Northwest Region of Fountain Valley Power, L.L.C., et. al.

Filed Date: 7/31/20.

Accession Number: 20200731–5147.

Comments Due: 5 p.m. ET 8/21/20.

Docket Numbers: ER19–1507–006.

Applicants: Duke Energy Florida, LLC, Duke Energy Progress, LLC, Duke Energy Carolinas, LLC.

Description: Compliance filing: Joint OATT Compliance Filing for Order No. 845 (May 2020) to be effective 5/22/2019.

Filed Date: 8/3/20.

Accession Number: 20200803–5171.

Comments Due: 5 p.m. ET 8/24/20.

Docket Numbers: ER20–2009–001.

Applicants: Tri-State Generation and Transmission Association, Inc.

Description: Tariff Amendment: Amendment to Formula Rate Template to be effective 7/15/2020.

Filed Date: 8/3/20.

Accession Number: 20200803–5054.

Comments Due: 5 p.m. ET 8/24/20.

Docket Numbers: ER20–2594–000.

Applicants: Vermont Transco LLC.

Description: Compliance filing: Order 864 Compliance Filing to be effective 1/1/2021.

Filed Date: 7/31/20.

Accession Number: 20200731–5182.

Comments Due: 5 p.m. ET 8/21/20.

Docket Numbers: ER20–2595–000.

Applicants: SR Rattlesnake, LLC.

Description: Baseline eTariff Filing: MBR Application to be effective 9/30/2020.

Filed Date: 7/31/20.

Accession Number: 20200731–5184.

Comments Due: 5 p.m. ET 8/21/20.

Docket Numbers: ER20–2596–000.

Applicants: Exelon Generation Supply, LLC.

Description: Baseline eTariff Filing: Application for Market-Based Rate Authorization to be effective 9/30/2020.

Filed Date: 7/31/20.

Accession Number: 20200731–5192.

Comments Due: 5 p.m. ET 8/21/20.

Docket Numbers: ER20–2597–000.

Applicants: Soldier Creek Wind, LLC.

Description: Baseline eTariff Filing: Soldier Creek Wind, LLC Application for MBR Authority to be effective 9/30/2020.

Filed Date: 7/31/20.

Accession Number: 20200731–5216.

Comments Due: 5 p.m. ET 8/21/20.

Docket Numbers: ER20–2598–000.

Applicants: Appalachian Power Company, Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Ohio Power Company, Wheeling Power Company, AEP Appalachian Transmission Company, Inc., AEP Indiana Michigan Transmission Company, AEP Ohio Transmission Company, Inc., AEP West Virginia Transmission Company, American Electric Power Service Corporation, PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: AEP submits revisions to PJM OATT to Update Depreciation Rates to be effective 3/11/2020.

Filed Date: 7/31/20.

Accession Number: 20200731–5224.

Comments Due: 5 p.m. ET 8/21/20.

Docket Numbers: ER20–2599–000.

Applicants: Alabama Power Company.

Description: § 205(d) Rate Filing: Origis Holdings USA Subco (Choctaw I Solar) LGIA Filing to be effective 7/20/2020.

Filed Date: 8/3/20.

Accession Number: 20200803–5149.

Comments Due: 5 p.m. ET 8/24/20.

Docket Numbers: ER20–2600–000.

Applicants: Alabama Power Company.

Description: § 205(d) Rate Filing: Origis Holdings USA Subco (Choctaw II Solar) LGIA Filing to be effective 7/20/2020.

Filed Date: 8/3/20.

Accession Number: 20200803–5150.

Comments Due: 5 p.m. ET 8/24/20.

Docket Numbers: ER20–2601–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original WMPA, Service Agreement No. 5726; Queue No. AE1–188/AF1–224 to be effective 6/29/2020.

Filed Date: 8/3/20.

Accession Number: 20200803–5151.

Comments Due: 5 p.m. ET 8/24/20.

Docket Numbers: ER20–2602–000.

Applicants: Nobles 2 Power Partners, LLC.

Description: Baseline eTariff Filing: Application for Market-Based Rate

Authorization and Request for Waivers to be effective 8/4/2020.

Filed Date: 8/3/20.

Accession Number: 20200803–5177.

Comments Due: 5 p.m. ET 8/24/20.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES20–51–000.

Applicants: GridLiance High Plains LLC.

Description: Application Under Section 204 of the Federal Power Act for Authorization to Issue Securities of GridLiance High Plains LLC.

Filed Date: 7/31/20.

Accession Number: 20200731–5328.

Comments Due: 5 p.m. ET 8/5/20.

Docket Numbers: ES20–52–000.

Applicants: Wolverine Power Supply Cooperative, Inc.

Description: Application Under Section 204 of the Federal Power Act for Authorization to Issue Securities, et al. of Wolverine Power Supply Cooperative, Inc.

Filed Date: 7/31/20.

Accession Number: 20200731–5336.

Comments Due: 5 p.m. ET 8/5/20.

Take notice that the Commission received the following public utility holding company filings:

Docket Numbers: PH20–15–000.

Applicants: Consumers Energy Company.

Description: CMS Energy Corporation submits FERC–65–B Notice of Material Change to Waive Notification.

Filed Date: 7/31/20.

Accession Number: 20200731–5250.

Comments Due: 5 p.m. ET 8/21/20.

Take notice that the Commission received the following qualifying facility filings:

Docket Numbers: QF20–1228–000.

Applicants: Kimberly-Clark Corporation.

Description: Form 556 of Kimberly-Clark Corporation [Chester].

Filed Date: 7/31/20.

Accession Number: 20200731–5330.

Comments Due: Non-Applicable.

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: August 3, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–17317 Filed 8–6–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP10–996–000.

Applicants: Dominion Cove Point LNG, LP.

Description: Report Filing: DECP—2020 Report of Operational Sales and Purchases of Gas.

Filed Date: 7/31/20.

Accession Number: 20200731–5140.

Comments Due: 5 p.m. ET 8/12/20.

Docket Numbers: RP20–1065–000.

Applicants: Gulf South Pipeline Company, LLC.

Description: § 4(d) Rate Filing: Non-conforming Agreement Filing (FPL 52300) to be effective 9/1/2020.

Filed Date: 7/31/20.

Accession Number: 20200731–5079.

Comments Due: 5 p.m. ET 8/12/20.

Docket Numbers: RP20–1066–000.

Applicants: Gulf South Pipeline Company, LLC.

Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmt (Southern 49811 to FPL 52934) to be effective 8/1/2020.

Filed Date: 7/31/20.

Accession Number: 20200731–5083.

Comments Due: 5 p.m. ET 8/12/20.

Docket Numbers: RP20–1067–000.

Applicants: Gulf South Pipeline Company, LLC.

Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmts (Marathon 51753, 51754 to Spire 52973, 52974) to be effective 8/1/2020.

Filed Date: 7/31/20.

Accession Number: 20200731–5089.

Comments Due: 5 p.m. ET 8/12/20.

Docket Numbers: RP20–1068–000.

Applicants: Gulf South Pipeline Company, LLC.

Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmt (Constellation 52943 to Exelon 52978) to be effective 8/1/2020.

Filed Date: 7/31/20.

Accession Number: 20200731–5090.

Comments Due: 5 p.m. ET 8/12/20.

Docket Numbers: RP20–1069–000.

Applicants: Gulf South Pipeline Company, LLC.

Description: Compliance filing Negotiated Rate Agmt Compliance Filing in Docket No. CP19–125 (Aethon 52454) to be effective 9/1/2020.

Filed Date: 7/31/20.

Accession Number: 20200731–5091.

Comments Due: 5 p.m. ET 8/12/20.

Docket Numbers: RP20–1070–000.

Applicants: Southwest Gas Storage Company.

Description: § 4(d) Rate Filing: Implement Market Based Rates East Area to be effective 9/1/2020.

Filed Date: 7/31/20.

Accession Number: 20200731–5092.

Comments Due: 5 p.m. ET 8/12/20.

Docket Numbers: RP20–1071–000.

Applicants: Dominion Energy Transmission, Inc.

Description: § 4(d) Rate Filing: DETI—July 31, 2020 Nonconforming Service Agreements to be effective 9/1/2020.

Filed Date: 7/31/20.

Accession Number: 20200731–5103.

Comments Due: 5 p.m. ET 8/12/20.

Docket Numbers: RP20–1072–000.

Applicants: Transcontinental Gas Pipe Line Company, LLC.

Description: § 4(d) Rate Filing: Rate Schedule S–2 Tracker Filing eff 8–1–2020 to be effective 8/1/2020.

Filed Date: 7/31/20.

Accession Number: 20200731–5105.

Comments Due: 5 p.m. ET 8/12/20.

Docket Numbers: RP20–1073–000.

Applicants: Viking Gas Transmission Company.

Description: § 4(d) Rate Filing: Non-Conforming Agreement AF0357—American Crystal Sugar Company to be effective 9/1/2020.

Filed Date: 7/31/20.

Accession Number: 20200731–5107.

Comments Due: 5 p.m. ET 8/12/20.

Docket Numbers: RP20–1074–000.

Applicants: Northern Natural Gas Company.

Description: § 4(d) Rate Filing: 20200731 Negotiated Rate Filing to be effective 8/1/2020.

Filed Date: 7/31/20.

Accession Number: 20200731–5111.

Comments Due: 5 p.m. ET 8/12/20.

Docket Numbers: RP20–1075–000.

Applicants: Midship Pipeline Company, LLC.

Description: § 4(d) Rate Filing: Housekeeping/Imbalance Clarification to be effective 9/1/2020.

Filed Date: 7/31/20.

Accession Number: 20200731–5116.

Comments Due: 5 p.m. ET 8/12/20.

Docket Numbers: RP20–1076–000.

Applicants: Algonquin Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Negotiated Rate—Amended Boston Gas 510798 to be effective 8/1/2020.

Filed Date: 7/31/20.

Accession Number: 20200731–5133.

Comments Due: 5 p.m. ET 8/12/20.

Docket Numbers: RP20–1077–000.

Applicants: Columbia Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Aug 20 Amends and Agree to be effective 8/1/2020.

Filed Date: 7/31/20.

Accession Number: 20200731–5156.

Comments Due: 5 p.m. ET 8/12/20.

Docket Numbers: RP20–1078–000.

Applicants: NEXUS Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Negotiated Rates—Columbia Gas 860005 8–1–2020 releases to be effective 8/1/2020.

Filed Date: 7/31/20.

Accession Number: 20200731–5171.

Comments Due: 5 p.m. ET 8/12/20.

Docket Numbers: RP20–1079–000.

Applicants: Rockies Express Pipeline LLC.

Description: § 4(d) Rate Filing: REX 2020–07–31 Negotiated Rate Agreements to be effective 8/1/2020.

Filed Date: 7/31/20.

Accession Number: 20200731–5203.

Comments Due: 5 p.m. ET 8/12/20.

Docket Numbers: RP20–1080–000.

Applicants: Dominion Energy Overthrust Pipeline, LLC.

Description: Annual Fuel Gas Reimbursement Report of Dominion Energy Overthrust Pipeline, LLC under RP20–1080.

Filed Date: 7/31/20.

Accession Number: 20200731–5251.

Comments Due: 5 p.m. ET 8/12/20.

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 date(s). 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: August 3, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–17318 Filed 8–6–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP20–47–000]

PennEast Pipeline Company, LLC; Notice of Availability of the Environmental Assessment for the Proposed Penneast 2020 Amendment Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) for the PennEast 2020 Amendment Project, proposed by PennEast Pipeline Company, LLC (PennEast) in the above-referenced docket. PennEast proposes to amend its certificate of public convenience and necessity for the PennEast Pipeline Project (Docket No. CP15–558–000) that was issued by the Commission on January 19, 2018 and the PennEast Pipeline Project Amendment (CP19–78–000) that was issued by the Commission on March 19, 2020. In the PennEast 2020 Amendment Project, PennEast requests authorization to construct and operate the previously authorized project in two phases, beginning with the facilities located in Pennsylvania through approximately milepost (MP) 68.2 of the certificated route. As part of Phase 1, PennEast proposes to include new delivery points with Columbia Gas Transmission, LLC and Adelphia Gateway, LLC at a new metering and regulating station (Church Road Interconnects) in Northampton County, Pennsylvania. The Phase 1 facilities would deliver up to 650,000 dekatherms per day of firm transportation service to the new delivery points. PennEast states it will continue to work towards acquiring the New Jersey authorizations for the Phase 2 facilities located in New Jersey.

The EA assesses the potential environmental effects of the construction and operation of the PennEast 2020 Amendment Project in accordance with the requirements of the National Environmental Policy Act (NEPA). The FERC staff concludes that approval of the proposed amendment, with appropriate mitigating measures, would not constitute a major federal action significantly affecting the quality of the human environment.

The U.S. Army Corps of Engineers (COE), U.S. Environmental Protection Agency (EPA), and U.S. Department of Agriculture (USDA)—Natural Resources Conservation Service (NRCS) participated as cooperating agencies in the preparation of the EA. Cooperating agencies have jurisdiction by law or special expertise with respect to resources potentially affected by the proposal and participate in the NEPA analysis. In addition to the lead and cooperating agencies, other federal, state, and local agencies may use this EA in approving or issuing permits for all or part of the PennEast 2020 Amendment Project.

The proposed PennEast 2020 Amendment Project includes the following facilities:

- New interconnection facilities in Bethlehem Township, Northampton County, Pennsylvania (Church Road Interconnects), including:
  - A metering and regulation station, and a pig[1] launcher and receiver, at approximate at MP 68.2 of the certificated route; and
  - two separate interconnection and measurement facilities;
- phasing of the certificated facilities, such that PennEast would construct and operate the facilities—including the modifications under the PennEast 2020 Amendment application—in two phases:
  - Phase 1 would consist of construction of the certificated route to approximate milepost 68.2, including two of the compressor units at the Kidder Compressor Station in Carbon County, Pennsylvania, as well as the new interconnection facilities in Northampton County, Pennsylvania; and
  - Phase 2 would consist of the remainder of the certificated facilities from approximate MP 68.2 to MP 114 and would include the third compressor unit at the Kidder Compressor Station. Proposed Phase 2 facilities are located in Northampton and Bucks Counties, Pennsylvania, and Hunterdon and Mercer Counties, New Jersey.

The Commission mailed a copy of the Notice of Availability to federal, state, and local government representatives and agencies; Native American tribes; potentially affected landowners; and other interested individuals and groups

[1] A pipeline pig is a device used to clean or inspect the pipeline. A pig launcher/receiver is an aboveground facility where pigs are inserted or retrieved from the pipeline.

that filed comments on the project docket prior to issuance of the notice. The EA is only available in electronic format. It may be viewed and downloaded from the FERC's website (*www.ferc.gov*), on the natural gas environmental documents page (*https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents*).

In addition, the EA may be accessed by using the eLibrary link on the FERC's website. Click on the eLibrary link (*https://www.ferc.gov/ferc-online/elibrary/overview*), select General Search and enter the docket number in the Docket Number field, excluding the last three digits (*i.e.* CP20–47). 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 EA is not a decision document. It presents Commission staff's independent analysis of the environmental issues for the Commission to consider when addressing the merits of issues raised in this proceeding. Any person wishing to comment on the EA may do so. Your comments should focus on the EA's disclosure and discussion of potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they would be. To ensure that the Commission has the opportunity to consider your comments prior to making its decision on this project, it is important that we receive your comments in Washington, DC on or before 5:00 p.m. Eastern Time on September 2, 2020.

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 on the Commission's website (*www.ferc.gov*) under the link to FERC Online. This is an easy method for submitting brief, text-only comments on a project;

(2) You can also file your comments electronically using the eFiling feature 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 must select the type of filing you are making. If you are filing a comment on a particular project, please select 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 (CP20–47–000) with your submission: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426 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.

Filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered. Only intervenors have the right to seek rehearing or judicial review of the Commission's decision. At this point in this proceeding, the timeframe for filing timely intervention requests has expired. Any person seeking to become a party to the proceeding must file a motion to intervene out-of-time pursuant to Rule 214(b)(3) and (d) of the Commission's Rules of Practice and Procedures (18 CFR 385.214(b)(3) and (d)) and show good cause why the time limitation should be waived. Motions to intervene are more fully described at *https://www.ferc.gov/ferc-online/ferc-online/how-guides.*

Additional information about the PennEast 2020 Amendment Project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website (*www.ferc.gov*) using eLibrary. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription, which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

Dated: August 3, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–17298 Filed 8–6–20; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9052–2]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information 202–564–5632 or *https://www.epa.gov/nepa.*

Weekly receipt of Environmental Impact Statements (EIS)

Filed July 27, 2020 10 a.m. EST Through August 03, 2020 10 a.m. EST

Pursuant to 40 CFR 1506.9.

Notice: Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search.*

EIS No. 20200159, Final, USFS, WAPA, CO, Reauthorization of transmission line permits, maintenance and vegetation management on Forest Service lands in Colorado, Nebraska and Utah, Review Period Ends: 09/23/2020, Contact: Matthew Blevins 720–962–7261.

EIS No. 20200160, Final Supplement, CHSRA, CA, California High-Speed Rail: Merced to Fresno Section: Central Valley Wye: Final Supplemental Environmental Impact Report/Environmental Impact Statement, Review Period Ends: 09/08/2020, Contact: Dan McKell 916–330–5668.

EIS No. 20200161, Draft Supplement, BR, CA, Shasta Lake Water Resources Investigation, Comment Period Ends: 09/21/2020, Contact: David Brick 916–202–7158.

EIS No. 20200162, Draft Supplement, BIA, NV, Arrow Canyon Solar Project, Comment Period Ends: 09/21/2020, Contact: Chip Lewis 602–379–6750.

Amended Notice

EIS No. 20200111, Draft, CHSRA, CA, Burbank to Los Angeles Project Section Draft Environmental Impact Report/Environmental Impact Statement, Comment Period Ends: 08/31/2020, Contact: Dan McKell 916–330–5668. Revision to FR Notice Published 6/26/2020; Extending the Comment Period from 7/31/2020 to 8/31/2020.

EIS No. 20200135, Draft, CHSRA, CA, California High-Speed Rail: San Francisco to San Jose Project Section: Draft Environmental Impact Report/ Environmental Impact Statement, Comment Period Ends: 09/09/2020, Contact: Dan McKell 916–330–5668. Revision to FR Notice Published 7/10/ 2020; Extending the Comment Period from 8/24/2020 to 9/9/2020.

Dated: August 3, 2020.

Cindy S. Barger,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2020–17311 Filed 8–6–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–10013–45–OMS]

Request for Nominations to the National and Governmental Advisory Committees to the U.S. Representative to the Commission for Environmental Cooperation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of request for nominations.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is inviting nominations from a diverse range of qualified candidates to be considered for appointment to fill vacancies on the National Advisory Committee (NAC) and the Governmental Advisory Committee (GAC) to the U.S. Representative to the Commission for Environmental Cooperation (CEC). Vacancies on these two committees are expected to be selected by the Fall of 2020. Additional sources may be utilized in the solicitation of nominees. This notice extends the recruitment period to receive additional nominees.

DATES: Please submit nominations by August 21, 2020, or two weeks from the date of this notice, whichever comes later.

ADDRESSES: Submit nominations via email to: Oscar Carrillo, Designated Federal Officer, Office of Resources and Business Operations, Federal Advisory Committee Management Division, U.S. Environmental Protection Agency with subject line COMMITTEE RESUME 2020 to *carrillo.oscar@epa.gov.*

FOR FURTHER INFORMATION CONTACT: Oscar Carrillo, Designated Federal Officer, U.S. Environmental Protection Agency; telephone (202) 564–0347; email: *carrillo.oscar@epa.gov.*

SUPPLEMENTARY INFORMATION: The National Advisory Committee and the Governmental Advisory Committee advise the EPA Administrator in his capacity as the U.S. Representative to the CEC Council. The Committees are authorized under Articles 17 and 18 of the North American Agreement on Environmental Cooperation (NAAEC). Implementation Act, Public Law 103–182, and as directed by Executive Order 12915, entitled ''Federal Implementation of the North American Agreement on Environmental Cooperation.'' The NAC and GAC are continued under the authority of Executive Order 13889, dated September 27, 2019, and operates under the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2. The Committees are responsible for providing advice to the United States Representative on a wide range of strategic, scientific, technological, regulatory and economic issues related to implementation and further elaboration of the NAAEC. The National Advisory Committee consists of 15 representatives from environmental non-profit groups, business and industry, and educational institutions. The Governmental Advisory Committee consists of 14 representatives from state, local, and tribal governments. Members are appointed by the EPA Administrator for a two-year term. The committees usually meet 3 times per year and the average workload for committee members is approximately 10 to 15 hours per month. Members serve on the committees in a voluntary capacity.

Although we are unable to provide compensation or an honorarium for your services, you may receive travel and per diem allowances, according to applicable federal travel regulations. EPA is seeking nominations from various sectors, *i.e.,* for the NAC we are seeking nominees from academia, business and industry, and non-governmental organizations; for the GAC we are seeking nominees from state, local and tribal government sectors. Nominees will be considered according to the mandates of FACA, which requires committees to maintain diversity across a broad range of constituencies, sectors, and groups. EPA values and welcomes diversity. In an effort obtain nominations of diverse candidates, EPA encourages nominations of women and men of all racial and ethnic groups. The following criteria will be used to evaluate nominees:

- Professional knowledge of the subjects examined by the committees, including trade & environment issues, the USMCA and ECA, the NAFTA and NAAEC, and the CEC.
- Represent a sector or group involved in trilateral environmental policy issues.
- Senior-level experience in the sectors represented on both committees.
- A demonstrated ability to work in a consensus building process with a wide range of representatives from diverse constituencies.

Nominations must include a resume and a short biography describing the professional and educational qualifications of the nominee, as well as the nominee's current business address, email address, and daytime telephone number. Interested candidates may self-nominate. Anyone interested in being considered for nomination is encouraged to submit their application materials by August 21, 2020, or two weeks from the date of this notice, whichever comes later. To help the Agency in evaluating the effectiveness of its outreach efforts, please tell us how you learned of this opportunity. Please be aware that EPA's policy is that, unless otherwise prescribed by statute, members generally are appointed for two-year terms.

Dated: August 3, 2020.

Oscar Carrillo,

Program Analyst.

[FR Doc. 2020–17225 Filed 8–6–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2020–0233; FRL–10010–83]

Pesticide Experimental Use Permit; Receipt of Application; Comment Request (May 2020)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's receipt of application 8917–EUP–G from J.R. Simplot Company, requesting an experimental use permit (EUP) for BLB2 protein (*Rpi-blb2* gene), AMR3 protein (*Rpi-amr3* gene), VNT1 protein (*Rpi-vnt1* gene), and PVY coat protein DNA inverted repeat. EPA has determined that the permit may be of regional or national significance. Therefore, because of the potential significance, EPA is seeking comments on this application.

DATES: Comments must be received on or before September 8, 2020.

ADDRESSES: Submit your comments, identified by docket identification number EPA–HQ–OPP–2020–0233, 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: Robert McNally, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *BPPDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general. Although this action may be of particular interest to those persons who conduct or sponsor research on pesticides, EPA 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.*

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, EPA seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. What action is EPA taking?

Under section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136c, EPA can allow manufacturers to field test pesticides under development. Manufacturers are required to obtain an EUP before testing new pesticides or new uses of pesticides if they conduct experimental field tests on more than 10 acres of land or more than one surface acre of water.

Pursuant to 40 CFR 172.11(a), EPA has determined that the following EUP application may be of regional or national significance, and therefore is seeking public comment on the EUP application:

Submitter: J.R. Simplot Company, 5369 West Irving St., Boise, ID 83706.

Pesticide Chemicals: BLB2 protein (*Rpi-blb2* gene), AMR3 protein (*Rpi-amr3* gene), VNT1 protein (*Rpi-vnt1* gene), and PVY coat protein DNA inverted repeat.

Summary of Request: J.R. Simplot Company has applied for an EUP for a genetically modified potato containing the following plant-incorporated protectant active ingredients: PVY coat protein DNA inverted repeat for control of Potato Virus Y and three resistance traits (VNT1, BLB2, and AMR3) for control of late blight disease. The application proposes to test a total of 550,000 pounds (seed weight) of potatoes on a total of 220 acres. Test sites are proposed for the following states: Arizona, Colorado, Idaho, Michigan, Minnesota, North Dakota, Pennsylvania, Texas, Utah, Washington, and Wisconsin. The proposed experiments include research and development, regulatory, and agronomic optimization trials.

Following the review of the application and any comments and data received in response to this solicitation, EPA will decide whether to issue or deny the EUP request, and if issued, the conditions under which it is to be conducted. Any issuance of an EUP will be announced in the **Federal Register**.

(Authority: 7 U.S.C. 136 *et seq.*)

Dated: June 15, 2020.

Delores Barber,

Director, Information Technology and Resources Management Division, Office of Pesticide Programs.

[FR Doc. 2020–17274 Filed 8–6–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–10012–33–Region 5]

Public Water System Supervision Program Approval for the State of Wisconsin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of tentative approval.

SUMMARY: Notice is hereby given that the Environmental Protection Agency (EPA) has tentatively approved a revision to the state of Wisconsin's Public Water System Supervision Program under the federal Safe Drinking Water Act (SDWA) by adopting the Lead and Copper Rule Short-term Revisions. The EPA has determined this revision is no less stringent than the corresponding federal regulation. Therefore, the EPA intends to approve this revision to the state of Wisconsin's Public Water System Supervision Program, thereby giving Wisconsin Department of Natural Resources primary enforcement responsibility for this regulation. This approval action does not extend to public water systems in Indian Country. By approving this rule, EPA does not intend to affect the rights of federally recognized Indian Tribes in Wisconsin, nor does it intend to limit existing rights of the state of Wisconsin.

DATES: Any interested party may request a public hearing on this determination. A request for a public hearing must be submitted by September 8, 2020. The EPA Region 5 Administrator may deny frivolous or insubstantial requests for a hearing. However, if a substantial request for a public hearing is made by September 8, 2020, EPA Region 5 will hold a public hearing, and a notice of

such hearing will be published in the **Federal Register** and a newspaper of general circulation. Any request for a public hearing shall include the following information: The name, address, and telephone number of the individual, organization, or other entity requesting a hearing; a brief statement of the requesting person's interest in the Regional Administrator's determination and a brief statement of the information that the requesting person intends to submit at such hearing; and the signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

If EPA Region 5 does not receive a timely and appropriate request for a hearing and the Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become final and effective on September 8, 2020 and no further public notice will be issued.

ADDRESSES: All documents relating to this determination are available for inspection at the following offices between the hours of 9 a.m. and 4 p.m., Monday through Friday, except for official holidays and unless the offices are inaccessible due to COVID–19: Wisconsin Department of Natural Resources, Public Water Supply Section, 101 S Webster St., Madison, WI 53707–7921; and the U.S. Environmental Protection Agency Region 5, Ground Water and Drinking Water Branch (WG–15J), 77 W Jackson Blvd., Chicago, IL 60604. Requestors can email Janet Kuefler, *kuefler.janet@epa.gov,* to receive documents related to this determination if offices are inaccessible.

FOR FURTHER INFORMATION CONTACT: Janet Kuefler, EPA Region 5, Ground Water and Drinking Water Branch, at the address given above, by telephone at 312–886–0123, or at *kuefler.janet@epa.gov.*

Authority: Section 1413 of the Safe Drinking Water Act, 42 U.S.C. 300g–2, and the federal regulations implementing Section 1413 of the Act set forth at 40 CFR part 142.

Dated: July 30, 2020.

Kurt Thiede,

Regional Administrator, Region 5.

[FR Doc. 2020–17293 Filed 8–6–20; 8:45 am]

BILLING CODE 6560–50–P

FARM CREDIT ADMINISTRATION

Sunshine Act Meeting

Farm Credit Administration Board

AGENCY: Farm Credit Administration.

ACTION: Notice, regular meeting.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act, of the forthcoming regular meeting of the Farm Credit Administration Board.

DATES: Date and Time: The regular meeting of the Board will be held August 13, 2020, from 9:00 a.m. until such time as the Board may conclude its business. *Note: Because of the COVID–19 pandemic, we will conduct the board meeting virtually. If you would like to observe the open portion of the virtual meeting, see instructions below for board meeting visitors.*

ADDRESSES: Attendance: To observe the open portion of the virtual meeting, go to FCA.gov, select ''Newsroom,'' then ''Events.'' There you will find a description of the meeting and a link to ''Instructions for board meeting visitors.'' See **SUPPLEMENTARY INFORMATION** for further information about attendance requests.

FOR FURTHER INFORMATION CONTACT: Dale Aultman, Secretary to the Farm Credit Administration Board (703) 883–4009. TTY is (703) 883–4056.

SUPPLEMENTARY INFORMATION: This meeting of the Board will be open to the public. If you wish to observe, follow the instructions above in the ''Attendance'' section at least 24 hours before the meeting. If you need assistance for accessibility reasons or if you have any questions, contact Dale Aultman, Secretary to the Farm Credit Administration Board, at (703) 883–4009. The matters to be considered at the meeting are as follows:

Open Session

A. Approval of Minutes

- July 16, 2020

B. Reports

- Annual Report on Farm Credit System's Young, Beginning, and Small Farmer Mission Performance: 2019 Results

New Business

- Investment Eligibility Final Rule
- Amortization Final Rule

Dated: August 5, 2020.

Dale Aultman,

Secretary, Farm Credit Administration Board.

[FR Doc. 2020–17410 Filed 8–5–20; 4:15 pm]

BILLING CODE 6705–01–P

FEDERAL COMMUNICATIONS COMMISSION

[FRS 16980]

Open Commission Meeting Thursday, August 6, 2020

July 30, 2020.

The Federal Communications Commission will hold an Open Meeting on Thursday, August 6, 2020, which is scheduled to commence at 10:30 a.m. Due to the current COVID–19 pandemic and related agency telework and headquarters access policies, this meeting will be in a wholly electronic format and will be open to the public on the internet via live feed from the FCC's web page at *www.fcc.gov/live* and on the FCC's YouTube channel.

Item No.	Bureau	Subject
1	OFFICE OF ECONOMICS & ANALYTICS AND WIRELESS TELE-COMMUNICATIONS.	TITLE: C-band Auction Procedures (AU Docket No. 20–25) SUMMARY: The Commission will consider a Public Notice that would adopt procedures for the auction of new flexible-use overlay licenses in the 3.7–3.98 GHz band (Auction 107) for 5G, the internet of things, and other advanced wireless services.
2	MEDIA	TITLE: Radio Duplication Rule (MB Docket No. 19–310); Modernization of Media Regulation Initiative (MB Docket No. 17–105) SUMMARY: The Commission will consider a Report and Order that would address the radio duplication rule.
3	MEDIA	TITLE: Common Antenna Siting Rules (MB Docket No. 19–282); Modernization of Media Regulation Initiative (MB Docket No. 17–105)

Item No.	Bureau	Subject
		SUMMARY: The Commission will consider a Report and Order that would eliminate the common antenna siting rules for FM and TV broadcaster applicants and licensees.
4	CONSUMER & GOVERNMENTAL AFFAIRS.	TITLE: Telecommunications Relay Service (CG Docket No. 03–123) SUMMARY: The Commission will consider a Report and Order to repeal certain TRS rules that are no longer needed in light of changes in technology and voice communications services.
5	WIRELINE COMPETITION	TITLE: Rates for Interstate Inmate Calling Services (WC Docket No. 12–375) SUMMARY: The Commission will consider a Report and Order on Remand and a Fourth Further Notice of Proposed Rulemaking that would respond to remands by the U.S. Court of Appeals for the District of Columbia Circuit and propose to comprehensively reform rates and charges for the inmate calling services within the Commission's jurisdiction.

The meeting will be webcast with open captioning at: *www.fcc.gov/live.* Open captioning will be provided as well as a text only version on the FCC website. Other reasonable accommodations for people with disabilities are available upon request. In your request, include a description of the accommodation you will need and a way we can contact you if we need more information. Last minute requests will be accepted but may be impossible to fill. Send an email to: *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530.

Additional information concerning this meeting may be obtained from the Office of Media Relations, (202) 418–0500. Audio/Video coverage of the meeting will be broadcast live with open captioning over the internet from the FCC Live web page at *www.fcc.gov/live.*

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2020–17230 Filed 8–6–20; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[GN Docket No. 18–122, DA 20–828; FRS 16982]

Wireless Telecommunications Bureau Seeks Comment on Whether Proposed 3.7–4.2 GHz Band Relocation Payment Clearinghouse Satisfies Selection Criteria

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In this document, the Wireless Telecommunications Bureau (Bureau) seeks comment on whether the proposed 3.7–4.2 GHz band Relocation Payment Clearinghouse satisfies the selection criteria established by the Commission in the *3.7 GHz Report and Order.*

DATES: Comments are due August 18, 2020 and reply comments are due August 28, 2020.

ADDRESSES: You may submit comments, identified by GN Docket No. 18–122, by any of the following methods:

- *Electronic Filers:* Elections may be filed electronically using the internet by accessing the ECFS: *http://apps.fcc.gov/ecfs/* in docket number GN 18–122.
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing.

Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.U.S.
- Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW, Washington, DC 20554.
- Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID–19. *See FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy,* Public Notice, DA 20–304 (March 19, 2020). *https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy.*
- During the time the Commission's building is closed to the general public and until further notice, if more than one docket or rulemaking number appears in the caption of a proceeding, paper filers need not submit two additional copies for each additional docket or rulemaking number; an original and one copy are sufficient.

FOR FURTHER INFORMATION CONTACT: Susan Mort, Wireless Telecommunications Bureau, at *Susan.Mort@fcc.gov* or 202–418–2429.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's document (*Public Notice*), GN Docket No. 18–122, DA 20–828, released on August 3, 2020. The complete text of this document is available on the Commission's website at *https://www.fcc.gov/document/wtb-seeks-comment-c-band-relocation-payment-clearinghouse-selection* or by using the search function for GN Docket No. 18–122 on the Commission's ECFS web page at *www.fcc.gov/ecfs.*

Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments or reply comments on or before the dates indicated on the first page of this document.

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

Synopsis

With this *Public Notice,* the Wireless Telecommunications Bureau (the Bureau) seeks comment on whether the proposed 3.7–4.2 GHz band Relocation Payment Clearinghouse (Clearinghouse) satisfies the selection criteria established by the Commission in the *3.7 GHz Report and Order.*

On March 3, 2020, the Commission released the *3.7 GHz Band Report and Order,* which adopted new rules to make available 280 megahertz of mid-band spectrum for flexible use through a Commission-administered public auction of overlay licenses, plus a 20

megahertz guard band, throughout the contiguous United States by transitioning existing services out of the lower portion and in to the upper 200 megahertz of the C-band.

The *3.7 GHz Report and Order* established a search committee to select a Clearinghouse that would be responsible for handling all cost-related aspects of the transition. The *3.7 GHz Report and Order* required the search committee to select, no later than July 31, 2020, an entity that must be able to demonstrate its ability to perform the duties of the Clearinghouse, including: (1) Engaging in strategic planning and adopting goals and metrics to evaluate its performance, (2) adopting internal controls for its operations, (3) using enterprise risk management practices, and (4) using best practices to protect against improper payments and to prevent fraud, waste, and abuse in its handling of funds. The Commission also required that the selected entity create written procedures for its operations and that it use the Government Accountability Office's (GAO) Green Book to serve as a guide in satisfying such requirements.

The *3.7 GHz Report and Order* required the search committee to ensure that the Clearinghouse adopt robust privacy and data security best practices in its operations, given that it will receive and process information critical to ensuring a successful and expeditious transition. The selected entity will be required to hire a third-party firm to independently audit and verify, on an annual basis, the Clearinghouse's compliance with privacy and information security requirements. The Clearinghouse will also be required to: Provide recommendations based on any audit findings; correct any negative audit findings and adopt any additional practices suggested by the auditor; and report the results to the Bureau.

The Commission also required the search committee, in notifying the Commission of its selection for the Clearinghouse, to: (a) Fully disclose any actual or potential organizational or personal conflicts of interest or appearance of such conflict of interest of the Clearinghouse or its officers, directors, employees, and/or contractors; and (b) detail the salary and benefits associated with each position.

On July 31, 2020, the search committee announced that they had selected CohnReznick and subcontractors Squire Patton Boggs (US) LLP (Squire Patton Poggs), and Intellicom Technologies, Inc. (Intellicom), to serve as the Clearinghouse. We seek comment on whether CohnReznick, Squire Patton Boggs, and Intellicom satisfy the criteria established by the Commission in the *3.7 GHz Report and Order.*

As directed by the Commission in the *3.7 GHz Report and Order,* following the comment period, the Bureau will issue an order announcing whether the selection criteria have been satisfied. Should the Bureau be unable to find that the criteria have been satisfied, the *3.7 GHz Report and Order* required that the selection process will start over and the search committee will submit a new proposed entity.

Federal Communications Commission.

Amy Brett,

Chief of Staff, Competition and Infrastructure Policy Division, Wireless Telecommunications Bureau.

[FR Doc. 2020–17292 Filed 8–6–20; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[GN Docket No. 18–122, DA 20–827; FRS 16981]

Wireless Telecommunications Bureau Seeks Comment on Whether Proposed 3.7–4.2 GHz Band Relocation Coordinator Satisfies Selection Criteria

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In this document, the Wireless Telecommunications Bureau (Bureau) seeks comment on whether the proposed 3.7–4.2 GHz band Relocation Coordinator satisfies the selection criteria established by the Commission in the *3.7 GHz Report and Order.*

DATES: Comments are due August 18, 2020 and reply comments are due August 28, 2020.

ADDRESSES: You may submit comments, identified by GN Docket No. 18–122, by any of the following methods:

- *Electronic Filers:* Elections may be filed electronically using the internet by accessing the ECFS: *http://apps.fcc.gov/ecfs/* in docket number GN 18–122.
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing.

Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW, Washington DC 20554.
- Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID–19. *See FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy,* Public Notice, DA 20–304 (March 19, 2020). *https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy.*
- During the time the Commission's building is closed to the general public and until further notice, if more than one docket or rulemaking number appears in the caption of a proceeding, paper filers need not submit two additional copies for each additional docket or rulemaking number; an original and one copy are sufficient.

FOR FURTHER INFORMATION CONTACT: Susan Mort, Wireless Telecommunications Bureau, at *Susan.Mort@fcc.gov* or 202–418–2429.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's document (*Public Notice*), GN Docket No. 18–122, DA 20–827, released on August 3, 2020. The complete text of this document is available on the Commission's website at *https://www.fcc.gov/document/wtb-seeks-comment-c-band-relocation-coordinator-selection* or by using the search function for GN Docket No. 18–122 on the Commission's ECFS web page at *www.fcc.gov/ecfs.*

Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments or reply comments on or before the dates indicated on the first page of this document.

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

Synopsis

With this *Public Notice,* the Wireless Telecommunications Bureau (the Bureau) seeks comment on whether the proposed 3.7–4.2 GHz band Relocation Coordinator satisfies the selection criteria established by the Commission in the *3.7 GHz Report and Order.*

On March 3, 2020, the Commission released the *3.7 GHz Band Report and*

Order, which adopted new rules to make available 280 megahertz of mid-band spectrum for flexible use through a Commission-administered public auction of overlay licenses, plus a 20 megahertz guard band, throughout the contiguous United States by transitioning existing services out of the lower portion and in to the upper 200 megahertz of the C-band.

The *3.7 GHz Report and Order* required eligible Fixed Satellite Service (FSS) space station operators to select, no later than July 31, 2020, a Relocation Coordinator that will be responsible for managing the overall transition and coordinating relocation actions among eligible FSS space station operators, incumbent FSS earth station operators, and new 3.7 GHz Service overlay licensees. The *3.7 GHz Report and Order* required that the Relocation Coordinator ''must be able to demonstrate that it has the requisite expertise to perform the duties required, which will include: (1) Coordinating the schedule for clearing the band; (2) performing engineering analysis, as necessary, to determine necessary earth station migration actions; (3) assigning obligations, as necessary, for earth station migrations and filtering; (4) coordinating with overlay licensees throughout the transition process; (5) assessing the completion of the transition in each PEA and determining overlay licensees' ability to commence operations; and (6) mediating scheduling disputes.''

On July 31, 2020, eligible space station operators announced that they had selected RSM US LLP (RSM) to serve as the Relocation Coordinator. We seek comment on whether RSM satisfies the criteria established by the Commission in the *3.7 GHz Report and Order.*

As directed by the Commission in the *3.7 GHz Report and Order,* following the comment period, the Bureau will issue an order announcing whether the selection criteria have been satisfied. Should the Bureau be unable to find that the criteria have been satisfied, the *3.7 GHz Report and Order* required that the selection process will start over and the search committee of eligible space station operators will submit a new proposed entity.

Federal Communications Commission

Amy Brett,

Chief of Staff, Competition and Infrastructure Policy Division, Wireless Telecommunications Bureau.

[FR Doc. 2020–17291 Filed 8–6–20; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

[OMB No. 3064–0087;–0143]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Agency Information Collection Activities: Submission for OMB Review; Comment Request.

SUMMARY: The FDIC, as part of its obligations under the Paperwork Reduction Act of 1995, invites the general public and other Federal agencies to take this opportunity to comment on the renewal of the existing information collections described below. On June 2, 2020, the FDIC requested comment for 60 days on a proposal to renew these information collections. No comments were received. The FDIC hereby gives notice of its plan to submit to OMB a request to approve the renewal of these information collections, and again invites comment on their renewal.

DATES: Comments must be submitted on or before September 8, 2020.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *https://www.FDIC.gov/regulations/laws/federal.*
- *Email: comments@fdic.gov.* Include the name and number of the collection in the subject line of the message.
- *Mail:* Manny Cabeza (202–898–3767), Regulatory Counsel, MB–3128, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m.

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: Manny Cabeza, Regulatory Counsel, 202–898–3767, *mcabeza@fdic.gov,* MB–3128, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

SUPPLEMENTARY INFORMATION: *Proposal to renew the following currently approved collections of information:*

1. *Title:* Procedures for Monitoring Bank Secrecy Act Compliance.

OMB Number: 3064–0087.

Affected Public: Insured State Nonmember Banks and Savings Associations.

Burden Estimate:

SUMMARY OF ANNUAL BURDEN

Information collection description	Type of burden	Obligation to respond	Estimated number of respondents	Estimated frequency of responses	Estimated time per response (hours)	Estimated annual burden (hours)
Procedures for Monitoring BSA Compliance—*Small Institutions (Less than $500 million).*	Recordkeeping	Mandatory	2,523	On Occasion	35	88,305
Procedures for Monitoring BSA Compliance—*Medium Institutions ($500 million–$10 billion).*	Recordkeeping	Mandatory	774	On Occasion	250	193,500
Procedures for Monitoring BSA Compliance—*Large Institutions (Over $10 billion).*	Recordkeeping	Mandatory	47	On Occasion	450	21,150

Total Estimated Annual Burden: 302,955 hours.

General Description of Collection: Respondents must establish and maintain procedures designed to monitor and ensure their compliance with the requirements of the Bank Secrecy Act and the implementing regulations promulgated by the Department of Treasury at 31 CFR Chapter X. Respondents must also provide training for appropriate

personnel. There is no change in the method or substance of the collection. The overall reduction in burden hours is a result of economic fluctuation. In particular, the number of respondents has decreased while the hours per response remain the same.

2. *Title:* Forms Relating To Processing Deposit Insurance Claims.

OMB Number: 3064–0143.

Affected Public: Private sector individuals and entities maintaining deposits at insured depository institutions.

Burden Estimate:

SUMMARY OF ESTIMATED ANNUAL BURDEN

	Type of burden	Estimated number of respondents	Estimated time per response	Frequency of response	Total estimated annual burden
Combined Deposit Brokers and Individuals:					
7200/04—Declaration for Government Deposit	Reporting	14	0.5	On Occasion	7
7200/05—Declaration for Revocable Trust	Reporting	165	0.5	On Occasion	83
7200/06—Declaration of Independent Activity	Reporting	1	0.5	On Occasion	0.5
7200/07—Declaration of Independent Activity for Unincorporated Association.	Reporting	1	0.5	On Occasion	0.5
7200/08—Declaration for Joint Ownership Deposit	Reporting	1	0.5	On Occasion	0.5
7200/09—Declaration for Testamentary Deposit	Reporting	21	0.5	On Occasion	11
7200/10—Declaration for Defined Contribution Plan	Reporting	1	1.0	On Occasion	1
7200/11—Declaration for IRA/KEOGH Deposit	Reporting	1	0.5	On Occasion	0.5
7200/12—Declaration for Defined Benefit Plan	Reporting	1	1.0	On Occasion	1
7200/13—Declaration of Custodian Deposit	Reporting	1	0.5	On Occasion	0.5
7200/14—Declaration or Health and Welfare Plan	Reporting	12	1.0	On Occasion	12
7200/15—Declaration for Plan and Trust	Reporting	1	0.5	On Occasion	0.5
7200/18—Declaration for Irrevocable Trust	Reporting	1	0.5	On Occasion	0.5
7200/24—Claimant Verification	Reporting	218	0.5	On Occasion	109
7200/26—Depositor Interview Form	Reporting	198	0.5	On Occasion	99
Subtotal: Combined Brokers and Individuals		637			326.5
Deposit Brokers Only:					
Deposit Broker Submission Checklist	Reporting	136	0.0833	On Occasion	11.33
Diskette, following ''Broker Input File Requirements''—burden will vary depending on the broker's number of brokered accounts.	Reporting	102	0.750	On Occasion	76.5
	Reporting	34	5.0	On Occasion	170
Exhibit B, the standard agency agreement, or the non-standard agency agreement.	Reporting	136	0.0167	On Occasion	2.27
Subtotal: Deposit Brokers Only		136			260.13
Total Estimated Annual Burden					581.10

General Description of Collection: When an insured depository institution (''IDI'') is closed by its primary regulatory authority, the FDIC has the responsibility to pay the insured deposits pursuant to Section 11(a) and (f) of the Federal Deposit Insurance Act (FDI Act), 12 U.S.C. 1821(a) and (f), and the FDIC's regulations, ''Deposit Insurance Coverage'', 12 CFR part 330, and ''Recordkeeping for Timely Deposit Insurance Determination'', 12 CFR part 370. In the event that the requisite information is not available in a failed IDI's records, the FDIC will utilize these forms, declarations and affidavits to request the necessary information from a depositor.

Generally, deposits are insured to a maximum of $250,000. This maximum coverage is based on ''ownership rights and capacities.'' All deposits that are maintained in the same right and capacity are added together and insured up to $250,000 in accordance with the regulations relating to deposit insurance of that particular deposit insurance ownership category. Deposits held in different ownership categories are eligible for $250,000 coverage per category. For example, as a general rule, single ownership accounts are separately insured from trust accounts held for qualified beneficiaries.

At the time of an IDI's closing, the FDIC obtains information about customer accounts from the IDI's deposit account records. Based on the IDI's records, the FDIC makes determinations about insurance coverage for each depositor. Depositors deemed to be uninsured because their deposits are over $250,000 may qualify for additional insurance coverage if they can provide documentation substantiating eligibility.

a. *General Deposit Accounts.* The forms, declarations, and affidavits in this collection facilitate customers providing the FDIC with the information that may permit a more comprehensive deposit insurance determination.

b. *Deposit Brokers.* A failed IDI's deposit account records may not reveal the actual owner(s) of a particular deposit account. Rather, the deposit account records may indicate that the deposit was placed at the insured institution by a deposit broker on behalf of one or more third parties. In some cases, the broker's customer may not be an actual owner of the deposit but merely a ''second-tier'' deposit broker with its own customers. In turn, these customers could be ''third-tier'' deposit brokers with their own customers. Deposits held in the name of a deposit broker on behalf of clients are covered by federal deposit insurance (up to the $250,000 limit) the same as if the broker's clients had deposited the funds directly into the insured institution (assuming that the clients are the actual owners of the deposits). This is called ''pass-through'' deposit insurance coverage.

In order to analyze ownership interest and provide pass-through insurance coverage, the FDIC must obtain certain information from both first- and lower-tier deposit brokers: (1) Evidence that each deposit broker is not an owner but an agent or custodian with respect to some or all of the funds at issue; (2) a list of all parties for whom each deposit broker acted as agent or custodian; and (3) the dollar amount of funds held by each deposit broker for each such party as of the date of the IDI's failure.

There is no change in the substance or methodology of this information collection. The change in burden is due to the FDIC estimating one respondent for certain forms where FDIC previously estimated zero respondents. In the table above, one respondent is being used as a placeholder to preserve the burden

estimate for forms in case they come into use in the future.

Request for Comment

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on August 4, 2020.

James P. Sheesley,

Acting Assistant Executive Secretary.

[FR Doc. 2020–17330 Filed 8–6–20; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL ELECTION COMMISSION

[NOTICE 2020–07]

Filing Dates for the Georgia Special Election in the 5th Congressional District Special Election

AGENCY: Federal Election Commission.

ACTION: Notice of filing dates for special election.

SUMMARY: Georgia has scheduled a Special General Election on September 29, 2020, to fill the U.S. House of Representatives seat of the late Representative John Lewis. Under Georgia law, a majority winner in a Special General Election is declared elected. Should no candidate achieve a majority vote, a Special Runoff Election will be held on December 1, 2020, between the top two vote-getters. Political committees participating in the Georgia special elections are required to file pre- and post-election reports. Filing deadlines for these reports are affected by whether one or two elections are held.

FOR FURTHER INFORMATION CONTACT: Ms. Elizabeth S. Kurland, Information Division, 1050 First Street NE, Washington, DC 20463; Telephone: (202) 694–1100; Toll Free (800) 424–9530.

SUPPLEMENTARY INFORMATION:

Principal Campaign Committees

All principal campaign committees of candidates who participate in both the Georgia Special General and Special Runoff Elections shall file a 12-day Pre-General Report on September 17, 2020; a 12-day Pre-Runoff Report on November 19, 2020; and a 30-day Post-Runoff Report on December 31, 2020. (See charts below for the closing date for each report.)

If both elections are held, all principal campaign committees of candidates who participate only in the Special General Election shall file a 12-day Pre-General Report on September 17, 2020. (See charts below for the closing date for each report.)

If only one election is held, all principal campaign committees of candidates in the Special General Election shall file a 12-day Pre-General Report on September 17, 2020; and a 30-day Post-General Report on October 29, 2020. (See charts below for the closing date for each report.)

Note that these reports are in addition to the campaign committee's regular quarterly filings. (See charts below for the closing date for each report).

Unauthorized Committees (PACs and Party Committees)

Political committees not filing monthly are subject to special election reporting if they make previously undisclosed contributions or expenditures in connection with the Georgia Special General or Special Runoff Elections by the close of books for the applicable report(s). (See charts below for the closing date for each report.)

Committees filing monthly that make contributions or expenditures in connection with the Georgia Special General or Special Runoff Elections will continue to file according to the monthly reporting schedule.

Additional disclosure information in connection with the Georgia special elections may be found on the FEC website at *https://www.fec.gov/help-candidates-and-committees/dates-and-deadlines/.*

Disclosure of Lobbyist Bundling Activity

Principal campaign committees, party committees and leadership PACs that are otherwise required to file reports in connection with the special election must simultaneously file FEC Form 3L if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of $19,000 during the special election reporting period. (See charts below for closing date of each period.) 11 CFR 104.22(a)(5)(v), (b), 110.17(e)(2), (f).

CALENDAR OF REPORTING DATES FOR GEORGIA SPECIAL ELECTION(S)

Report	Close of books [1]	Reg./cert. & overnight mailing deadline	Filing deadline
If *only* the special general is held (09/29/2020), committees involved must file:			
Special Pre-General	09/09/2020	09/14/2020	09/17/2020
October Quarterly	09/30/2020	10/15/2020	10/15/2020
Special Post-General	10/19/2020	10/29/2020	10/29/2020
Year-End	12/31/2020	01/31/2021	[2] 01/31/2021
If two elections are held, committees involved *only* in the special general (09/29/2020) must file:			
Special Pre-General	09/09/2020	09/14/2020	09/17/2020
October Quarterly	09/30/2020	10/15/2020	10/15/2020
If two elections are held, committees involved *only* in the special runoff (12/01/2020) must file:			
Special Pre-Runoff	11/11/2020	11/16/2020	11/19/2020
Special Post-Runoff	12/21/2020	12/31/2020	12/31/2020
Year-End	12/31/2020	01/31/2021	[2] 01/31/2021
Committees inovlved in *both* the special general (09/29/2020) and special runoff (12/01/2020) must file:			

CALENDAR OF REPORTING DATES FOR GEORGIA SPECIAL ELECTION(S)—Continued

Report	Close of books [1]	Reg./cert. & overnight mailing deadline	Filing deadline
Special Pre-General	09/09/2020	09/14/2020	09/17/2020
October Quarterly	09/30/2020	10/15/2020	10/15/2020
Special Pre-Runoff	11/11/2020	11/16/2020	11/19/2020
Special Post-Runoff	12/21/2020	12/31/2020	12/31/2020
Year-End	12/31/2020	01/31/2021	[2] 01/31/2021

Notes for Committees Involved in Both the Special Election(s) and Regularly-Scheduled Election(s)

In addition to the special election reports listed in the tables above, committees involved in the regularly-scheduled election(s) may have additional filing obligations. (See *https://www.fec.gov/help-candidates-and-committees/dates-and-deadlines/2020-reporting-dates/pre-and-post-general-reports-2020/.*) Given the proximity of special and regularly-scheduled elections, some reporting periods overlap. As a result, the Commission has waived the Pre-General Report (due October 22) for any committee required to file a Special Post-General Report (due October 29). This is the only report the Commission has waived as a result of the overlap. Committees must file all other required special and regularly-scheduled reports. Remember, a reporting period always begins the day after the close of books for the last report filed. Filers with questions are encouraged to call the Commission at 1–800–424–9530.

Dated: August 3, 2020.

On behalf of the Commission,

Ellen L. Weintraub,

Commissioner, Federal Election Commission.

[FR Doc. 2020–17272 Filed 8–6–20; 8:45 am]

BILLING CODE 6715–01–P

[1] The reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered as a political committee up through the close of books for the first report due.

[2] Notice that this filing deadline falls on a weekend or federal holiday. Filing deadlines are not extended when they fall on nonworking days. Accordingly, reports filed by methods other than registered, certified or overnight mail must be received by close of business on the last business day before the deadline.

FEDERAL HOUSING FINANCE AGENCY

[Notice No. 2020–N–14]

Proposed Collection; Comment Request

AGENCY: Federal Housing Finance Agency.

ACTION: Notice; correction.

SUMMARY: The Federal Housing Finance Agency (FHFA) published a collection of information notice in the **Federal Register** on Friday, July 31, 2020 concerning a request for comments on the collection of data through FHFA's American Survey of Mortgage Borrowers. The title incorrectly identified the 30-day notice as concerning the National Survey of Mortgage Originations. This document corrects the notice by replacing the erroneous title.

FOR FURTHER INFORMATION CONTACT: Saty Patrabansh, Manager, National Mortgage Database Program, *Saty.Patrabansh@fhfa.gov,* (202) 649–3213; or Angela Supervielle, Counsel, *Angela.Supervielle@fhfa.gov,* (202) 649–3973, (these are not toll-free numbers), Federal Housing Finance Agency, 400 Seventh Street SW, Washington, DC 20219. The Telecommunications Device for the Deaf is (800) 877–8339.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of July 31, 2020, published at 85 FR 46104, on page 46104, in the third column, correct the Action caption to read: ''American Survey of Mortgage Borrowers—30-day Notice of Submission of Information Collection for Approval for Emergency Clearance from the Office of Management and Budget.''

Robert Winkler,

Chief Information Officer, Federal Housing Finance Agency.

[FR Doc. 2020–17222 Filed 8–6–20; 8:45 am]

BILLING CODE 8070–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Contact After Adoption or Guardianship: Child Welfare Agency and Family Interactions (New Collection)

AGENCY: Office of Planning, Research, and Evaluation, Administration for Children and Families, Health and Human Services (HHS).

ACTION: Request for public comment.

SUMMARY: The Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS), seeks approval for a one-time study to examine child welfare agency family contact activities. The primary objective of this study is to describe how public child welfare agencies are in contact with or receive information about the well-being of children and youth who have exited the foster care system through adoption or guardianship, particularly the experiences of these children with instability. A secondary objective is to understand what types of information child welfare agencies systematically track about these children.

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 proposed study would conduct web surveys with state child welfare agency adoption program managers. The study will also include stakeholder telephone interviews with selected child welfare agency representatives. The web surveys and stakeholder interviews are designed to collect information about the types of routine contact between agencies and families after adoption or guardianship, as well as agency procedures to track child instability experiences after adoption or guardianship.

Respondents: Child welfare agency staff.

ANNUAL BURDEN ESTIMATES

Instrument	Total/annual number of respondents	Number of responses per respondent	Average burden hours per response	Annual burden hours
Agency Web Survey—Adoption	50	1	.33	16.5
Agency Web Survey—Guardianship	20	1	.25	5.0
Stakeholder Interview Discussion Guide: Adoption	30	1	1.17	35.1
Stakeholder Interview Discussion Guide: Guardianship	12	1	1.17	14.0

Estimated Total Annual Burden Hours: 70.6.

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 Abuse Prevention and Treatment and Adoption Reform Act of 1978.

John M. Sweet Jr.,

ACF/OPRE Certifying Officer.

[FR Doc. 2020–17270 Filed 8–6–20; 8:45 am]

BILLING CODE 4184–25–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of meetings of the National Diabetes and Digestive and Kidney Diseases Advisory Council.

The meetings will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meetings will be closed to the public in accordance with the provisions set forth in section 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 Diabetes and Digestive and Kidney Diseases Advisory Council.

Date: September 9, 2020.

Open: 10:30 a.m. to 1:30 p.m.

Agenda: To Present the Director's Report and other Scientific Presentations.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Virtual Meeting).

Closed: 4:15 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Karl F. Malik, Ph.D., Director, Division of Extramural Activities, National Institutes of Diabetes and Digestive and Kidney Diseases, 6707 Democracy Boulevard, Room 7329, MSC 5452, Bethesda, MD 20892, (301) 594–4757, *malikk@niddk.nih.gov*.

Name of Committee: National Diabetes and Digestive and Kidney Diseases Advisory Council; Digestive Diseases and Nutrition.

Date: September 9, 2020.

Open: 2:00 p.m. to 3:00 p.m.

Agenda: To review the Division's scientific and planning activities.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Closed: 3:15 p.m. to 4:15 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Karl F. Malik, Ph.D., Director, Division of Extramural Activities, National Institutes of Diabetes and Digestive and Kidney Diseases, 6707 Democracy Boulevard, Room 7329, MSC 5452, Bethesda, MD 20892, (301) 594–4757, *malikk@niddk.nih.gov*.

Name of Committee: National Diabetes and Digestive and Kidney Diseases Advisory Council; Diabetes, Endocrinology, and Metabolic Diseases Subcommittee.

Date: September 9, 2020.

Open: 2:00 p.m. to 3:00 p.m.

Agenda: To review the Division's scientific and planning activities.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Closed: 3:15 p.m. to 4:15 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Karl F. Malik, Ph.D., Director, Division of Extramural Activities, National Institutes of Diabetes and Digestive and Kidney Diseases, 6707 Democracy Boulevard, Room 7329, MSC 5452, Bethesda, MD 20892, (301) 594–4757, *malikk@niddk.nih.gov*.

Name of Committee: National Diabetes and Digestive and Kidney Diseases Advisory Council; Kidney, Urologic, and Hematologic Diseases.

Date: September 9, 2020.

Open: 2:00 p.m. to 3:00 p.m.

Agenda: To review the Division's scientific and planning activities.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Closed: 3:15 p.m. to 4:15 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Karl F. Malik, Ph.D., Director, Division of Extramural Activities, National Institutes of Diabetes and Digestive and Kidney Diseases, 6707 Democracy Boulevard, Room 7329, MSC 5452, Bethesda, MD 20892, (301) 594–4757, *malikk@niddk.nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *www.niddk.nih.gov/fund/divisions/DEA/Council/coundesc.html,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: August 3, 2020.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–17233 Filed 8–6–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowship: Lung Diseases.

Date: August 19, 2020.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Kimm Hamann, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118A, MSC 7814, Bethesda, MD 20892, (301) 435–5575, *hamannkj@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: August 4, 2020.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–17329 Filed 8–6–20; 8:45 am]

BILLING CODE 4140–01–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; Cognition and Aging.

Date: September 22, 2020.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

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: August 3, 2020.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–17235 Filed 8–6–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory General Medical Sciences Council.

The meeting will be open to the public as indicated below, with a short public comment period at the end. The open session will be videocast and can be accessed from the NIH Videocasting and Podcasting website (*http://videocast.nih.gov*).

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 Advisory General Medical Sciences Council.

Date: September 17, 2020.

Open: 9:30 a.m. to 12:00 p.m.

Agenda: To review and evaluate for the discussion of program policies and issues; opening remarks; report of the Director, NIGMS; and other business of the Council.

Place: National Institutes of Health, Natcher Building, 45 Center Drive, Bethesda, MD 20892 (Virtual Meeting).

Closed: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate to review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, 45 Center Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Erica L. Brown, Ph.D., Director, Division of Extramural Activities, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 2AN24F, Bethesda, MD 20892, (301) 594–4499, *erica.brown@nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on

this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *http://www.nigms.nih.gov/About/Council,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: August 4, 2020.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–17328 Filed 8–6–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute On Aging; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Initial Review Group; Biological Aging Review Committee.

Date: September 17–18, 2020.

Time: 10:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Video Meeting).

Contact Person: Bita Nakhai, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, National Institutes of Health, Gateway Bldg., 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20892, (301) 402–7701, *nakhaib@nia.nih.gov.*

Name of Committee: National Institute on Aging Initial Review Group; Basic Neuroscience of Aging Review Committee.

Date: September 24–25, 2020.

Time: 11:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Video Meeting).

Contact Person: Maurizio Grimaldi, MD, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Gateway Building, Suite 2W200, Bethesda, MD 20892, (301) 496–9374, *grimaldim2@mail.nih.gov.*

Name of Committee: National Institute on Aging Initial Review Group; Clinical Aging Review Committee.

Date: September 24–25, 2020.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Video Meeting).

Contact Person: Isis S. Mikhail, MD, MPH, DrPH, Scientific Review Officer, Scientific Review Branch, National Institute on Aging, National Institutes of Health, Gateway Building 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20892, (301) 402–7704, *mikhaili@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: August 3, 2020.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–17234 Filed 8–6–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Initial Review Group; Clinical and Translational Research of Aging Review Committee.

Date: September 24–25, 2020.

Time: 10:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Video Meeting).

Contact Person: Greg Bissonette, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Gateway Building, Suite 2W200, Bethesda, MD 20892, (301) 402–1622, *bissonettegb@mail.nih.gov.*

Name of Committee: National Institute on Aging Initial Review Group; Behavior and Social Science of Aging Review Committee.

Date: September 24–25, 2020.

Time: 10:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Video Meeting).

Contact Person: Carmen Moten, Ph.D., MPH, Scientific Review Officer, Scientific Review Branch, National Institute on Aging, National Institutes of Health, Gateway Bldg., 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20814, (301) 402–7703, *cmoten@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: August 3, 2020.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–17232 Filed 8–6–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; 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 Alcohol Abuse and Alcoholism Initial Review Group; Biomedical Research Review Subcommittee.

Date: October 22, 2020.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism, 6700 B Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Philippe Marmillot, Ph.D., Scientific Review Officer, Extramural Project Review Branch, National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism, 6700B Rockledge Drive, Room 2118, MSC 6902, Bethesda, MD 20892, 301–443–2861, *marmillotp@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants; 93.701, ARRA Related Biomedical Research and Research Support Awards., National Institutes of Health, HHS)

Dated: August 3, 2020.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–17236 Filed 8–6–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0051]

Agency Information Collection Activities: Foreign Trade Zone Annual Reconciliation Certification and Record Keeping Requirement

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting 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 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and must be submitted (no later than October 6, 2020) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice must include the OMB Control Number 1651–0051 in the subject line and the agency name. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) Email. Submit comments to: *CBP_PRA@cbp.dhs.gov.*

(2) Mail. Submit written comments to CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE, 10th Floor, Washington, DC 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number 202–325–0056 or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Foreign Trade Zone Annual Reconciliation Certification and Record Keeping Requirement.

OMB Number: 1651–0051.

Form Number: None.

Current Actions: CBP proposes to extend the expiration date of this information collection with no change to the burden hours, the information collection, or to the record keeping requirements.

Type of Review: Extension (without change).

Affected Public: Businesses or other for-profit institutions.

Abstract: In accordance with 19 CFR 146.25 and 146.4, foreign trade zone (FTZ) operators are required to account for zone merchandise admitted, stored, manipulated and removed from FTZs. FTZ operators must prepare a reconciliation report within 90 days after the end of the zone year for a spot check or audit by CBP. In addition, within 10 working days after the annual reconciliation, FTZ operators must submit to the CBP port director a letter signed by the operator certifying that the annual reconciliation has been prepared, is available for CBP review, and is accurate. Foreign Trade Zones Act, as amended (Title 19 U.S.C. 81a–81u), authorizes these requirements.

Record Keeping Requirements Under 19 CFR 146.4

Estimated Number of Respondents: 276.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 276.

Estimated Time per Response: 45 minutes.

Estimated Total Annual Burden Hours: 207.

Certification Letter Under 19 CFR 146.25

Estimated Number of Respondents: 276.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 276.

Estimated Time per Response: 20 minutes.

Estimated Total Annual Burden Hours: 92.

Dated: August 4, 2020.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2020–17310 Filed 8–6–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0020]

Agency Information Collection Activities: Crew's Effects Declaration

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting 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 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and must be submitted (no later than October 6, 2020) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice must include the OMB Control Number 1651–0020 in the subject line and the agency name. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) Email. Submit comments to: *CBP_PRA@cbp.dhs.gov.*

(2) Mail. Submit written comments to CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE, 10th Floor, Washington, DC 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number 202–325–0056 or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Crew's Effects Declaration.

OMB Number: 1651–0020.

Form Number: CBP Form 1304.

Current Actions: CBP proposes to extend the expiration date of this information collection. There is a reduction in burden hours due to a reduction in the number of respondents and responses. There is no change to the information being collected.

Type of Review: Extension (without change).

Affected Public: Businesses.

Abstract: CBP Form 1304, *Crew's Effects Declaration,* was developed through an agreement by the United Nations' Intergovernmental Maritime Consultative Organization (IMCO) in conjunction with the United States and various other countries. The form is used as part of the entrance and clearance of vessels pursuant to the provisions of 19 CFR 4.7 and 4.7a, 19 U.S.C. 1431, and 19 U.S.C. 1434. CBP Form 1304 is completed by the master of the arriving carrier to record and list the crew's effects that are onboard the vessel. This form is accessible at *https://www.cbp.gov/newsroom/publications/forms?title=1304.*

Estimated Number of Respondents: 2,624.

Estimated Number of Annual Responses per Respondent: 72.

Estimated Number of Total Annual Responses: 189,913.

Estimated Time per Response: 60 minutes.

Estimated Total Annual Burden Hours: 158,940.

Dated: August 4, 2020.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2020–17309 Filed 8–6–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0004]

Agency Information Collection Activities: Application for Exportation of Articles Under Special Bond

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting 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 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and must be submitted no later than October 6, 2020 to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice must include the OMB Control Number 1651–0004 in the subject line and the agency name. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) Email. Submit comments to: *CBP_PRA@cbp.dhs.gov.*

(2) Mail. Submit written comments to CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE, 10th Floor, Washington, DC 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis

Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number 202–325–0056 or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Application for Exportation of Articles Under Special Bond.

OMB Number: 1651–0004.

Form Number: CBP Form 3495.

Current Actions: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to the information being collected.

Type of Review: Extension (without change).

Affected Public: Businesses.

Abstract: CBP Form 3495, *Application for Exportation of Articles Under Special Bond,* is an application for exportation of articles entered under temporary bond pursuant to 19 U.S.C. 1202, Chapter 98, subchapter XIII, Harmonized Tariff Schedule of the United States, and 19 CFR 10.38. CBP Form 3495 is used by importers to notify CBP that the importer intends to export goods that were subject to a duty exemption based on a temporary stay in this country. It also serves as a permit to export in order to satisfy the importer's obligation to export the same goods and thereby get a duty exemption. This form is accessible at: *https://www.cbp.gov/newsroom/publications/forms?title=3495&=Apply.*

Estimated Number of Respondents: 500.

Estimated Number of Annual Responses per Respondent: 30.

Estimated Number of Total Annual Responses: 15,000.

Estimated Time per Response: 8 minutes.

Estimated Total Annual Burden Hours: 2,000.

Dated: August 4, 2020.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2020–17312 Filed 8–6–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0037]

Agency Information Collection Activities: Entry of Articles for Exhibition

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting 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 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and must be submitted no later than October 6, 2020 to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice must include the OMB Control Number 1651–0037 in the subject line and the agency name. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) Email. Submit comments to: *CBP_PRA@cbp.dhs.gov.*

(2) Mail. Submit written comments to CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE, 10th Floor, Washington, DC 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number 202–325–0056 or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request

for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Entry of Articles for Exhibition.
OMB Number: 1651–0037.
Form Number: None.
Current Actions: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to the information collected.
Type of Review: Extension (without change).
Affected Public: Businesses.
Abstract: Goods entered for the purpose of exhibit at fairs, or for use in constructing, installing, or maintaining foreign exhibits at a fair, may be free of duty under 19 U.S.C. 1752. In order to substantiate that goods qualify for duty-free treatment, the consignee of the merchandise must provide information to CBP about the imported goods, which is specified in 19 CFR 147.11(c).
Estimated Number of Respondents: 50.
Estimated Number of Annual Responses per Respondent: 50.
Estimated Number of Total Annual Responses: 2,500.
Estimated Time per Response: 20 minutes.
Estimated Total Annual Burden Hours: 832.

Dated: August 4, 2020.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2020–17307 Filed 8–6–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0022]

Agency Information Collection Activities: Entry Summary

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting 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 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and must be submitted no later October 6, 2020 to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice must include the OMB Control Number 1651–0022 in the subject line and the agency name. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) Email. Submit comments to: *CBP_PRA@cbp.dhs.gov.*

(2) Mail. Submit written comments to CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE, 10th Floor, Washington, DC 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number 202–325–0056 or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/*.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Entry Summary.
OMB Number: 1651–0022.
Form Number: 7501.
Current Actions: CBP proposes to extend the expiration date of this collection of this information collection. There is no change to the burden hours or the information collected.
Type of Review: Extension (without change).
Affected Public: Importer, importer's agent for each import transaction.
Abstract: CBP Form 7501, *Entry Summary,* is used to identify merchandise entering the commerce of the United States, and to document the amount of duty and/or tax paid. CBP Form 7501 is submitted by the importer, or the importer's agent, for each import transaction. The data on this form is used by CBP as a record of the import transaction; to collect the proper duty, taxes, certifications and enforcement information; and to provide data to the U.S. Census Bureau for statistical purposes. CBP Form 7501 must be filed within 10 working days from the time of entry of merchandise into the United States. Collection of the data on this form is authorized by 19 U.S.C. 1484 and provided for by 19 CFR 142.11 and CFR 141.61. CBP Form 7501 and accompanying instructions can be found at *https://www.cbp.gov/newsroom/publications/forms?title=7501&=Apply.*

7501–Formal Entry (Electronic Submission)

Estimated Number of Respondents: 2,336.
Estimated Number of Annual Responses per Respondent: 9,903.
Estimated Number of Total Annual Responses: 23,133,408.
Estimated Time per Response: 5 minutes.
Estimated Total Annual Burden Hours: 1,920,072.86.

7501–Formal Entry (Paper Submission)

Estimated Number of Respondents: 28.
Estimated Number of Annual Responses per Respondent: 9,903.
Estimated Number of Total Annual Responses: 277,284.
Estimated Time per Response: 20 minutes.

Estimated Total Annual Burden Hours: 92,335.57.

7501–Formal Entry With Softwood Lumber Act of 2008 (Paper Only)*

Estimated Number of Respondents: 210.

Estimated Number of Annual Responses per Respondent: 1,905.

Estimated Number of Total Annual Responses: 400,050.

Estimated Time per Response: 40 minutes.

Estimated Total Annual Burden Hours: 266,433.

7501–Informal Entry (Electronic Submission)

Estimated Number of Respondents: 1,883.

Estimated Number of Annual Responses per Respondent: 2,582.

Estimated Number of Total Annual Responses: 4,861,906.

Estimated Time per Response: 5 minutes.

Estimated Total Annual Burden Hours: 403,538.19.

7501–Informal Entry (Paper Submission)

Estimated Number of Respondents: 19.

Estimated Number of Annual Responses per Respondent: 2,582.

Estimated Number of Total Annual Responses: 49,058.

Estimated Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 12,264.5.

7501A–Document/Payment Transmittal (Paper Only)

Estimated Number of Respondents: 20.

Estimated Number of Annual Responses per Respondent: 60.

Estimated Number of Total Annual Responses: 1,200.

Estimated Time per Response: 15.

Estimated Total Annual Burden Hours: 300.

Exclusion Approval Information Letter

Estimated Number of Respondents: 5,000.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 5,000.

Estimated Time per Response: 3 minutes.

Estimated Total Annual Burden Hours: 250.

Dated: August 4, 2020.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2020–17313 Filed 8–6–20; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0028]

Agency Information Collection Activities: Cost Submission

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting 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 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and must be submitted (no later than October 6, 2020) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice must include the OMB Control Number 1651–0028 in the subject line and the agency name. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) Email. Submit comments to: *CBP_PRA@cbp.dhs.gov.*

(2) Mail. Submit written comments to CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE, 10th Floor, Washington, DC 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number 202–325–0056 or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Cost Submission.

OMB Number: 1651–0028.

Form Number: CBP Form 247.

Current Actions: CBP proposes to extend the expiration date of this information collection. There is no change to the burden hours or to the information collected.

Type of Review: Extension (without change).

Affected Public: Businesses.

Abstract: The information collected on CBP Form 247, Cost Submission, is used by CBP to assist in correctly calculating the duty on imported merchandise. This form includes details on actual costs and helps CBP determine which costs are dutiable and which are not.

This collection of information is provided for by subheadings 9801.00.10, 9802.00.40, 9802.00.50, 9802.00.60 and 9802.00.80 of the Harmonized Tariff Schedule of the United States (HTSUS), and by 19 U.S.C. 1508 through 1509, 19

CFR 10.11–10.24, 19 CFR 141.88 and 19 CFR 152.106. CBP Form 247 can be found at *http://www.cbp.gov/xp/cgov/toolbox/forms/.*

Estimated Number of Respondents: 1,000.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 1,000.

Estimated Time per Response: 50 hours.

Estimated Total Annual Burden Hours: 50,000.

Dated: August 4, 2020.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2020–17308 Filed 8–6–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0035]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Application To Adjust Status From Temporary to Permanent Resident

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration (USCIS) invites the general public and other Federal agencies to comment upon this proposed extension of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until October 6, 2020.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0035 in the body of the letter, the agency name and Docket ID USCIS–2008–0019. Submit comments via the Federal eRulemaking Portal website at *http://www.regulations.gov* under e-Docket ID number USCIS–2008–0019. USCIS is limiting communications for this Notice as a result of USCIS' COVID–19 response actions.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, telephone number 202–272–8377 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov,* or call the USCIS Contact Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2008–0019 in the search box. All submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This information collection

(1) *Type of Information Collection:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application to Adjust Status from Temporary to Permanent Resident.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* Form I–698; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals and Households. The data collected on Form I–698 is used by USCIS to determine the eligibility to adjust an applicant's residence status.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection Form I–698 is 100 and the estimated hour burden per response is 1.25 hours; the estimated total number of respondents for biometrics processing is 100 and the estimated hour burden per response is 1.17 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 242 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $49,000.

Dated: July 30, 2020.

Samantha L Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2020–17254 Filed 8–6–20; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0130]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Record of Abandonment of Lawful Permanent Residence Status

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration (USCIS) invites the general public and other Federal agencies to comment upon this proposed extension of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until October 6, 2020.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0130 in the body of the letter, the agency name and Docket ID USCIS–2013–0005. Submit comments via the Federal eRulemaking Portal website at *http://www.regulations.gov* under e-Docket ID number USCIS–2013–0005. USCIS is limiting communications for this Notice as a result of USCIS' COVID–19 response actions.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, telephone number 202–272–8377 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov,* or call the USCIS Contact Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2013–0005 in the search box. All submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Record of Abandonment of Lawful Permanent Resident Status.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* Form I–407; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. Lawful Permanent Residents (LPRs) use Form I–407 to inform USCIS and formally record their abandonment of lawful permanent resident status. U.S. Citizenship and Immigration Services uses the information collected in Form I–407 to record the LPR's abandonment of lawful permanent resident status.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I–407 is 13,800 and the estimated hour burden per response is .33 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 4,554 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $3,381,000.

Dated: July 30, 2020.

Samantha L Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2020–17261 Filed 8–6–20; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7027–N–26]

60-Day Notice of Proposed Information Collection: Request for Withdrawals From Replacements Reserves/ Residual Receipts Funds OMB Control No.: 2502–0555

AGENCY: Office of the Assistant Secretary for Housing- Federal Housing Commissioner, Housing and Urban Development (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:* October 6, 2020.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to

the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. 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. Pollard.

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: Request for Withdrawals from Replacements Reserves/Residual Receipts Funds.

OMB Approval Number: 2502–0555.

OMB Expiration Date: 02/29/2020.

Type of Request: Reinstatement, with change, of previously approved collection for which approval has expired.

Form Number: HUD–9250.

Description of the need for the information and proposed use: Project owners are required to submit this information and supporting documentation when requesting a withdrawal for funds from the Reserves for Replacement and/or Residual Receipt escrow accounts. HUD or the lender/servicer reviews this information to ensure that funds are withdrawn and used in accordance with regulatory and administrative policy.

Respondents: Not-for-profit institutions.

Estimated Number of Respondents: 30,620.

Estimated Number of Responses: 8,267.

Frequency of Response: Various.

Average Hours per Response: 1.

Total Estimated Burden Hours: 8,267.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

The Acting Assistant Secretary for Housing- Federal Housing Commissioner, Len Wolfson, having reviewed and approved this document, is delegating the authority to electronically sign this document to submitter, Nacheshia Foxx, who is the Federal Register Liaison for HUD, for purposes of publication in the **Federal Register**.

Date: August 4, 2020.

Nacheshia Foxx,

Federal Register Liaison for the Department of Housing and Urban Development.

[FR Doc. 2020–17326 Filed 8–6–20; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7029–N–07]

60-Day Notice of Proposed Information Collection: 2021 American Housing Survey

AGENCY: Office of the Assistant Secretary for Policy Development and Research, Housing and Urban Development (HUD).

ACTION: Notice.

SUMMARY: The U.S. Department of Housing and Urban Development (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:* October 6, 2020.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Anna P. Guido, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410–5000; telephone 202–402–5534 (this is not a toll-free number) or email at *Anna.P.Guido@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: Anna P. Guido, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Anna P. Guido at *Anna.P.Guido@hud.gov* or telephone 202–402–5535. 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. Guido.

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: 2021 American Housing Survey.

OMB Approval Number: 2528–0017.

Type of Request: Revision of a currently approved collection.

Form Number: None.

Description of the need for the information and proposed use: The purpose of the American Housing Survey (AHS) is to supply the public with detailed and timely information about housing quality, housing costs, and neighborhood assets, in support of effective housing policy, programs, and markets. Title 12, United States Code, Sections 1701Z–1, 1701Z–2(g), and 1710Z–10a mandates the collection of this information.

Like the previous surveys, the 2021 AHS will collect ''core'' data on subjects, such as the amount and types of changes in the housing inventory, the physical condition of the housing inventory, the characteristics of the occupants, housing costs for owners and renters, including a redesigned mortgage section, the persons eligible for and beneficiaries of assisted housing, remodeling and repair frequency, reasons for moving, the number and characteristics of vacancies, and characteristics of resident's neighborhood. In addition to the ''core'' data, HUD plans to collect supplemental data on potential health and safety hazards in the home, the renter housing search process, housing characteristics that increase wildfire risk, household pets, and delinquent payments and notices for mortgage, rent, or utility bills.

The AHS national longitudinal sample consists of approximately 90,600 housing units, and includes oversample from the largest 15 metropolitan areas, approximately 5,200 HUD-assisted housing units, and approximately 3,000 units subsidized in the Low-Income Housing Tax Credit program. In addition to the national longitudinal sample, HUD plans to conduct 10 additional metropolitan area longitudinal samples, each with approximately 3,000 housing units (for a total 30,000 metropolitan area housing units). The 10 additional metropolitan area longitudinal samples were last surveyed in 2017.

To help reduce respondent burden on households in the longitudinal sample, the 2021 AHS will make use of dependent interviewing techniques, which will decrease the number of questions asked. Policy analysts, program managers, budget analysts, and Congressional staff use AHS data to advise executive and legislative branches about housing conditions and the suitability of public policy initiatives. Academic researchers and private organizations also use AHS data in efforts of specific interest and concern to their respective communities.

The Department of Housing and Urban Development (HUD) needs the AHS data for the following two reasons:

1. With the data, policy analysts can monitor the interaction among housing needs, demand and supply, as well as changes in housing conditions and costs, to aid in the development of housing policies and the design of housing programs appropriate for different target groups, such as first-time home buyers and the elderly.

2. With the data, HUD can evaluate, monitor, and design HUD programs to improve efficiency and effectiveness.

Members of affected public: Households.

Estimated number of respondents: 129,000.

Estimated time per response: 27.7 minutes.

Frequency of response: One time every two years.

Estimated total annual burden hours: 59,500.

Estimated total annual cost: The only cost to respondents is that of their time. The total estimated cost is $66,800,000.

Respondent's obligation: Voluntary.

Legal authority: This survey is conducted under Title 12, U.S.C., Section 1701z–1 *et seq.*

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

The Assistant Secretary for Policy Development and Research, Seth Appleton, having reviewed and approved this document, is delegating the authority to electronically sign this document to submitter, Nacheshia Foxx, who is the Federal Register Liaison for HUD, for purposes of publication in the **Federal Register**.

Dated: August 4, 2020.

Nacheshia Foxx,

Federal Register Liaison for the Department of Housing and Urban Development.

[FR Doc. 2020–17314 Filed 8–6–20; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–ES–2020–N071; FXES11130900000–201–FF09E32000; OMB Control Number 1018–0095]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Endangered and Threatened Wildlife, Experimental Populations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act, we, the U.S. Fish and Wildlife Service (we, Service), are proposing to renew an existing information collection.

DATES: Interested persons are invited to submit comments on or before September 8, 2020.

ADDRESSES: Send written comments on this information collection request (ICR) to the Office of Management and Budget's Desk Officer for the Department of the Interior by email at *OIRA_Submission@omb.eop.gov;* or via facsimile to (202) 395–5806. Please provide a copy of your comments to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS: PRB (JAO/3W), 5275 Leesburg Pike, Falls Church, VA 22041–3803 (mail); or by email to *Info_Coll@fws.gov.* Please reference OMB Control Number 1018–0095 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: Madonna L. Baucum, Service Information Collection Clearance Officer, by email at *Info_Coll@fws.gov,* or by telephone at (703) 358–2503. Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information

collection requirements and provide the requested data in the desired format.

On February 4, 2020, we published in the **Federal Register** (85 FR 6212) a notice of our intent to request that OMB approve this information collection. In that notice, we solicited comments for 60 days, ending on April 6, 2020. We received the following comments in response to that notice:

Comment 1—Comment received via email on February 26, 2020, from Jean Public: The commenter did not address the information collection requirements.

Agency Response to Comment 1: No response required.

Comment 2—Comment received via email on April 6, 2020, from Michael Robinson of the Center for Biological Diversity: This comment suggested two additional categories of information collection under this renewal related to depredation-related take. Specifically, Mr. Robinson suggested collecting information on preventative measures taken by landowners to protect livestock prior to implementing lethal take, and to measure the amount of time between a depredation-related take of an individual of an experimental population and renewed depredation of the same landowner's livestock.

Agency Response to Comment 2: Mr. Robinson's suggestions for information collection include data that are already collected and tracked by Service employees as specified in 50 CFR part 17 subpart H, as well as in each species-specific final rule issued by the Service establishing the experimental population. Additionally, the Service acknowledges the usefulness of this type of information and will take into consideration this information in future rulemaking actions.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments from the public and other Federal agencies on the proposed ICR that is described below. We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this 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) How might the agency 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 response.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: Section 10(j) of the Endangered Species Act of 1973, as amended (ESA, 16 U.S.C. 1531 *et seq.*), authorizes the Secretary of the Interior to establish experimental populations of endangered or threatened species. Because the ESA protects individuals of experimental populations, the information we collect is important for monitoring the success of reintroduction and recovery efforts. This is a nonform collection (meaning there is no designated form associated with this collection). Regulations at 50 CFR 17.84 contain information collection requirements for experimental populations of vertebrate endangered and threatened species. These regulations identify and describe the three categories of information we collect, which include:

(1) *General take or removal.* ''Take'' is defined by the ESA as ''[to] harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.'' In this information collection, take most commonly is considered to be in the form of human-related mortality, including:

a. Unintentional taking incidental to otherwise lawful activities (*e.g.,* highway mortalities);

b. Animal husbandry actions authorized to manage the population (*e.g.,* translocation or providing aid to sick, injured, or orphaned individuals);

c. Take in defense of human life;

d. Take related to defense of property (if authorized); or

e. Take in the form of authorized harassment.

(2) *Depredation-related take.* Involves take for management purposes of documented livestock depredation, and may include authorized harassment or authorized lethal take of experimental population animals in the act of attacking livestock. See 50 CFR 17.84 for specific provisions of harassment for each species within this section.

The information that we collect includes:

a. Name, address, and phone number of reporting party,

b. Species involved,

c. Type of incident,

d. Quantity of take,

e. Location and time of the reported incident, and

f. Description of the circumstances related to the incident.

(3) *Specimen collection, recovery, or reporting of dead individuals.* This information documents incidental or authorized scientific collection. Most of the information collected addresses the reporting of sightings of experimental population animals or the inadvertent discovery of an injured or dead individual.

Service recovery specialists use this information to determine the success of reintroductions in relation to established recovery plan goals for the experimental populations of vertebrate endangered and threatened species involved. In addition, this information helps us to assess the effectiveness of control activities in order to develop better means to reduce problems with livestock for those species where depredation is a problem.

Title of Collection: Endangered and Threatened Wildlife, Experimental Populations, 50 CFR 17.84.

OMB Control Number: 1018–0095.

Form Numbers: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individuals and households, private sector, and State/local/Tribal governments.

Respondent's Obligation: Voluntary.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: None.

Requirement	Annual number of respondents	Total annual responses	Completion time per response	Total annual burden hours *
Notification—General Take or Removal				
Individuals	12	12	.5	6
Private Sector	7	7	.5	4
Government	29	29	.5	15
Notification—Depredation-Related Take				
Individuals	25	25	.5	13
Private Sector	2	2	.5	1
Government	9	9	.5	5
Notification—Specimen Collection				
Individuals	3	3	.5	2
Private Sector	2	2	.5	1
Government	16	16	.5	8
Totals	105	105		55

* Rounded.

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 authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Dated: August 4, 2020.

Madonna Baucum,

Information Collection Clearance Officer, U.S. Fish and Wildlife Service.

[FR Doc. 2020–17325 Filed 8–6–20; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[201A2100DD AAK6006201 AOR3030.999900]

Draft Supplemental Environmental Impact Statement for the Proposed Arrow Canyon Solar Project, Clark County, Nevada

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of availability.

SUMMARY: This notice advises the public that the Bureau of Indian Affairs (BIA), as the lead Federal agency, with the Bureau of Land Management (BLM), the Environmental Protection Agency (EPA), U.S. Fish and Wildlife Service (USFWS), and the Moapa Band of Paiute Indians (Moapa Band) as cooperating agencies, intends to file a draft supplemental environmental impact statement (DSEIS) with the EPA for the proposed Arrow Canyon Solar Project (ACSP or Project). The DSEIS evaluates the expansion of the previously approved Moapa Solar Energy Center (MSEC) Project on the Moapa River Indian Reservation (Reservation) in Clark County, Nevada. This notice also announces that the DSEIS is now available for public review and that public meetings will be held to solicit comments on the DSEIS.

DATES: The dates and times of the virtual public meetings will be published in the *Las Vegas Review-Journal* and *Moapa Valley Progress* and on the following website 15 days before the public meetings: *www.arrowcanyonsolarseis.com.* In order to be fully considered, written comments on the DSEIS must arrive no later than 45 days after EPA publishes its Notice of Availability in the **Federal Register**.

ADDRESSES: You may mail, email, hand carry or telefax written comments to Mr. Chip Lewis, Regional Environmental Protection Officer, BIA Western Regional Office, Branch of Environmental Quality Services, 2600 North Central Avenue, 4th Floor Mail Room, Phoenix, Arizona 85004–3008; fax (602) 379–3833; email: *chip.lewis@bia.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Chip Lewis, BIA Western Regional Office, Branch of Environmental Quality Services at (602) 379–6750 or Mr. Garry Cantley at (602) 379–6750.

SUPPLEMENTARY INFORMATION: The proposed Federal action, taken under 25 U.S.C. 415, is BIA approval of a lease to accommodate the expansion of the solar field previously approved for the MSEC Project and the modification of the existing solar energy ground lease and related agreements entered into by the Moapa Band with the Applicant. The agreements provide for construction, operation and maintenance (O&M), and decommissioning of a 200-megawatt (MW) alternating current solar photovoltaic (PV) electricity generation facility located entirely on the Reservation and specifically on lands held in trust for the Moapa Band.

The MSEC Project was originally developed by Moapa Solar LLC and included an 850-acre solar site on the Reservation and associated rights-of-way (ROWs) on BLM-managed lands for an access road, gen-tie line, and water pipeline. Records of Decision (RODs) were issued by the BIA and BLM in May 2014 and BIA approved the lease one month later. The ROW was issued by BLM in August 2015 for the linear facilities. In March 2017, EDF Renewables Development, Inc. (EDFR) purchased the MSEC Project from the original owner and renamed the Project the Arrow Canyon Solar Project. EDFR subsequently transferred the Project to Arrow Canyon Solar, LLC. Currently, the approved MSEC Project and associated facilities have not yet been constructed.

The Applicant currently plans to expand the solar field on the Reservation from 850 acres to 2,200 acres. This expansion would occur on Tribal lands identified by the Moapa Band that are adjacent to the originally approved MSEC site. The linear facilities, (*i.e.* main access road, 230kV gen-tie line, and water pipeline) as previously approved by the BLM would remain a part of the Project description; therefore, these facilities are not reevaluated. The SEIS focuses on the expansion of the solar field only.

Construction of the Project is expected to take approximately 18 to 20

months. The Applicant is expected to operate the energy facility up to 35 years. Major components of the solar site would include multiple blocks of solar PV panels mounted on tracking systems, inverters, transformers, collection lines, battery storage facilities, project substation, and O&M facilities. Water will be needed during construction primarily for dust control and a minimal amount will be needed during operations for administrative and sanitary water use and panel washing. The water supply required for the Project would be from wells owned by the Moapa Band and delivered to the site via the previously approved water pipeline or trucks. Access to the ACSP will be provided via North Las Vegas Boulevard from the I–15/US 93 interchange.

The purposes of the proposed Project are, among other things, to: (1) Help provide a long-term, diverse, and viable economic revenue base and job opportunities for the Moapa Band; (2) meet the terms of the existing Power Purchase Agreement for the output of the Project; (3) help Nevada and neighboring states to meet their State renewable energy needs; and (4) allow the Moapa Band, in partnership with the Applicant, to optimize the use of the lease site while maximizing the potential economic benefit to the Moapa Band.

The BIA will use the SEIS to make a decision on the land lease application under its jurisdiction; the EPA may use the document to make decisions under its authorities; the Band may use the DSEIS to make decisions under its Environmental Policy Ordinance; and the USFWS may use the DSEIS to support its decision under the Endangered Species Act.

Directions for Submitting Comments: Please include your name, return address and the caption: ''DSEIS Comments, Proposed Arrow Canyon Solar Project'' on the first page of your written comments. You may also submit comments verbally during one of the virtual public meeting presentations or provide written comments to the address listed above in the **ADDRESSES** section.

To help protect the public and limit the spread of the COVID–19 virus, virtual public meetings will be held, where team members will provide a short presentation will be made and remain available to discuss and answer questions. The PowerPoint presentation will be posted to the project website prior to the virtual meetings. Those who cannot live stream the presentation would be able to access the meeting presentation on the website and could join by telephone. Additionally, the live presentation will be recorded and made accessible for viewing throughout the comment period. The first public meeting will be held in the afternoon by video and telephone conference and the second public meeting will be held in the evening by video and telephone conference. The dates, times, and access information for the virtual meetings will be included in notices to be published in the *Las Vegas Review-Journal* and *Moapa Valley Progress* and on the project website at *www.arrowcanyonsolarseis.com* 15 days before the meetings.

Locations Where the DSEIS is Available for Review: The DSEIS will be available for review at: BIA Western Regional Office, 2600 North Central Avenue, 12th Floor, Suite 210, Phoenix, Arizona; BIA Southern Paiute Agency, 180 North 200 East, Suite 111, St. George, Utah; and the BLM Southern Nevada District Office, 4701 North Torrey Pines Drive, Las Vegas, Nevada. The DSEIS is also available on line at: *www.arrowcanyonsolarseis.com.*

To obtain an electronic copy of the DSEIS, please provide your name and address in writing or by voicemail to Mr. Chip Lewis or Mr. Garry Cantley. Their contact information is listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice. Individual paper copies of the DSEIS will be provided only upon request.

Public Comment Availability: Written comments, including names and addresses of respondents, will be available for public review at the BIA Western Regional Office, 2600 North Central Avenue, 12th Floor, Suite 210, Phoenix, Arizona during regular business hours, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. Before including your address, telephone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: This notice is published in accordance with section 1503.1 of the Council on Environmental Quality regulations (40 CFR 1500 *et seq.*) and the Department of the Interior Regulations (43 CFR part 46) implementing the procedural requirements of the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*), and in accordance with the exercise of authority delegated to the Assistant Secretary—Indian Affairs by part 209 of the Department Manual.

Tara Sweeney,

Assistant Secretary—Indian Affairs.

[FR Doc. 2020–17165 Filed 8–6–20; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNM920000 20X L13100000.PP0000]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease NMNM 137444, New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Mineral Leasing Act of 1920 as amended, Colgate Production LLC., timely filed a petition for reinstatement of competitive oil and gas lease NMNM 137444 in Eddy County, New Mexico. The lessee paid the required rentals accruing from the date of termination. No lease was issued that affect these lands. The Bureau of Land Management proposes to reinstate the lease.

FOR FURTHER INFORMATION CONTACT: Julieann Serrano, Supervisory Land Law Examiner, Branch of Adjudication, Bureau of Land Management New Mexico State Office, 301 Dinosaur Trail, Santa Fe, New Mexico 87508, (505) 954–2149, *jserrano@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The lessee agrees to new lease terms for rentals and royalties of $10 per acre, or fraction thereof, per year, and 16⅔ percent, respectively. The lessee agrees to additional or amended stipulations. The lessee paid the $500 administration fee for the reinstatement of the lease and $151 cost for publishing this Notice.

The lessee met the requirements for reinstatement of the lease per Sec. 31(d) and (e) of the Mineral Leasing Act of 1920. The BLM is proposing to reinstate the lease, effective the date of termination subject to the:

- Original terms and conditions of the lease;
- Additional and amended stipulations;
- Increased rental of $10 per acre;

- Increased royalty of 16⅔ percent; and
- $151 cost of publishing this Notice.

Authority: 43 CFR 3108.2–3.

Julieann Serrano,
Supervisory Land Law Examiner.

[FR Doc. 2020–17315 Filed 8–6–20; 8:45 am]

BILLING CODE 4310–FB–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–30690; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting electronic comments on the significance of properties nominated before July 25, 2020, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted electronically by August 24, 2020.

ADDRESSES: Comments are encouraged to be submitted electronically to *National_Register_Submissions@nps.gov* with the subject line ''Public Comment on <property or proposed district name, (County) State>.'' If you have no access to email you may send them via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C Street NW, MS 7228, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before July 25, 2020. Pursuant to Section 60.13 of 36 CFR part 60, comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State or Tribal Historic Preservation Officers:

COLORADO

Boulder County

Buchan Cabin, 2386 Cty. Rd. 111, Eldora vicinity, SG100005521

CONNECTICUT

New Haven County

Darling, James Alexis, House, 1932 Litchfield Tpk. (CT 69), Woodbridge, SG100005527

MASSACHUSETTS

Hampden County

Moseley School, 25 Dartmouth St., Westfield, SG100005525

OHIO

Cuyahoga County

Downtown Lakewood Historic District, Detroit Ave., roughly bounded by Bunts Rd. and Hall Ave., plus Warren Rd., roughly bounded by Detroit Ave. and Franklin Blvd., Lakewood, SG100005539

Summit County

B.F. Goodrich Company Historic District, 520–540 South Main St; 115–123 West Bartges St., Akron, SG100005529

TEXAS

Bexar County

Milam, Ben, Statue, (Monuments and Buildings of the Texas Centennial MPS), 500 West Houston St., San Antonio, MP100005535

Comal County

Mission Valley School and Teacherage, 1135 Mission Valley Rd., New Braunfels, SG100005536

Pape-Borchers Homestead, 142 Hueco Springs Loop Rd., New Braunfels, SG100005537

Palo Pinto County

Mineral Wells Central Historic District, Roughly bounded by NW 9th St. NE 3rd Ave. SE 6th St., and NW 3rd Ave., Mineral Wells, SG100005524

Wichita County

Bailey-Moline-Filgo Building, 1000–1004 Indiana Ave., Wichita Falls, SG100005538

VIRGINIA

Bath County

T.C. Walker School, (Rosenwald Schools in Virginia MPS), 1633 TC Walker Rd. (Cty. Rd. 635), Millboro vicinity, MP100005532

Rockingham County

Deering Hall, 140 North Main St., Broadway, SG100005530

Additional documentation has been received for the following resources:

KENTUCKY

McCracken County

Tilghman, Augusta, High School (Additional Documentation), 401 Walter Jetton Blvd., Paducah, AD95000300

VIRGINIA

Lynchburg Independent City

Rivermont Historic District (Additional Documentation), Rivermont Ave., Lynchburg, AD03000224

Pyramid Motors (Additional Documentation), 405–407 Federal St., Lynchburg, AD07001140

Warren County

Sonner Hall (Additional Documentation), 3rd St., Front Royal, AD87000007

Authority: Section 60.13 of 36 CFR part 60.

Dated: July 28, 2020.

Sherry A. Frear,
Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2020–17302 Filed 8–6–20; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–AKRO–ANIA–DENA–CAKR–LACL–KOVA–WRST–GAAR–30449; PPAKAKROR4; PPMPRLE1Y.LS0000]

National Park Service Alaska Region Subsistence Resource Commission Program; Notice of Public Meetings

AGENCY: National Park Service, Interior.

ACTION: Meeting notice.

SUMMARY: The National Park Service (NPS) is hereby giving notice that the Aniakchak National Monument Subsistence Resource Commission (SRC), the Denali National Park SRC, the Cape Krusenstern National Monument SRC, the Lake Clark National Park SRC, the Kobuk Valley National Park SRC, the Wrangell-St. Elias National Park SRC, and the Gates of the Arctic National Park SRC will meet as indicated below.

DATES: The Aniakchak National Monument SRC will meet on Tuesday, September 29, 2020, from 1:00 p.m. to 5:00 p.m. or until business is completed. The alternate meeting date is Tuesday, October 27, 2020, from 5:00 p.m. to 8:00

p.m. or until business is completed. Teleconference participants must call the NPS office at (907) 246–2154 prior to the meeting to receive teleconference passcode information. For more detailed information regarding these meetings, or if you are interested in applying for SRC membership, contact Designated Federal Officer Mark Sturm, Superintendent, at (907) 246–2120, or via email at *mark_sturm@nps.gov,* or Linda Chisholm, Subsistence Coordinator, at (907) 246–2154 or via email at *linda_chisholm@nps.gov,* or Joshua Ream, Federal Advisory Committee Group Federal Official, at (907) 644–3596 or via email at *joshua_ream@nps.gov.*

The Denali National Park SRC will meet via teleconference on Tuesday, August 25, 2020, from 9:00 a.m. to 12:00 p.m. or until business is completed. The alternate meeting date is Thursday, August 27, 2020, from 9:00 a.m. to 12:00 p.m. or until business is completed. Teleconference participants must call the NPS office at (907) 644–3604 prior to the meeting to receive teleconference passcode information. For more detailed information regarding these meetings, or if you are interested in applying for SRC membership, contact Designated Federal Officer Denice Swanke, Superintendent, at (907) 683–9627, or via email at *denice_swanke@nps.gov* or Amy Craver, Subsistence Coordinator, at (907) 644–3604 or via email at *amy_craver@nps.gov* or Joshua Ream, Federal Advisory Committee Group Federal Official, at (907) 644–3596 or via email at *joshua_ream@nps.gov.*

The Cape Krusenstern National Monument SRC will meet on Tuesday, November 3, 2020, from 1:00 p.m. to 5:00 p.m. or until business is completed and again on Wednesday, November 4, 2020, from 9:00 a.m. to 12:00 p.m. The alternate meeting dates are Monday, November 9, 2020, from 1:00 p.m. to 5:00 p.m., and Tuesday, November 10, 2020, from 9:00 a.m. to 12:00 p.m. at the same location. Teleconference participants must call the NPS office at (907) 442–8342 prior to the meeting to receive teleconference passcode information. For more detailed information regarding this meeting or if you are interested in applying for SRC membership, contact Designated Federal Officer Maija Lukin, Superintendent, at (907) 442–8301, or via email at *maija_lukin@nps.gov* or Hannah Atkinson, Cultural Resource Specialist, at (907) 442–8342 or via email at *hannah_atkinson@nps.gov* or Joshua Ream, Federal Advisory Committee Group Federal Official, at (907) 644–3596 or via email at *joshua_ream@nps.gov.*

The Lake Clark National Park SRC will meet on Wednesday, September 30, 2020, from 1:00 p.m. to 4:30 p.m. or until business is completed. The alternate meeting date is Wednesday, October 7, 2020, at the alternate location. Teleconference participants must call the NPS office at (907) 644–3648 prior to the meeting to receive teleconference passcode information. For more detailed information regarding this meeting or if you are interested in applying for SRC membership, contact Designated Federal Officer Susanne Green, Superintendent, at (907) 644–3627, or via email at *susanne_green@nps.gov* or Liza Rupp, Subsistence Manager, at (907) 644–3648 or via at email *elizabeth_rupp@nps.gov* or Joshua Ream, Federal Advisory Committee Group Federal Official, at (907) 644–3596 or via email at *joshua_ream@nps.gov.*

The Kobuk Valley National Park SRC will meet on Thursday, November 5, 2020, from 1:00 p.m. to 5:00 p.m. or until business is completed and again on Friday, November 6, 2020, from 9:00 a.m. to 12:00 p.m. The alternate meeting dates are Tuesday, November 10, 2020, from 1:00 p.m. to 5:00 p.m., and Wednesday, November 11, 2020, from 9:00 a.m. to 12:00 p.m. at the same location. Teleconference participants must call the NPS office at (907) 442–8342 prior to the meeting to receive teleconference passcode information. For more detailed information regarding this meeting or if you are interested in applying for SRC membership, contact Designated Federal Officer Maija Lukin, Superintendent, at (907) 442–8301, or via email at *maija_lukin@nps.gov* or Hannah Atkinson, Cultural Resource Specialist, at (907) 442–8342 or via email at *hannah_atkinson@nps.gov* or Joshua Ream, Federal Advisory Committee Group Federal Official, at (907) 644–3596 or via email at *joshua_ream@nps.gov.*

The Wrangell-St. Elias National Park SRC will meet on Thursday, September 24, 2020, from 9:00 a.m. to 5:00 p.m., and again on Friday, September 25, 2020, from 9:00 a.m. to 5:00 p.m. or until business is completed. If business is completed on September 24, 2020, the meeting will adjourn, and no meeting will take place on September 25, 2020. The alternate meeting dates are Monday, October 5, 2020, from 9:00 a.m. to 5:00 p.m., and Tuesday, October 6, 2020, from 9:00 a.m. to 5:00 p.m. or until business is completed at the same location. Teleconference access to the meeting may be requested by calling the NPS office at (907) 822–7236 at least two business days prior to the meeting to receive teleconference passcode information. For more detailed information regarding these meetings, or if you are interested in applying for SRC membership, contact Designated Federal Officer Ben Bobowski, Superintendent, (907) 822–5234, or via email at *ben_bobowski@nps.gov* or Barbara Cellarius, Subsistence Coordinator, at (907) 822–7236 or via email at *barbara_cellarius@nps.gov* or Joshua Ream, Federal Advisory Committee Group Federal Official, at (907) 644–3596 or via email at *joshua_ream@nps.gov.*

The Gates of the Arctic National Park SRC will meet on Thursday, November 12, 2020, and Friday, November 13, 2020, from 8:30 a.m. to 5:00 p.m. both days or until business is complete The alternate meeting dates are Wednesday, November 18, 2020, from 8:30 a.m. to 5:00 p.m., and Thursday, November 19, 2020, from 8:30 a.m. to 5:00 p.m. or until business is completed at the same location. Teleconference participants must call the NPS office at (907) 455–0639 prior to the meeting to receive teleconference passcode information. For more detailed information regarding this meeting or if you are interested in applying for SRC membership, contact Designated Federal Officer Greg Dudgeon, Superintendent, at (907) 457–5752, or via email at *greg_dudgeon@nps.gov* or Marcy Okada, Subsistence Coordinator, at (907) 455–0639 or via email at *marcy_okada@nps.gov* or Joshua Ream, Federal Advisory Committee Group Federal Official, at (907) 644–3596 or via email at *joshua_ream@nps.gov.*

ADDRESSES: The Aniakchak National Monument SRC will meet at the Katmai National Park and Preserve headquarters, 1000 Silver St., Building 603, King Salmon, AK 99613. The alternate meeting location for the Aniakchak National Monument SRC will be the Bristol Bay Native Association office, 1500 Kanakanak Road, Dillingham, AK 99576. The Denali National Park SRC will meet via teleconference. The Cape Krusenstern National Monument SRC will meet in the conference room at the Northwest Arctic Heritage Center, 171 3rd Avenue, Kotzebue, AK 99752. The Lake Clark National Park SRC will meet at the Nondalton Community Center, 101 Main Street, Nondalton, AK 99640. The alternate location for the Lake Clark National Park SRC will be the Iliamna Green Building, Iliamna Village Road, Iliamna, AK, 99606. The Kobuk Valley National Park SRC will meet in the conference room at the Northwest Arctic Heritage Center, 171 3rd Avenue, Kotzebue, AK 99752. The Wrangell-St. Elias National Park SRC will meet at the NPS office in the Copper Center Visitor Center Complex, Wrangell-St. Elias

National Park and Preserve, Mile 106.8 Richardson Highway, Copper Center, AK 99573. The Gates of the Arctic National Park SRC will meet at Sophie Station—Zach's Boardroom, 1717 University Ave. South, Fairbanks, AK 99709.

SUPPLEMENTARY INFORMATION: The NPS is holding meetings pursuant to the Federal Advisory Committee Act (5 U.S.C. Appendix 1–16). The NPS SRC program is authorized under title VIII, section 808 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3118).

SRC meetings are open to the public and will have time allocated for public testimony each day the SRC meets. The public is welcome to present written or oral comments to the SRC. SRC meetings will be recorded and meeting minutes will be available approximately six weeks after the meeting.

Purpose of the Meeting: The agenda may change to accommodate SRC business. The proposed meeting agenda for each meeting includes the following:

1. Call to Order—Confirm Quorum
2. Welcome and Introduction
3. Review and Adoption of Agenda
4. Approval of Minutes
5. Superintendent's Welcome and Review of the SRC Purpose
6. SRC Membership Status
7. SRC Chair and Members' Reports
8. Superintendent's Report
9. Old Business
10. New Business
11. Federal Subsistence Board Update
12. Alaska Boards of Fish and Game Update
13. National Park Service Staff Reports
    a. Superintendent/Ranger Reports
    b. Resource Manager's Report
    c. Subsistence Manager's Report
14. Public and Other Agency Comments
15. Work Session
16. Set Tentative Date and Location for Next SRC Meeting
17. Adjourn Meeting

SRC meeting location and date may change based on inclement weather or exceptional circumstances, including public health advisories or mandates. If the meeting date and location are changed, the Superintendent will issue a press release and use local newspapers and/or radio stations to announce the rescheduled meeting.

Public Disclosure of Comments: Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment – including your personal identifying information – may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

(Authority: 5 U.S.C. Appendix 2)

Alma Ripps,

Chief, Office of Policy.

[FR Doc. 2020–17219 Filed 8–6–20; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1202]

Certain Synthetic Roofing Underlayment Products and Components Thereof; Commission Determination Not To Review an Initial Determination Granting Complainant's Unopposed Motion To Amend the Complaint and Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (''ID'') (Corrected Order No. 6) of the presiding administrative law judge (''ALJ'') granting complainant's unopposed motion to amend the complaint and notice of investigation in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Richard P. Hadorn, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3179. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal, telephone (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on June 1, 2020, based on a complaint filed by Kirsch Research and Development, LLC (''Kirsch'') of Simi Valley, California. 85 FR 33198–99 (June 1, 2020). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), based on the importation into the United States, the sale for importation, or the sale within the United States after importation of certain synthetic roofing underlayment products and components thereof by reason of infringement of certain claims of U.S. Patent No. 8,765,251. *Id.* at 33198. The complaint further alleges that a domestic industry exists. *Id.* The notice of investigation names eleven respondents: Atlas Roofing Corporation of Atlanta, Georgia; CertainTeed Corporation of Malvern, Pennsylvania; Dupont De Nemours, Inc. and E. I. Du Pont De Nemours and Company, both of Wilmington, Delaware; Epilay, Inc. of Carson, California; GAF Corporation of Parsippany, New Jersey; Owens Corning, Owens Corning Roofing & Asphalt, LLC, and InterWrap Corp., each of Toledo, Ohio; System Components Corporation of Issaquah, Washington; and TAMKO Building Products, LLC of Joplin, Missouri. *Id.* The Office of Unfair Import Investigations is not named as a party. *Id.*

On July 2, 2020, Kirsch filed an unopposed motion to amend the complaint and notice of investigation to substitute CertainTeed LLC for respondent CertainTeed Corporation and GAF Materials LLC for respondent GAF Corporation, which was supported by joint stipulations between Kirsch and certain proposed respondents. On July 14, 2020, the ALJ issued the subject ID granting the requested relief. No petitions for review of the subject ID were filed.

The Commission has determined not to review the subject ID. The complaint and notice of investigation are hereby amended to substitute CertainTeed LLC for respondent CertainTeed Corporation and GAF Materials LLC with respondent GAF Corporation.

The Commission vote for this determination took place on August 3, 2020.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: August 4, 2020.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2020–17324 Filed 8–6–20; 8:45 am]

BILLING CODE 7020–02–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2020–056]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of proposed extension request.

SUMMARY: NARA proposes to request an extension from the Office of Management and Budget (OMB) of approval to use of a voluntary survey of visitors to the National Archives Museum and building in Washington, DC. In order to measure whether the National Archives Museum is successfully achieving its goals, as well as to determine if we need to make any modifications, we conduct a survey of those who have visited the National Archives Museum, using the American Association of State and Local History (AASLH) customer survey. This is a 12-minute questionnaire given to a random sample of those exiting the NARA location in downtown Washington, DC. We invite you to comment on this proposed information collection pursuant to the Paperwork Reduction Act of 1995.

DATES: We must receive comments in writing on or before October 6, 2020.

ADDRESSES: Send comments by email to *tamee.fechhelm@nara.gov.* Because our buildings are temporarily closed during the COVID–19 restrictions, we are not able to receive comments by mail during this time.

FOR FURTHER INFORMATION CONTACT: Tamee Fechhelm, Paperwork Reduction Act Officer, by email at *tamee.fechhelm@nara.gov* or by telephone at 301.837.1694 with requests for additional information or copies of the proposed information collection and supporting statement.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13), we invite the public and other Federal agencies to comment on proposed information collections. The comments and suggestions should address one or more of the following points: (a) Whether the proposed information collection is necessary for NARA to properly perform its functions; (b) our estimate of the burden of the proposed information collection and its accuracy; (c) ways we could enhance the quality, utility, and clarity of the information we collect; (d) ways we could minimize the burden on respondents of collecting the information, including through information technology; and (e) whether this collection affects small businesses. We will summarize any comments you submit and include the summary in our request for OMB approval. All comments will become a matter of public record.

In this notice, we solicit comments concerning the following information collection:

Title: NARA Visitors Study.

OMB number: 3095–0067.

Agency form number: N/A.

Type of review: Regular.

Affected public: Individuals who visit the National Archives Experience in Washington, DC.

Estimated number of respondents: 200.

Estimated time per response: 12 minutes.

Frequency of response: On occasion (when an individual visits the National Archives Museum in Washington, DC).

Estimated total annual burden hours: 40 hours.

Abstract: The general purpose of this voluntary data collection is to benchmark NARA's museum performance in relation to other history museums. Information collected from visitors will assess the overall impact, expectations, presentation, logistics, motivation, demographic profile, and learning experience. Once we analyze the compiled information from the surveys as a set, the collected information will assist us to determine our success in achieving the museum's goals.

Swarnali Haldar,

Executive for Information Services/CIO.

[FR Doc. 2020–17321 Filed 8–6–20; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Polar Programs; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Advisory Committee for Polar Programs (1130).

Date and Time: September 10, 2020; 10:30 a.m.–5:00 p.m.; September 11, 2029; 10:30 a.m.–4:00 p.m.

Place: National Science Foundation, 2415 Eisenhower Avenue, Alexandria, Virginia 22314 (Virtual).

Type of Meeting: Open.

Contact Person: Andrew Backe, National Science Foundation, Room W 7237, 2415 Eisenhower Avenue, Alexandria, Virginia 22314; Phone 703–292–2454.

Minutes: May be obtained from the contact person listed above.

Purpose of Meeting: To provide advice and recommendations to the National Science Foundation concerning support for polar research, education, infrastructure and logistics, and related activities.

Agenda

September 10, 2020; 10:30 a.m.–5:00 p.m. (Virtual)

- COVID 19 Impacts
- Alaska Native Letter
- Discussion regarding Subcommittee on Diversity, Equity, & Inclusion
- Review of Antarctic Sciences Committee of Visitors (COV) Report
- USAP Polar Vessel Requirements Updates
- NSF GEO Activities Updates

September 11, 2020; 10:30 a.m.–4:00 p.m. (Virtual)

- Advisory Committee Liaison Updates
- Meeting with the NSF Director & Chief Operating Officer
- NSF Response to the Arctic Portfolio Review Updates
- Review of Arctic Sciences COV Report

Dated: August 4, 2020.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2020–17277 Filed 8–6–20; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2020–0026]

Standard Format and Content of License Applications for Receipt and Storage of Unirradiated Power Reactor Fuel and Associated Radioactive Material at a Nuclear Power Plant

AGENCY: Nuclear Regulatory Commission.

ACTION: Regulatory guide; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing Revision 2 to Regulatory Guide (RG) 3.15, ''Standard Format and Content of License Applications for Receipt and Storage of Unirradiated Power Reactor Fuel and Associated Radioactive Material at a Nuclear Power Plant.'' RG 3.15 describes the standard format and content that the NRC staff considers acceptable for license applications to authorize the receipt, possession, and storage of unirradiated fuel assemblies

and associated radioactive materials at a nuclear power plant.

DATES: Revision 2 to RG 3.15 is available on August 7, 2020.

ADDRESSES: Please refer to Docket ID NRC–2020–0026 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2020–0026. 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(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *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.* Revision 2 to RG 3.15 and the Regulatory Analysis may be found in ADAMS under Accession Nos. ML20164A212 and ML14161A624, respectively.

Regulatory guides are not copyrighted, and NRC approval is not required to reproduce them.

FOR FURTHER INFORMATION CONTACT: Kevin Ramsey, Office of Nuclear Materials Safety and Safeguards, telephone: 301–415–7506, email: *Kevin.Ramsey@nrc.gov,* and Edward O'Donnell, Office of Nuclear Regulatory Research, telephone: 301–415–3317, email: *Edward.ODonnell@nrc.gov.* Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Discussion

The NRC is issuing a revision to an existing guide in the NRC's ''Regulatory Guide'' series. This series was developed to describe and make available to the public information regarding methods that are acceptable to the NRC staff for implementing specific parts of the agency's regulations, techniques that the NRC staff uses in evaluating specific issues or postulated events, and data that the NRC staff needs in its review of applications for permits and licenses.

Revision 2 of RG 3.15 was issued with a temporary identification of Draft Regulatory Guide (DG)–3036. It describes the standard format and content that the NRC staff considers acceptable for license applications to authorize the receipt, possession, and storage of unirradiated fuel assemblies and associated radioactive materials at a nuclear power plant.

II. Additional Information

The NRC published a notice of the availability of DG–3036 in the **Federal Register** on February 19, 2020 (85 FR 9487) for a 60-day public comment period. The public comment period closed on April 20, 2020. Two comments were received but they resulted in no changes in the technical content of the guide. Public comments on DG–3036 and the staff responses to the public comments are available under ADAMS Accession No. ML20164A213.

III. Congressional Review Act

This RG is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

IV. Backfitting, Forward Fitting, and Issue Finality

Issuance of Revision 2 of RG 3.15 does not constitute backfitting as defined in title 10 of the *Code of Federal Regulations* (10 CFR) section 50.109, ''Backfitting,'' and as described in NRC Management Directive (MD) 8.4, ''Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests''; constitute forward fitting as that term is defined and described in MD 8.4; or affect the issue finality of any approval issued under 10 CFR part 52, ''Licenses, Certificates, and Approvals for Nuclear Powerplants.'' As explained in the RG, licensees are not required to comply with the positions set forth in Revision 2 of RG 3.15.

Dated: August 4, 2020.

For the Nuclear Regulatory Commission.

Harriet Karagiannis,

Acting Chief, Regulatory Guidance and Generic Issues Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2020–17304 Filed 8–6–20; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2020–207 and CP2020–235; Docket Nos. MC2020–208 and CP2020–236]

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 11, 2020.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
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).:* MC2020–207 and CP2020–235; *Filing Title:* USPS Request to Add Priority Mail Contract 644 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 3, 2020; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Curtis E. Kidd; *Comments Due:* August 11, 2020.

2. *Docket No(s).:* MC2020–208 and CP2020–236; *Filing Title:* USPS Request to Add Priority Mail & First-Class Package Service Contract 154 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 3, 2020; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Curtis E. Kidd; *Comments Due:* August 11, 2020.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2020–17323 Filed 8–6–20; 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

[SEC File No. 270–481, OMB Control No. 3235–0538]

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:
Rule 203–3, Form ADV–H

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for extension of the previously approved collection of information discussed below.

The title for the collection of information is ''Form ADV–H under the Investment Advisers Act of 1940.'' Rule 203–3 (17 CFR 275.203–3) under the Investment Advisers Act of 1940 (15 U.S.C. 80b) requires that registered advisers requesting either a temporary or continuing hardship exemption submit the request on Form ADV–H. Rule 204–4 (17 CFR 275.204–4) under the Investment Advisers Act of 1940 requires that exempt reporting advisers requesting a temporary hardship exemption submit the request on Form ADV–H. The purpose of this collection of information is to permit advisers to obtain a hardship exemption to not complete an electronic filing. The temporary hardship exemption that is available to registered advisers under rule 203–3 and exempt reporting advisers under rule 204–4 permits these advisers to make late filings due to unforeseen computer or software problems. The continuing hardship exemption available to registered advisers under rule 203–3 permits advisers to submit all required electronic filings on hard copy for data entry by the operator of the IARD.

The Commission has estimated that compliance with the requirement to complete Form ADV–H imposes a total burden of approximately one hour for an adviser. Based on our experience, we estimate that we will receive 15 Form ADV–H filings annually from registered investment advisers and one Form ADV–H filing annually from exempt reporting advisers. Based on the 60 minute per respondent estimate, the Commission estimates a total annual burden of 16 hours for this collection of information.

Rule 203–3, rule 204–4, and Form ADV–H do not require recordkeeping or records retention. The collection of information requirements under the rule and form are mandatory. The information collected pursuant to the rule and Form ADV–H consists of filings with the Commission. These filings are not kept confidential. 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 control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to (i) *www.reginfo.gov/public/do/PRAMain* and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.*

Dated: August 3, 2020.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–17257 Filed 8–6–20; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–087, OMB Control No. 3235–0078]

Submission for OMB review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:
Rule 15c3–3

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 15c3–3 (17 CFR 240.15c3–3), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*). Furthermore, notice is given regarding new collections of information that were previously proposed in Rule 18a–4 (OMB No. 3235–0700) and that are being moved to this Rule 15c3–3 (OMB No. 3235–0078) based on comments received during the rulemaking process.

With respect to the extension of the previously approved collection of information, Rule 15c3–3 requires that a broker-dealer that holds customer securities obtain and maintain possession and control of fully-paid and excess margin securities they hold for

customers. In addition, the Rule requires that a broker-dealer that holds customer funds make either a weekly or monthly computation to determine whether certain customer funds need to be segregated in a special reserve bank account for the exclusive benefit of the firm's customers. It also requires that a broker-dealer maintain a written notification from each bank where a Special Reserve Bank Account is held acknowledging that all assets in the account are for the exclusive benefit of the broker-dealer's customers, and to provide written notification to the Commission (and its designated examining authority) under certain, specified circumstances. Finally, broker-dealers that sell securities futures products (''SFP'') to customers must provide certain notifications to customers and make a record of any changes of account type.

A broker-dealer required to maintain the Special Reserve Bank Account prescribed by Rule 15c3–3 must obtain and retain a written notification from each bank in which it has a Special Reserve Bank Account to evidence the bank's acknowledgement that assets deposited in the Account are being held by the bank for the exclusive benefit of the broker-dealer's customers. In addition, a broker-dealer must immediately notify the Commission and its designated examining authority if it fails to make a required deposit to its Special Reserve Bank Account. Finally, a broker-dealer that effects transactions in SFPs for customers will also have paperwork burdens to make a record of each change in account type.

The Commission staff estimates a total annual time burden of approximately 625,490 hours and a total annual cost burden of approximately $1,440,513 to comply with the existing information collection requirements of the rule.

With respect to the new collections of information, in 2019, the Commission adopted amendments to establish segregation and notice requirements for broker-dealers with respect to their security-based swap activity. The Commission staff estimates a total annual time burden of approximately 96,601 hours and a total annual cost burden of approximately $65,334 to comply with the new information collection requirements of the rule.

The Commission staff thus estimates that the aggregate annual information collection burden associated with Rule 15c3–3 is approximately 722,091 hours and $1,505,847.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website, *www.reginfo.gov.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to (i) *www.reginfo.gov/public/do/PRAMain* and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.*

Dated: August 3, 2020.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–17258 Filed 8–6–20; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89453; File No. SR–NYSE–2020–05]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing of Partial Amendment No. 1 to Proposed Rule Change To Establish a Wireless Fee Schedule Setting Forth Available Wireless Bandwidth Connections and Associated Fees

August 3, 2020.

I. Introduction

On January 30, 2020, New York Stock Exchange LLC (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'' or ''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change (SR–NYSE–2020–05) to establish a schedule of Wireless Connectivity Fees and Charges (''Wireless Fee Schedule'') listing available wireless bandwidth connections between the Mahwah, New Jersey data center and other data centers.

The Commission published the proposed rule change for public comment in the **Federal Register** on February 18, 2020.[3] The Commission received several comments on the proposed rule change, and a response from the Exchange.[4] On April 1, 2020, pursuant to Section 19(b)(2) of the Act,[5] the Commission designated a longer period within which to either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[6] On May 18, 2020, the Commission instituted proceedings to determine whether to approve or disapprove the proposed rule change.[7] The Commission received additional comments in response to the Order Instituting Proceedings.[8]

On July 27, 2020, the Exchange filed Partial Amendment No. 1 to the proposed rule change in response to certain comments on the proposed rule change. Partial Amendment No. 1 is described in Item II below, which has been substantially prepared by the Exchange.[9] The Commission is publishing this notice to solicit comments on Partial Amendment No. 1 from interested persons.[10]

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 88168 (February 11, 2020), 85 FR 8938 (February 18, 2020) (SR–NYSE–2020–05) (''Wireless I Notice''). *See also* Securities Exchange Act Release Nos. 88169 (February 11, 2020), 85 FR 8946 (February 18, 2020) (SR–NYSEAMER–2020–05); 88170 (February 11, 2020), 85 FR 8956 (February 18, 2020) (SR–NYSEArca-2020–08); 88172 (February 11, 2020), 85 FR 8923 (February 18, 2020) (SR–NYSECHX–2020–02); and 88171 (February 11, 2020), 85 FR 8930 (February 18, 2020) (SR–NYSENAT–2020–03).

[4] Comments received on the Wireless I Notice and the Exchange's response are available on the Commission's website at: *https://www.sec.gov/comments/sr-nyse-2020-05/srnyse202005.htm.*

[5] 15 U.S.C. 78s(b)(2).

[6] *See* Securities Exchange Act Release No. 88539 (April 1, 2020), 85 FR 19553 (April 7, 2020). The Commission designated May 18, 2020, as the date by which it should approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule changes.

[7] *See* Securities Exchange Act Release No. 88901 (May 18, 2020), 85 FR 31273 (May 22, 2020) in which the Commission instituted proceedings (''Order Instituting Proceedings'' or ''OIP'').

[8] Comments received on the Wireless I Notice following the OIP also are available on the Commission's website at: *https://www.sec.gov/comments/sr-nyse-2020-05/srnyse202005.htm.*

[9] The Commission has reformatted the Exchange's presentation of the footnotes.

[10] Partial Amendment No. 1 is also available on the Commission's website at: *https://www.sec.gov/comments/sr-nyse-2020-05/srnyse202005.htm.* The Commission also refers interested persons to Securities Exchange Act Release No. 88237 (February 19, 2020), 85 FR 10752 (February 25, 2020) (SR–NYSE–2020–11) (wherein the Exchange filed a proposed rule change to amend the proposed Wireless Fee Schedule to add ''Wireless Market Data Connections'' and associated fees (''Wireless II'') and concurrently proposes to partially amend Wireless II). Partial Amendment No. 1 to Wireless II is available on the Commission's website at: *https://www.sec.gov/comments/sr-nyse-2020-11/srnyse202011.htm.*

II. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Amendment

New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') hereby submits this Partial Amendment No. 1 to the above-referenced filing (''Filing''), in connection with the proposed rule change to establish a schedule of Wireless Connectivity Fees and Charges (the ''Wireless Fee Schedule'') with wireless connections between the Mahwah, New Jersey data center and other data centers. With this Partial Amendment No. 1, the Exchange proposes a new rule to place restrictions on the use of a pole on the grounds of the Mahwah, New Jersey data center that is used for such wireless connections.

The Exchange proposes the following amendments to the Filing:

1. The Exchange proposes to amend the first paragraph in Item 1(a) on page 3 of the Filing:

The Exchange proposes to amend the first paragraph of Item 1(a) on page 3 of the Filing to add ''(a)'' before ''establish'' and add new text at the end of the paragraph to describe the proposed rule change, as follows (new text *underlined*):

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act")[1] and Rule 19b-4 thereunder,[2] New York Stock Exchange LLC ("NYSE" or the "Exchange") proposes to (a) establish a schedule of Wireless Connectivity Fees and Charges (the "Wireless Fee Schedule") with wireless connections between the Mahwah, New Jersey data center and other data centers, and (b) add a new rule to place restrictions on the use of a pole on the grounds of the Mahwah, New Jersey data center that is used for such wireless connections.

2. The Exchange proposes to amend the carryover paragraph on pages 3 and 4 of the Filing (second full paragraph on page 24 of the Exhibit 1):

The Exchange proposes to add a sentence at the end of the carryover paragraph on pages 3 and 4 of the Filing (second full paragraph on page 24 of the Exhibit 1) to describe the proposed rule change, as follows (new text *underlined*):

The Exchange proposes to establish the Wireless Fee Schedule with wireless connections between the Mahwah, New Jersey data center and three data centers that are owned and operated by third parties unaffiliated with the Exchange: (1) Carteret, New Jersey, (2) Secaucus, New Jersey, and (3) Markham, Canada (collectively, the "Third Party Data Centers"). Market participants that purchase such a wireless connection (a "Wireless Connection") are charged an initial and monthly fee. In addition, the Exchange proposes to include a General Note to the Wireless Fee Schedule. The Exchange proposes to add a new rule to place restrictions on the use of a pole on the grounds of the Mahwah, New Jersey data center that is used for the Wireless Connections.

3. The Exchange proposes to add a new section titled ''Proposed New Rule'' and accompanying footnotes after the first full paragraph on page 14 of the Filing (first full paragraph on page 39 of the Exhibit 1):

The Exchange proposes a new rule to place restrictions on the use of a pole on the grounds of the Mahwah, New Jersey data center that is used for wireless connectivity services. Accordingly, the Exchange proposes to add a new section

titled ''*Proposed New Rule*'' with accompanying footnotes (subsequent footnotes would be renumbered in a conforming change) after the first full paragraph on page 14 of the Filing (first full paragraph on page 39 of the Exhibit 1), after the end of the section titled ''*Proposed General Note,*'' as follows (all text is new):

Proposed New Rule

Since 2016, IDS has had the use of a pole on the grounds of the Mahwah data center.[25/26] The data center pole is part of the network utilized for the Wireless Connections to the Carteret and Secaucus Third Party Data Centers.[26/27] At the data center pole, the wireless connection to the Third Party Data Centers converts to a fiber connection, and the fiber connection travels from the data center pole into the Mahwah data center.[27/28] The equipment on the data center pole belongs to IDS and Anova Technologies, LLC (''Anova''), the non-ICE entity that owns the wireless network used for the Wireless Connections to Secaucus and Carteret.[28/29]

Other third parties that offer wireless services utilize commercial poles located outside the grounds of the Mahwah, New Jersey data center for their wireless networks. A third party's wireless connections to the Third Party Data Center convert to fiber connections at the commercial pole, and the fiber connects the commercial pole to the Mahwah data center.

Several such third parties have objected to the use of the data center pole for the Wireless Connections. They argue that IDS has an advantage over its competitors because third parties are not allowed access to the data center pole,[29/30] and the data center pole is closer to the Mahwah data center than any commercial pole.[30/31] At least one third party has raised the additional concern that the Wireless Connections may benefit from ''less obvious and more discreet types of latency advantages'' due to infrastructure inside the Mahwah data center, noting that ''some connections may have a longer fiber route than others within a data center or may have to go through various equipment or meet me rooms that an affiliate or preferred provider of an exchange do not.'' [31/32]

The Exchange is proposing a new Rule 3.13 (Data Center Pole Latency Restrictions—Connectivity to Co-Location Space) that would require that the length of the connection from the data center pole to the network row in the space used for co-location in the Mahwah data center (*i.e.,* the point where the Wireless Connections lead) be no less than the length of the connection from the closest commercial pole to the same point. By requiring that the compared connections both extend to the network row in the space used for co-location, the proposed rule would take distances within the Mahwah data center into account.

The proposed rule would include the following definitions:

- ''Commercial Pole'' would mean a pole (a) on which one or more third parties locate wireless equipment used to offer wireless connectivity to other third parties, and (b) from which a fiber connection extends from third party equipment on the pole to the Data Center.
- ''Data Center'' would mean the Mahwah, New Jersey data center where the Exchange's matching engine is located, or its successor.
- ''Data Center Pole'' would mean a pole that (a) holds wireless equipment, (b) is located within the grounds of the Data Center, and (c) cannot be used by third parties other than third parties with which the Exchange or an ICE Affiliate has an agreement to provide services in the name of the Exchange or an ICE Affiliate.
- ''ICE Affiliate'' would mean Intercontinental Exchange, Inc. (''ICE'') and any entity that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with ICE, where ''control'' means that one entity possesses, directly or indirectly, voting control of the other entity either through ownership of capital stock or other equity securities or through majority representation on the board of directors or other management body of such entity.

The proposed rule would require that:

the length of the connection between (a) the base of the Data Center Pole and (b) the network row in the space used for co-location in the Data Center shall be no less than the length of the connection between (x) the base of the closest Commercial Pole and (y) the network row in the space used for co-location in the Data Center.

In a conforming change, the Exchange proposes to replace ''Reserved'' with ''Organization and Administration'' in the heading of Section 3P. The revised heading would be consistent with changes proposed by the Affiliate SROs to their rules.[32/33]

[25/26] *See* Securities Exchange Act Release No. 76748 (December 23, 3015), 80 FR 81609 (December 30, 2015) (SR–NYSE–2015–52) (order approving proposed rule change to the co-location services offered by the NYSE (the offering of a wireless connection to allow users to receive market data feeds from third party markets) and to reflect changes to the NYSE's price list related to these services).

[26/27] The Wireless Connections with Markham, Canada do not use equipment on the data center pole.

[27/28] The wireless network similarly converts to a fiber connection for its connection into the Third Party Data Centers.

[28/29] Equipment for services Anova offers under its own name is not allowed on the data center pole.

[29/30] IDS does not sell rights to third parties to operate wireless equipment on the data center pole due to space limitations, security concerns, and the interference that would arise between equipment placed too closely together.

[30/31] *See* letter from Gregory Babyak, Global Head of Regulatory Affairs, Bloomberg L.P., to Ms. Vanessa Countryman, Secretary, Securities and Exchange Commission (''Commission''), dated June 12, 2020; letter from Stephen John Berger, Managing Director, Global Head of Government and Regulatory Policy, Citadel Securities, to Ms. Vanessa Countryman, Secretary, Commission, dated June 12, 2020; letter from Jim Considine, Chief Financial Officer, McKay Brothers LLC (''McKay Brothers''), to Ms. Vanessa Countryman, Secretary, Commission, dated June 12, 2020 (''McKay Letter''); and letter from Thomas M. Merritt, Deputy General Counsel, Virtu Financial, Inc. to Ms. Vanessa Countryman, Secretary, Commission, dated March 10, 2020.

[31/32] McKay Letter, *supra* note 30/31, at 9.

[32/33] *See* Securities Exchange Act Release Nos. 88169 (February 11, 2020), 85 FR 8946 February 18, 2020) (SR–NYSEAMER–2020–05); 88170 (February 11, 2020), 85 FR 8956 (February 18, 2020) (SR–NYSEArca–2020–08); 88172 (February 11, 2020), 85 FR 8923 (February 18, 2020) (SR–NYSECHX–2020–02); 88171 (February 11, 2020), 85 FR 8930 (February 18, 2020) (SR–NYSENAT–2020–03) (notice of filing of proposed rule change to establish a Schedule of Wireless Connectivity Fees and Charges with wireless connections).

4. The Exchange proposes to add new text after the third full paragraph on page 15 of the Filing (first full paragraph on page 41 of the Exhibit 1):

The Exchange proposes to amend the Filing to include additional analysis of the competitive environment for wireless connections. Accordingly, the Exchange proposes to add a paragraph and accompanying footnote (subsequent footnotes would be renumbered in a conforming change) after the third full paragraph on page 15 of the Filing (first full paragraph on page 41 of the Exhibit 1), as follows (all text new):

The Exchange believes that its competitors' wireless connections provide connectivity at the same or similar speed as the Wireless Connections, and at the same or similar cost. Indeed, the McKay Letter acknowledges that McKay Brothers has the fastest wireless network.[34/35]

[34/35] McKay Letter, *supra* note 30/31, at 4.

5. The Exchange proposes to amend the Statutory Basis section of the Filing after the first full paragraph on page 18 of the Filing (first full paragraph on page 45 of the Exhibit 1):

The Exchange proposes to include information in the Filing regarding why it believes the proposed new rule is reasonable. The Exchange proposes to amend the Statutory Basis section of the Filing to add new paragraphs and accompanying footnotes (subsequent footnotes would be renumbered in a conforming change) after the first full paragraph on page 18 of the Filing (first full paragraph on page 45 of the Exhibit

1), at the end of the section titled ''*The Proposed Change is Reasonable,*'' as follows (all text is new):

The Exchange believes that the proposed new Rule 3.13 would be reasonable as, pursuant to the rule, the networks for the Wireless Connections, and future wireless connections that use a Data Center Pole, would ''operat[e] in the same manner as competitors do today without a latency subsidy or other advantage provided by the Exchanges. . . .'' [39/40] Accordingly, the proposed new rule would promote just and equitable principles of trade and, in general, protect investors and the public interest by ensuring that the subscribers to services using the IDS wireless network do not benefit from any physical proximity ''on the segment [of the network] closest to the Exchanges' data center that no competitor can replicate.'' [40/41] By ending both of the compared connections at the network row in the space used for co-location, the proposed rule would take distances within the Mahwah data center into account.

The proposed new rule would not apply differently to distinct types or sizes of market participants. The Exchange would be required to ensure that the length of the connection between (a) the base of the Data Center Pole and (b) the network row in the space used for co-location in the Data Center, would be no less than the length of the connection between (x) the base of the closest Commercial Pole and (y) the network row in the space used for co-location in the Data Center.

The Exchange believes that the proposed definition of ''Commercial Pole'' is reasonable and would promote just and equitable principles of trade because it would encompass any pole on which a third party locates its wireless equipment in order to offer wireless connectivity to customers. The Exchange believes that such third parties are the direct competitors for the Wireless Connections, as they also offer wireless connections to customers. If a third party used a pole for a proprietary wireless network and that pole does not have one or more third parties' wireless equipment used to offer wireless connectivity to other third parties, that pole would not fall within the scope of the definition of Commercial Pole.

The Exchange believes that the proposed definition of ''Data Center'' is reasonable and would promote just and equitable principles of trade because it would capture any data center to which the Exchange locates its matching engine.

The Exchange believes that the proposed definition of ''Data Center Pole'' is reasonable and would promote just and equitable principles of trade because it would encompass not just the current pole, but also any additional or successor pole on the grounds of the Data Center, so long as such pole could not be used by third parties other than third parties with which the Exchange or an ICE Affiliate had an agreement to provide services in the name of the Exchange or an ICE Affiliate, such as Anova.

The Exchange believes that the definition of ''ICE Affiliate'' is reasonable and would promote just and equitable principles of trade because the same definition is used in NYSE Rule 497 (Additional Requirements for Listed Securities Issued by Intercontinental Exchange, Inc. or its Affiliates),[41/42] and so using it would add transparency, clarity and internal consistency to Exchange rules.

[39/40] McKay Letter, *supra* note 30/31, at 7.

[40/41] *Id.,* at note 33.

[41/42] The definition of ICE has been added to the text.

6. The Exchange proposes to amend the Statutory Basis section of the Filing after the fifth full paragraph on page 19 of the Filing (first full paragraph on page 48 of the Exhibit 1):

The Exchange proposes to include information in the Filing regarding why it believes the proposed new rule is not unfairly discriminatory. The Exchange proposes to amend the Statutory Basis section of the Filing to add new paragraphs and accompanying footnotes (subsequent footnotes would be renumbered in a conforming change) after the fifth full paragraph on page 19 of the Filing (first full paragraph on page 48 of the Exhibit 1), immediately prior to the last paragraph of the section titled ''*The Proposed Change is Not Unfairly Discriminatory,*'' as follows (all text is new):

The Exchange believes that the proposed new Rule 3.13 would not be unfairly discriminatory, as pursuant to the rule, the networks for the Wireless Connections, and future wireless connections that use the Data Center Pole, would ''operat[e] in the same manner as competitors do today without a latency subsidy or other advantage provided by the Exchanges. . . .'' [42/43] Accordingly, the proposed new rule would ensure that the IDS wireless network does not benefit from physical proximity ''on the segment [of the network] closest to the Exchanges' data center that no competitor can replicate.'' [43/44] By ending both of the compared connections at the network row in the space used for co-location inside the Data Center, the proposed rule would take distances within the Mahwah data center into account.

The proposed new rule would not apply differently to distinct types or sizes of market participants. The Exchange would be required to ensure that the length of the connection between (a) the base of the Data Center Pole and (b) the network row in the space used for co-location in the Data Center, would be no less than the length of the connection between (x) the base of the closest Commercial Pole and (y) the network row in the space used for co-location in the Data Center.

The Exchange believes that the proposed definition of ''Commercial Pole'' would not be unfairly discriminatory because it would encompass any pole on which a third party locates its wireless equipment in order to offer wireless connectivity to customers. The Exchange believes that such third parties are the direct competitors for the Wireless Connections, as they also offer wireless connections to customers. If a third party used a pole for a proprietary wireless network and that pole does not have one or more third parties' wireless equipment used to offer wireless connectivity to other third parties, that pole would not fall within the scope of the definition of Commercial Pole.

The Exchange believes that the proposed definition of ''Data Center'' would not be unfairly discriminatory because it would capture any data center to which the Exchange locates its matching engine.

The Exchange believes that the proposed definition of ''Data Center Pole'' would not be unfairly discriminatory because it would encompass not just the current pole, but also any additional or successor pole on the grounds of the Data Center, so long as such pole could not be used by third parties other than third parties with which the Exchange or an ICE Affiliate had an agreement to provide services in the name of the Exchange or an ICE Affiliate, such as Anova.

The Exchange believes that the definition of ''ICE Affiliate'' would not be unfairly discriminatory because the same definition is used in NYSE Rule 497,[44/45] and so using it would add transparency, clarity and internal consistency to Exchange rules.

[42/43] mcKay Letter, *supra* note 30/31, at 7.

[43/44] *Id.,* at note 33.

[44/45] The definition of ICE has been added to the text.

7. The Exchange proposes to amend the section of the Filing titled ''Self-Regulatory Organization's Statement on Burden on Competition'' in the following two ways:

The Exchange proposes to include information in the Filing regarding why it believes the proposed new rule would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of Section 6(b)(8) of the Securities Exchange Act of 1934 (the ''Act'').[11] Accordingly, the Exchange proposes to amend the section of the Filing titled ''*Self-Regulatory Organization's Statement on Burden on Competition*'' in the following two ways.

First, to set the new text apart from the previous discussion regarding the burden on competition, the Exchange proposes to add the heading ''*Wireless Market Data Connectivity*'' immediately before the first full paragraph under the heading on page 20 of the Filing (page 48 of the Exhibit 1). The new heading would apply to the current text of the Filing.

Second, after the third full paragraph on page 21 of the Filing (first full paragraph on page 51 of the Exhibit 1), the Exchange proposes to add the heading ''*Proposed New Rule*'' and new paragraphs and accompanying footnotes (subsequent footnotes would be renumbered in a conforming change), as follows (all text is new):

[11] 15 U.S.C. 78f(b)(8).

Proposed New Rule

The Exchange does not believe that the proposed new rule would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of Section 6(b)(8) of the Act.[48/49]

With the exception of Anova, third parties do not have access to the data center pole. Under the proposed rule, the Exchange would always be obligated to ensure that the length of the connection between (a) the base of the Data Center Pole and (b) the network row in the space used for co-location in the Data Center, would be no less than the length of the connection between (x) the base of the closest Commercial Pole and (y) the network row in the space used for co-location in the Data Center.

IDS, not the Exchange, provides the Wireless Connections to market participants, and so it would be IDS that would have to slow its connection down as required by the rule. Accordingly, the Exchange believes that the only burden on competition of the proposed change would be on IDS.

Nonetheless, the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate because the proposed change would ensure that the IDS wireless network did not benefit from physical proximity ''on the segment [of the network] closest to the Exchanges' data center that no competitor can replicate.'' [49/50] The networks for the Wireless Connections, and future wireless connections that use the Data Center Pole, would ''operat[e] in the same manner as competitors do today without a latency subsidy or other advantage provided by the Exchanges. . . .'' [50/51]

The proposed rule would not otherwise put a burden on competition. As noted above, access to the data center pole is not required for third parties to establish wireless networks that can compete with the Wireless Connections to the Carteret and Secaucus Third Party Data Centers, as evidenced by the existing wireless connections offered by non-ICE entities.[51/52] Indeed, the Exchange believes that its competitors' wireless connections provide connectivity at the same or similar speed as the Wireless Connections, and at the same or similar cost. The McKay Letter acknowledges that McKay Brothers has the fastest wireless network.[52/53]

The Exchange notes that proximity to a data center is not the only determinant of a wireless network's latency. Rather, the latency of a wireless network depends on several factors. Variables include the wireless equipment utilized; the route of, and number of towers or buildings in, the network; and the fiber equipment used at either end of the connection. Moreover, latency is not the only consideration that a customer may have in selecting a wireless network to connect to for market data. Other considerations may include the amount of network uptime; the equipment that the network uses; the cost of the connection; and the applicable contractual provisions.

The proposed change does not affect competition among national securities exchanges or among members of the Exchange, but rather between IDS and its commercial competitors.

[48/49] 15 U.S.C. 78f(b)(8).

[49/50] McKay Letter, *supra* note 30/31, at note 33.

[50/51] *Id.,* at 7.

[51/52] A market participant in any of the Third Party Data Centers or the Mahwah data center also may create a proprietary wireless market data connection, connect through another market participant, or utilize fiber connections offered by the Exchange, ICE Affiliates, and other service providers and third party telecommunications providers.

[52/53] *Id.,* at 4.

8. The Exchange proposes to add a list under ''Exhibit 5—Text of the Proposed Rule Change'' on page 22 of the Filing:

The Exchange proposes to add a new Exhibit 5B. Accordingly, the Exchange proposes to add a list under ''Exhibit5—Text of Proposed Rule Change'' on page 22 of the Filing, as follows (new text *underlined*):

Exhibit 5 – Text of the Proposed Rule Change

A. Text of the Proposed Schedule of Wireless Connectivity Fees and Charges

B. Text of the Proposed Rule

9. The Exchange proposes to add new text to the first full paragraph of Section I on page 23 of the Exhibit 1:

The Exchange proposes to add new text to the first full paragraph of Section I on page 23 of the Exhibit 1, as follows (new text *underlined*):

The Exchange proposes to establish a schedule of Wireless Connectivity Fees and Charges (the "Wireless Fee Schedule") with wireless connections between the Mahwah, New Jersey data center and other data centers and add a new rule to place restrictions on the use of a pole on the grounds of the Mahwah, New Jersey data center that is used for such wireless connections. The proposed rule change is available on the Exchange's website at www.nyse.com, at the principal office of the Exchange, and at the Commission's Public Reference Room.

10. The Exchange proposes to amend ''Exhibit 5'' to ''Exhibit 5A'' on page 54 of the Exhibit 5:

To reflect the addition of a new Exhibit 5B, the Exchange proposes to add ''A'' to ''EXHIBIT 5'' on page 54 of the Exhibit 5, to make it to ''EXHIBIT 5A''.

* * * * *

All other representations in the Filing remain as stated therein and no other changes are being made.

III. Date of Effectiveness of the Proposed Rule Change As Modified By Partial Amendment No. 1 and Timing for Commission Action

Within 180 days after the date of publication of the initial Notice of Filing in the **Federal Register** or within such longer period up to an additional 60 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 issue an order approving or disapproving such proposed rule change, as amended.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended by Partial Amendment No. 1, is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSE–2020–05 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2020–05. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2020–05, and should be submitted on or before August 28, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–17243 Filed 8–6–20; 8:45 am]

BILLING CODE 8011–01–P

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89457; File No. SR–NYSENAT–2020–03]

Self-Regulatory Organizations; NYSE National, Inc.; Notice of Filing of Partial Amendment No. 1 To Proposed Rule Change To Establish a Wireless Fee Schedule Setting Forth Available Wireless Bandwidth Connections and Associated Fees

August 3, 2020.

I. Introduction

On January 30, 2020, NYSE National, Inc. (''NYSE National'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'' or ''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change (SR–NYSENAT–2020–03) to establish a schedule of Wireless Connectivity Fees and Charges (''Wireless Fee Schedule'') listing available wireless bandwidth connections between the Mahwah, New Jersey data center and other data centers.

The Commission published the proposed rule change for public comment in the **Federal Register** on February 18, 2020.[3] The Commission received several comments on the proposed rule change, and a response from the Exchange.[4] On April 1, 2020, pursuant to Section 19(b)(2) of the Act,[5] the Commission designated a longer period within which to either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[6] On May 18, 2020, the Commission instituted proceedings to determine whether to approve or disapprove the proposed rule change.[7] The Commission received additional comments in response to the Order Instituting Proceedings.[8]

On July 27, 2020, the Exchange filed Partial Amendment No. 1 to the proposed rule change in response to certain comments on the proposed rule change. Partial Amendment No. 1 is described in Item II below, which has been substantially prepared by the Exchange.[9] The Commission is publishing this notice to solicit comments on Partial Amendment No. 1 from interested persons.[10]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 88171 (February 11, 2020), 85 FR 8930 (February 18, 2020) (SR–NYSENAT–2020–03) (''Wireless I Notice''). *See also* Securities Exchange Act Release Nos. 88168 (February 11, 2020), 85 FR 8938 (February 18, 2020) (SR–NYSE–2020–05); 88169 (February 11, 2020), 85 FR 8946 (February 18, 2020) (SR–NYSEAMER–2020–05); 88170 (February 11, 2020), 85 FR 8956 (February 18, 2020) (SR–NYSEArca–2020–08); and 88172 (February 11, 2020), 85 FR 8923 (February 18, 2020) (SR–NYSECHX–2020–02).

[4] Comments received on the Wireless I Notice and the Exchange's response are available on the Commission's website at: *https://www.sec.gov/comments/sr-nysenat-2020-03/srnysenat202003.htm*.

[5] 15 U.S.C. 78s(b)(2).

[6] *See* Securities Exchange Act Release No. 88539 (April 1, 2020), 85 FR 19553 (April 7, 2020). The Commission designated May 18, 2020, as the date by which it should approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule changes.

[7] *See* Securities Exchange Act Release No. 88901 (May 18, 2020), 85 FR 31273 (May 22, 2020) in which the Commission instituted proceedings (''Order Instituting Proceedings'' or ''OIP'').

[8] Comments received on the Wireless I Notice following the OIP also are available on the Commission's website at: *https://www.sec.gov/comments/sr-nysenat-2020-03/srnysenat202003.htm*.

[9] The Commission has reformatted the Exchange's presentation of the footnotes.

[10] Partial Amendment No. 1 is also available on the Commission's website at: *https://www.sec.gov/comments/sr-nysenat-2020-03/srnysenat202003.htm*. The Commission also refers interested persons to Securities Exchange Act Release No. 88241 (February 19, 2020), 85 FR 10738 (February 25, 2020) (SR–NYSENAT–2020–08) (wherein the Exchange filed a proposed rule change to amend the proposed Wireless Fee Schedule to add ''Wireless Market Data Connections'' and associated fees (''Wireless II'') and concurrently proposes to partially amend Wireless II). Partial Amendment No. 1 to Wireless II is available on the Commission's website at: *https://www.sec.gov/comments/sr-nysenat-2020-08/srnysenat202008.htm*.

II. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Amendment

NYSE National, Inc. (''NYSE National'' or the ''Exchange'') hereby submits this Partial Amendment No. 1 to the above-referenced filing (''Filing''), in connection with the proposed rule change to establish a schedule of Wireless Connectivity Fees and Charges (the ''Wireless Fee Schedule'') with wireless connections between the Mahwah, New Jersey data center and other data centers. With this Partial Amendment No. 1, the Exchange proposes a new rule to place restrictions on the use of a pole on the grounds of the Mahwah, New Jersey data center that is used for such wireless connections.

The Exchange proposes the following amendments to the Filing:

1. The Exchange proposes to amend the first paragraph in Item 1(a) on page 3 of the Filing:

The Exchange proposes to amend the first paragraph of Item 1(a) on page 3 of the Filing to add ''(a)'' before ''establish'' and add new text at the end of the paragraph to describe the proposed rule change, as follows (new text italicized):

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'') [1] and Rule 19b–4 thereunder,[2] NYSE National, Inc. (''NYSE National'' or the ''Exchange'') proposes to *(a)* establish a schedule of Wireless Connectivity Fees and Charges (the ''Wireless Fee Schedule'') with wireless connections between the Mahwah, New Jersey data center and other data centers*, and (b) add a new rule to place restrictions on the use of a pole on the grounds of the Mahwah, New Jersey data center that is used for such wireless connections*.

2. The Exchange proposes to amend the carryover paragraph on pages 3 and 4 of the Filing (second full paragraph on page 24 of the Exhibit 1):

The Exchange proposes to add a sentence at the end of the carryover paragraph on pages 3 and 4 of the Filing (second full paragraph on page 24 of the Exhibit 1) to describe the proposed rule change, as follows (new text italicized):

The Exchange proposes to establish the Wireless Fee Schedule with wireless connections between the Mahwah, New Jersey data center and three data centers that are owned and operated by third parties unaffiliated with the Exchange: (1) Carteret, New Jersey, (2) Secaucus, New Jersey, and (3) Markham, Canada (collectively, the ''Third Party Data Centers''). Market participants that purchase such a wireless connection (a ''Wireless Connection'') are charged an initial and monthly fee. In addition, the Exchange proposes to include a General Note to the Wireless Fee Schedule. *The Exchange proposes to add a new rule to place restrictions on the use of a pole on the grounds of the Mahwah, New Jersey data center that is used for the Wireless Connections*.

3. The Exchange proposes to add a new section titled ''Proposed New Rule'' and accompanying footnotes after the first full paragraph on page 14 of the Filing (first full paragraph on page 39 of the Exhibit 1):

The Exchange proposes a new rule to place restrictions on the use of a pole on the grounds of the Mahwah, New Jersey data center that is used for wireless connectivity services. Accordingly, the Exchange proposes to add a new section titled ''*Proposed New Rule*'' with accompanying footnotes (subsequent footnotes would be renumbered in a conforming change) after the first full paragraph on page 14 of the Filing (first full paragraph on page 39 of the Exhibit 1), after the end of the section titled ''*Proposed General Note,*'' as follows (all text is new):

Proposed New Rule

Since 2016, IDS has had the use of a pole on the grounds of the Mahwah data center.[25/26] The data center pole is part of the network utilized for the Wireless Connections to the Carteret and Secaucus Third Party Data Centers.[26/27] At the data center pole, the wireless connection to the Third Party Data Centers converts to a fiber connection, and the fiber connection travels from the data center pole into the Mahwah data center.[27/28] The equipment on the data center pole belongs to IDS and Anova Technologies, LLC (''Anova''), the non-ICE entity that owns the wireless network used for the Wireless Connections to Secaucus and Carteret.[28/29]

Other third parties that offer wireless services utilize commercial poles located outside the grounds of the Mahwah, New Jersey data center for their wireless networks. A third party's wireless connections to the Third Party Data Center convert to fiber connections at the commercial pole, and the fiber connects the commercial pole to the Mahwah data center.

Several such third parties have objected to the use of the data center pole for the Wireless Connections. They argue that IDS has an advantage over its competitors because third parties are not allowed access to the data center pole,[29/30] and the data center pole is closer to the Mahwah data center than any commercial pole.[30/31] At least one third party has raised the additional concern that the Wireless Connections may benefit from ''less obvious and more discreet types of latency advantages'' due to infrastructure inside the Mahwah data center, noting that ''some connections may have a longer fiber route than others within a data center or may have to go through various equipment or meet me rooms that an affiliate or preferred provider of an exchange do not.'' [31/32]

The Exchange is proposing a new Rule 3.13 (Data Center Pole Latency Restrictions—Connectivity to Co-Location Space) that would require that the length of the connection from the data center pole to the network row in the space used for co-location in the Mahwah data center (*i.e.,* the point where the Wireless Connections lead) be no less than the length of the connection from the closest commercial pole to the same point. By requiring that the compared connections both extend to the network row in the space used for co-location, the proposed rule would take distances within the Mahwah data center into account.

The proposed rule would include the following definitions:

- ''Commercial Pole'' would mean a pole (a) on which one or more third parties locate wireless equipment used to offer wireless connectivity to other third parties, and (b) from which a fiber connection extends from third party equipment on the pole to the Data Center.
- ''Data Center'' would mean the Mahwah, New Jersey data center where the Exchange's matching engine is located, or its successor.
- ''Data Center Pole'' would mean a pole that (a) holds wireless equipment, (b) is located within the grounds of the Data Center, and (c) cannot be used by third parties other than third parties with which the Exchange or an ICE Affiliate has an agreement to provide services in the name of the Exchange or an ICE Affiliate.
- ''ICE Affiliate'' would mean Intercontinental Exchange, Inc. (''ICE'') and any entity that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with ICE, where ''control'' means that one entity possesses, directly or indirectly, voting control of the other entity either through ownership of capital stock or other equity securities or through majority representation on the board of directors or other management body of such entity.

The proposed rule would require that:

The length of the connection between (a) the base of the Data Center Pole and (b) the network row in the space used for co-location in the Data Center shall be no less than the length of the connection between (x) the base of the closest Commercial Pole and (y) the network row in the space used for co-location in the Data Center.

In a conforming change, the Exchange proposes to add a new Rule 3.12, marked ''Reserved.'' The addition would allow the numbering of the proposed Rule 3.13 to be consistent with changes proposed by the Affiliate SROs to their rules.[32/33]

[25/26] *See* Securities Exchange Act Release No. 76748 (December 23, 3015), 80 FR 81609 (December 30, 2015) (SR–NYSE–2015–52) (order approving proposed rule change to the co-location services offered by the NYSE (the offering of a wireless connection to allow users to receive market data feeds from third party markets) and to reflect changes to the NYSE's price list related to these services).

[26/27] The Wireless Connections with Markham, Canada do not use equipment

on the data center pole.

[27/28] The wireless network similarly converts to a fiber connection for its connection into the Third Party Data Centers.

[28/29] Equipment for services Anova offers under its own name is not allowed on the data center pole.

[29/30] IDS does not sell rights to third parties to operate wireless equipment on the data center pole due to space limitations, security concerns, and the interference that would arise between equipment placed too closely together.

[30/31] *See* letter from Gregory Babyak, Global Head of Regulatory Affairs, Bloomberg L.P., to Ms. Vanessa Countryman, Secretary, Securities and Exchange Commission (''Commission''), dated June 12, 2020; letter from Stephen John Berger, Managing Director, Global Head of Government and Regulatory Policy, Citadel Securities, to Ms. Vanessa Countryman, Secretary, Commission, dated June 12, 2020; letter from Jim Considine, Chief Financial Officer, McKay Brothers LLC (''McKay Brothers''), to Ms. Vanessa Countryman, Secretary, Commission, dated June 12, 2020 (''McKay Letter''); and letter from Thomas M. Merritt, Deputy General Counsel, Virtu Financial, Inc. to Ms. Vanessa Countryman, Secretary, Commission, dated March 10, 2020.

[31/32] McKay Letter, *supra* note 30/31, at 9.

[32/33] *See* Securities Exchange Act Release Nos. 88168 (February 11, 2020), 85 FR 8938, (February 18, 2020) (SR–NYSE–2020–05); 88169 (February 11, 2020), 85 FR 8946 February 18, 2020) (SR–NYSEAMER–2020–05); 88170 (February 11, 2020), 85 FR 8956 (February 18, 2020) (SR–NYSEArca–2020–08); and 88172 (February 11, 2020), 85 FR 8923 (February 18, 2020) (SR–NYSECHX–2020–02); (notice of filing of proposed rule change to establish a Schedule of Wireless Connectivity Fees and Charges with wireless connections).

4. The Exchange proposes to add new text after the second full paragraph on page 15 of the Filing (first full paragraph on page 41 of the Exhibit 1):

The Exchange proposes to amend the Filing to include additional analysis of the competitive environment for wireless connections. Accordingly, the Exchange proposes to add a paragraph and accompanying footnote (subsequent footnotes would be renumbered in a conforming change) after the second full paragraph on page 15 of the Filing (first full paragraph on page 41 of the Exhibit 1), as follows (all text new):

The Exchange believes that its competitors' wireless connections provide connectivity at the same or similar speed as the Wireless Connections, and at the same or similar cost. Indeed, the McKay Letter acknowledges that McKay Brothers has the fastest wireless network.[34/35]

[34/35] McKay Letter, *supra* note 30/31, at 4.

5. The Exchange proposes to amend the Statutory Basis section of the Filing after the first full paragraph on page 18 of the Filing (first full paragraph on page 45 of the Exhibit 1):

The Exchange proposes to include information in the Filing regarding why it believes the proposed new rule is reasonable. The Exchange proposes to amend the Statutory Basis section of the Filing to add new paragraphs and accompanying footnotes (subsequent footnotes would be renumbered in a conforming change) after the first full paragraph on page 18 of the Filing (first full paragraph on page 45 of the Exhibit 1), at the end of the section titled ''*The Proposed Change is Reasonable,*'' as follows (all text is new):

The Exchange believes that the proposed new Rule 3.13 would be reasonable as, pursuant to the rule, the networks for the Wireless Connections, and future wireless connections that use a Data Center Pole, would ''operat[e] in the same manner as competitors do today without a latency subsidy or other advantage provided by the Exchanges. . . .'' [39/40] Accordingly, the proposed new rule would promote just and equitable principles of trade and, in general, protect investors and the public interest by ensuring that the subscribers to services using the IDS wireless network do not benefit from any physical proximity ''on the segment [of the network] closest to the Exchanges' data center that no competitor can replicate.'' [40/41] By ending both of the compared connections at the network row in the space used for co-location, the proposed rule would take distances within the Mahwah data center into account.

The proposed new rule would not apply differently to distinct types or sizes of market participants. The Exchange would be required to ensure that the length of the connection between (a) the base of the Data Center Pole and (b) the network row in the space used for co-location in the Data Center, would be no less than the length of the connection between (x) the base of the closest Commercial Pole and (y) the network row in the space used for co-location in the Data Center.

The Exchange believes that the proposed definition of ''Commercial Pole'' is reasonable and would promote just and equitable principles of trade because it would encompass any pole on which a third party locates its wireless equipment in order to offer wireless connectivity to customers. The Exchange believes that such third parties are the direct competitors for the Wireless Connections, as they also offer wireless connections to customers. If a third party used a pole for a proprietary wireless network and that pole does not have one or more third parties' wireless equipment used to offer wireless connectivity to other third parties, that pole would not fall within the scope of the definition of Commercial Pole.

The Exchange believes that the proposed definition of ''Data Center'' is reasonable and would promote just and equitable principles of trade because it would capture any data center to which the Exchange locates its matching engine.

The Exchange believes that the proposed definition of ''Data Center Pole'' is reasonable and would promote just and equitable principles of trade because it would encompass not just the current pole, but also any additional or successor pole on the grounds of the Data Center, so long as such pole could not be used by third parties other than third parties with which the Exchange or an ICE Affiliate had an agreement to provide services in the name of the Exchange or an ICE Affiliate, such as Anova.

The Exchange believes that the definition of ''ICE Affiliate'' is reasonable and would promote just and equitable principles of trade because the same definition is used in Rule 3.1 (Additional Requirements for Listed Securities Issued by Intercontinental Exchange, Inc. or its Affiliates), and so using it would add transparency, clarity and internal consistency to Exchange rules.

[39/40] McKay Letter, *supra* note 30/31, at 7.

[40/41] *Id.,* at note 33.

6. The Exchange proposes to amend the Statutory Basis section of the Filing after the fifth full paragraph on page 19 of the Filing (first full paragraph on page 48 of the Exhibit 1):

The Exchange proposes to include information in the Filing regarding why it believes the proposed new rule is not unfairly discriminatory. The Exchange proposes to amend the Statutory Basis section of the Filing to add new paragraphs and accompanying footnotes (subsequent footnotes would be renumbered in a conforming change) after the fifth full paragraph on page 19 of the Filing (first full paragraph on page 48 of the Exhibit 1), immediately prior to the last paragraph of the section titled ''*The Proposed Change is Not Unfairly Discriminatory,*'' as follows (all text is new):

The Exchange believes that the proposed new Rule 3.13 would not be unfairly discriminatory, as pursuant to the rule, the networks for the Wireless Connections, and future wireless connections that use the Data Center Pole, would ''operat[e] in the same manner as competitors do today without a latency subsidy or other advantage provided by the Exchanges. . . .'' [41/42] Accordingly, the proposed new rule would ensure that the IDS wireless network does not benefit from physical proximity ''on the segment [of the network] closest to the Exchanges' data center that no competitor can replicate.'' [42/43] By ending both of the compared connections at the network row in the space used for co-location inside the Data Center, the proposed rule would take distances within the Mahwah data center into account.

The proposed new rule would not apply differently to distinct types or sizes of market participants. The Exchange would be required to ensure that the length of the connection between (a) the base of the Data Center Pole and (b) the network row in the space used for co-location in the Data Center, would be no less than the length of the connection between (x) the base of the closest Commercial Pole and (y) the network row in

the space used for co-location in the Data Center.

The Exchange believes that the proposed definition of ''Commercial Pole'' would not be unfairly discriminatory because it would encompass any pole on which a third party locates its wireless equipment in order to offer wireless connectivity to customers. The Exchange believes that such third parties are the direct competitors for the Wireless Connections, as they also offer wireless connections to customers. If a third party used a pole for a proprietary wireless network and that pole does not have one or more third parties' wireless equipment used to offer wireless connectivity to other third parties, that pole would not fall within the scope of the definition of Commercial Pole.

The Exchange believes that the proposed definition of ''Data Center'' would not be unfairly discriminatory because it would capture any data center to which the Exchange locates its matching engine.

The Exchange believes that the proposed definition of ''Data Center Pole'' would not be unfairly discriminatory because it would encompass not just the current pole, but also any additional or successor pole on the grounds of the Data Center, so long as such pole could not be used by third parties other than third parties with which the Exchange or an ICE Affiliate had an agreement to provide services in the name of the Exchange or an ICE Affiliate, such as Anova.

The Exchange believes that the definition of ''ICE Affiliate'' would not be unfairly discriminatory because the same definition is used in Rule 3.1, and so using it would add transparency, clarity and internal consistency to Exchange rules.

41/42 McKay Letter, *supra* note 30/31, at 7.

42/43 *Id.,* at note 33.

7. The Exchange proposes to amend the section of the Filing titled ''Self-Regulatory Organization's Statement on Burden on Competition'' in the following two ways:

The Exchange proposes to include information in the Filing regarding why it believes the proposed new rule would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of Section 6(b)(8) of the Securities Exchange Act of 1934 (the ''Act'').[11] Accordingly, the Exchange proposes to amend the section of the Filing titled ''*Self-Regulatory Organization's Statement on Burden on Competition*'' in the following two ways.

First, to set the new text apart from the previous discussion regarding the burden on competition, the Exchange proposes to add the heading ''*Wireless Market Data Connectivity*'' immediately before the first full paragraph under the heading on page 20 of the Filing (page 48 of the Exhibit 1). The new heading would apply to the current text of the Filing.

Second, after the third full paragraph on page 21 of the Filing (first full paragraph on page 51 of the Exhibit 1), the Exchange proposes to add the heading ''*Proposed New Rule*'' and new paragraphs and accompanying footnotes (subsequent footnotes would be renumbered in a conforming change), as follows (all text is new):

Proposed New Rule

The Exchange does not believe that the proposed new rule would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of Section 6(b)(8) of the Act.[46/47]

With the exception of Anova, third parties do not have access to the data center pole. Under the proposed rule, the Exchange would always be obligated to ensure that the length of the connection between (a) the base of the Data Center Pole and (b) the network row in the space used for co-location in the Data Center, would be no less than the length of the connection between (x) the base of the closest Commercial Pole and (y) the network row in the space used for co-location in the Data Center.

IDS, not the Exchange, provides the Wireless Connections to market participants, and so it would be IDS that would have to slow its connection down as required by the rule. Accordingly, the Exchange believes that the only burden on competition of the proposed change would be on IDS.

Nonetheless, the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate because the proposed change would ensure that the IDS wireless network did not benefit from physical proximity ''on the segment [of the network] closest to the Exchanges' data center that no competitor can replicate.'' [47/48] The networks for the Wireless Connections, and future wireless connections that use the Data Center Pole, would ''operat[e] in the same manner as competitors do today without a latency subsidy or other advantage provided by the Exchanges. . . .'' [48/49]

The proposed rule would not otherwise put a burden on competition. As noted above, access to the data center pole is not required for third parties to establish wireless networks that can compete with the Wireless Connections to the Carteret and Secaucus Third Party Data Centers, as evidenced by the existing wireless connections offered by non-ICE entities.[49/50] Indeed, the Exchange believes that its competitors' wireless connections provide connectivity at the same or similar speed as the Wireless Connections, and at the same or similar cost. The McKay Letter acknowledges that McKay Brothers has the fastest wireless network.[50/51]

The Exchange notes that proximity to a data center is not the only determinant of a wireless network's latency. Rather, the latency of a wireless network depends on several factors. Variables include the wireless equipment utilized; the route of, and number of towers or buildings in, the network; and the fiber equipment used at either end of the connection. Moreover, latency is not the only consideration that a customer may have in selecting a wireless network to connect to for market data. Other considerations may include the amount of network uptime; the equipment that the network uses; the cost of the connection; and the applicable contractual provisions.

The proposed change does not affect competition among national securities exchanges or among members of the Exchange, but rather between IDS and its commercial competitors.

46/47 15 U.S.C. 78f(b)(8).

47/48 McKay Letter, *supra* note 30/31, at note 33.

48/49 *Id.,* at 7.

49/50 A market participant in any of the Third Party Data Centers or the Mahwah data center also may create a proprietary wireless market data connection, connect through another market participant, or utilize fiber connections offered by the Exchange, ICE Affiliates, and other service providers and third party telecommunications providers.

50/51 *Id.,* at 4.

8. The Exchange proposes to add a list under ''Exhibit 5—Text of the Proposed Rule Change'' on page 22 of the Filing:

The Exchange proposes to add a new Exhibit 5B. Accordingly, the Exchange proposes to add a list under ''Exhibit 5—Text of Proposed Rule Change'' on page 22 of the Filing, as follows (new text italicized):

Exhibit 5—Text of the Proposed Rule Change

A. Text of the Proposed Schedule of Wireless Connectivity Fees and Charges

B. Text of the Proposed Rule

9. The Exchange proposes to add new text to the first full paragraph of Section I on page 23 of the Exhibit 1:

The Exchange proposes to add new text to the first full paragraph of Section I on page 23 of the Exhibit 1, as follows (new text italicized):

The Exchange proposes to establish a schedule of Wireless Connectivity Fees and Charges (the ''Wireless Fee Schedule'') with wireless connections between the Mahwah, New Jersey data center and other data centers *and add a new rule to place restrictions on the use of a pole on the grounds of the Mahwah, New Jersey data center that is used for such wireless connections.* The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

10. The Exchange proposes to amend ''Exhibit 5'' to ''Exhibit 5A'' on page 54 of the Exhibit 5:

To reflect the addition of a new Exhibit 5B, the Exchange proposes to add ''A'' to ''EXHIBIT 5'' on page 54 of the Exhibit 5, to make it to ''EXHIBIT 5A''.

* * * * *

All other representations in the Filing remain as stated therein and no other changes are being made.

[11] 15 U.S.C. 78f(b)(8).

III. Date of Effectiveness of the Proposed Rule Change as Modified by Partial Amendment No. 1 and Timing for Commission Action

Within 180 days after the date of publication of the initial Notice of Filing in the **Federal Register** or within such longer period up to an additional 60 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 issue an order approving or disapproving such proposed rule change, as amended.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended by Partial Amendment No. 1, is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSENAT–2020–03 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSENAT–2020–03. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSENAT–2020–03, and should be submitted on or before August 28, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–17247 Filed 8–6–20; 8:45 am]

BILLING CODE 8011–01–P

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–540, OMB Control No. 3235–0600]

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:
Rule 611

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 611 (17 CFR 242.611) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (''Exchange Act'').

On June 9, 2005, effective August 29, 2005 (*see* 70 FR 37496, June 29, 2005), the Commission adopted Rule 611 of Regulation NMS under the Exchange Act to require any national securities exchange, national securities association, alternative trading system, exchange market maker, over-the-counter market maker, and any other broker-dealer that executes orders internally by trading as principal or crossing orders as agent, to establish, maintain, and enforce written policies and procedures reasonably designed to prevent the execution of a transaction in its market at a price that is inferior to a bid or offer displayed in another market at the time of execution (a ''trade-though''), absent an applicable exception and, if relying on an exception, that are reasonably designed to assure compliance with the terms of the exception. Without this collection of information, respondents would not have a means to enforce compliance with the Commission's intention to prevent trade-throughs pursuant to the rule.

There are approximately 366 respondents[1] per year that will require an aggregate total of approximately 21,960 hours per year to comply with this Rule. It is anticipated that each respondent will continue to expend approximately 60 hours annually: Two hours per month of internal legal time and three hours per month of internal compliance time to ensure that its written policies and procedures are up-to-date and remain in compliance with Rule 611. The estimated cost for an in-house attorney is $396 per hour and the estimated cost for an assistant compliance director in the securities industry is $349 per hour. Therefore the estimated total internal cost of compliance for the annual hour burden is as follows: [(2 legal hours × 12 months × $396) × 366] + [(3 compliance hours × 12 months × $349) × 366] = $8,076,888.[2]

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to (i) *www.reginfo.gov/public/do/PRAMain* and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE,

[1] This estimate includes 17 national securities exchanges that are equity securities exchanges. The estimate also includes an estimated 318 firms that are over-the-counter market makers or exchange market makers, as well as an estimated 31 alternative trading systems that trade NMS stocks.

[2] The total cost of compliance for the annual hour burden has been revised to reflect updated estimated cost figures for an in-house attorney and an assistant compliance director. These figures are from SIFMA's *Management & Professional Earnings in the Securities Industry 2017,* modified by Commission staff for an 1800-hour work-year and multiplied by 5.35 to account for bonuses, firm size, employee benefits, and overhead.

Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.*

Dated: August 3, 2020.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–17255 Filed 8–6–20; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–107, OMB Control No. 3235–0116]

Submission for OMB Review; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:
Form 6–K

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget this request for extension of the previously approved collection of information discussed below.

Form 6–K (17 CFR 249.306) is a disclosure document under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) that must be filed by a foreign private issuer to report material information promptly after the occurrence of specified or other important corporate events that are disclosed in the foreign private issuer's home country. The purpose of Form 6–K is to ensure that U.S. investors have access to the same information that foreign investors do when making investment decisions. Form 6–K is a public document and all information provided is mandatory. Form 6–K takes approximately 8.7 hours per response and is filed by approximately 34,794 issuers annually. We estimate 75% of the 8.7 hours per response (6.525 hours) is prepared by the issuer for a total annual reporting burden of 227,031 hours (6.525 hours per response × 34,794 responses). The remaining burden hours are reflected as a cost to the foreign private issuers.

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 control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to (i) *www.reginfo.gov/public/do/PRAMain* and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.*

Dated: August 3, 2020.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–17253 Filed 8–6–20; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89454; File No. SR–NYSEAMER–2020–05]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing of Partial Amendment No. 1 to Proposed Rule Change To Establish a Wireless Fee Schedule Setting Forth Available Wireless Bandwidth Connections and Associated Fees

August 3, 2020.

I. Introduction

On January 30, 2020, NYSE American LLC (''NYSE American'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'' or ''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change (SR–NYSEAMER–2020–05) to establish a schedule of Wireless Connectivity Fees and Charges (''Wireless Fee Schedule'') listing available wireless bandwidth connections between the Mahwah, New Jersey data center and other data centers.

The Commission published the proposed rule change for public comment in the **Federal Register** on February 18, 2020.[3] The Commission received several comments on the proposed rule change, and a response from the Exchange.[4] On April 1, 2020, pursuant to Section 19(b)(2) of the Act,[5] the Commission designated a longer period within which to either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[6] On May 18, 2020, the Commission instituted proceedings to determine whether to approve or disapprove the proposed rule change.[7] The Commission received additional comments in response to the Order Instituting Proceedings.[8]

On July 27, 2020, the Exchange filed Partial Amendment No. 1 to the proposed rule change in response to certain comments on the proposed rule change. Partial Amendment No. 1 is described in Item II below, which has been substantially prepared by the Exchange.[9] The Commission is publishing this notice to solicit comments on Partial Amendment No. 1 from interested persons.[10]

II. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Amendment

NYSE American LLC (''NYSE'' or the ''Exchange'') hereby submits this Partial Amendment No. 1 to the above-referenced filing (''Filing''), in connection with the proposed rule

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 88169 (February 11, 2020), 85 FR 8946 (February 18, 2020) (SR–NYSEAMER–2020–05) (''Wireless I Notice''). *See also* Securities Exchange Act Release Nos. 88168 (February 11, 2020), 85 FR 8938 (February 18, 2020) (SR–NYSE–2020–05); 88170 (February 11, 2020), 85 FR 8956 (February 18, 2020) (SR–NYSEArca–2020–08); 88172 (February 11, 2020), 85 FR 8923 (February 18, 2020) (SR–NYSECHX–2020–02); and 88171 (February 11, 2020), 85 FR 8930 (February 18, 2020) (SR–NYSENAT–2020–03).

[4] Comments received on the Wireless I Notice and the Exchange's response are available on the Commission's website at: *https://www.sec.gov/comments/sr-nyseamer-2020-05/srnyseamer202005.htm.*

[5] 15 U.S.C. 78s(b)(2).

[6] *See* Securities Exchange Act Release No. 88539 (April 1, 2020), 85 FR 19553 (April 7, 2020). The Commission designated May 18, 2020, as the date by which it should approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule changes.

[7] *See* Securities Exchange Act Release No. 88901 (May 18, 2020), 85 FR 31273 (May 22, 2020) in which the Commission instituted proceedings (''Order Instituting Proceedings'' or ''OIP'').

[8] Comments received on the Wireless I Notice following the OIP also are available on the Commission's website at: *https://www.sec.gov/comments/sr-nyseamer-2020-05/srnyseamer202005.htm.*

[9] The Commission has reformatted the Exchange's presentation of the footnotes.

[10] Partial Amendment No. 1 is also available on the Commission's website at: *https://www.sec.gov/comments/sr-nyseamer-2020-05/srnyseamer202005.htm.* The Commission also refers interested persons to Securities Exchange Act Release No. 88238 (February 19, 2020), 85 FR 10776 (February 25, 2020) (SR–NYSEAMER–2020–10) (wherein the Exchange filed a proposed rule change to amend the proposed Wireless Fee Schedule to add ''Wireless Market Data Connections'' and associated fees (''Wireless II'') and concurrently proposes to partially amend Wireless II). Partial Amendment No. 1 to Wireless II is available on the Commission's website at: *https://www.sec.gov/comments/sr-nyseamer-2020-10/srnyseamer202010.htm.*

change to establish a schedule of Wireless Connectivity Fees and Charges (the ''Wireless Fee Schedule'') with wireless connections between the Mahwah, New Jersey data center and other data centers. With this Partial Amendment No. 1, the Exchange proposes a new rule to place restrictions on the use of a pole on the grounds of the Mahwah, New Jersey data center that is used for such wireless connections.

The Exchange proposes the following amendments to the Filing:

1. *The Exchange proposes to amend the first paragraph in Item 1(a) on page 3 of the Filing:*

The Exchange proposes to amend the first paragraph of Item 1(a) on page 3 of the Filing to add ''(a)'' before ''establish'' and add new text at the end of the paragraph to describe the proposed rule change, as follows (new text *underlined*):

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act")[1] and Rule 19b-4 thereunder,[2] NYSE American LLC ("NYSE American" or the "Exchange") proposes to (a) establish a schedule of Wireless Connectivity Fees and Charges (the "Wireless Fee Schedule") with wireless connections between the Mahwah, New Jersey data center and other data centers, and (b) add a new rule to place restrictions on the use of a pole on the grounds of the Mahwah, New Jersey data center that is used for such wireless connections.

2. *The Exchange proposes to amend the carryover paragraph on pages 3 and 4 of the Filing (second full paragraph on page 24 of the Exhibit 1):*

The Exchange proposes to add a sentence at the end of the carryover paragraph on pages 3 and 4 of the Filing (second full paragraph on page 24 of the Exhibit 1) to describe the proposed rule change, as follows (new text *underlined*):

The Exchange proposes to establish the Wireless Fee Schedule with wireless connections between the Mahwah, New Jersey data center and three data centers that are owned and operated by third parties unaffiliated with the Exchange: (1) Carteret, New Jersey, (2) Secaucus, New Jersey, and (3) Markham, Canada (collectively, the "Third Party Data Centers"). Market participants that purchase such a wireless connection (a "Wireless Connection") are charged an initial and monthly fee. In addition, the Exchange proposes to include a General Note to the Wireless Fee Schedule. The Exchange proposes to add a new rule to place restrictions on the use of a pole on the grounds of the Mahwah, New Jersey data center that is used for the Wireless Connections.

3. *The Exchange proposes to add a new section titled ''Proposed New Rule'' and accompanying footnotes after the first full paragraph on page 14 of the Filing (first full paragraph on page 39 of the Exhibit 1):*

The Exchange proposes a new rule to place restrictions on the use of a pole on the grounds of the Mahwah, New Jersey data center that is used for wireless connectivity services. Accordingly, the Exchange proposes to add a new section titled ''*Proposed New Rule*'' with accompanying footnotes (subsequent footnotes would be renumbered in a conforming change) after the first full paragraph on page 14 of the Filing (first full paragraph on page 39 of the Exhibit 1), after the end of the section titled

''*Proposed General Note,*'' as follows (all text is new):

Proposed New Rule

Since 2016, IDS has had the use of a pole on the grounds of the Mahwah data center.[25/26] The data center pole is part of the network utilized for the Wireless Connections to the Carteret and Secaucus Third Party Data Centers.[26/27] At the data center pole, the wireless connection to the Third Party Data Centers converts to a fiber connection, and the fiber connection travels from the data center pole into the Mahwah data center.[27/28] The equipment on the data center pole belongs to IDS and Anova Technologies, LLC (''Anova''), the non-ICE entity that owns the wireless network used for the Wireless Connections to Secaucus and Carteret.[28/29]

Other third parties that offer wireless services utilize commercial poles located outside the grounds of the Mahwah, New Jersey data center for their wireless networks. A third party's wireless connections to the Third Party Data Center convert to fiber connections at the commercial pole, and the fiber connects the commercial pole to the Mahwah data center.

Several such third parties have objected to the use of the data center pole for the Wireless Connections. They argue that IDS has an advantage over its competitors because third parties are not allowed access to the data center pole,[29/30] and the data center pole is closer to the Mahwah data center than any commercial pole.[30/31] At least one third party has raised the additional concern that the Wireless Connections may benefit from ''less obvious and more discreet types of latency advantages'' due to infrastructure inside the Mahwah data center, noting that ''some connections may have a longer fiber route than others within a data center or may have to go through various equipment or meet me rooms that an affiliate or preferred provider of an exchange do not.'' [31/32]

The Exchange is proposing a new Rule 3.13E (Data Center Pole Latency Restrictions—Connectivity to Co-Location Space) that would require that the length of the connection from the data center pole to the network row in the space used for co-location in the Mahwah data center (*i.e.,* the point where the Wireless Connections lead) be no less than the length of the connection from the closest commercial pole to the same point. By requiring that the compared connections both extend to the network row in the space used for co-location, the proposed rule would take distances within the Mahwah data center into account.

The proposed rule would include the following definitions:

- ''Commercial Pole'' would mean a pole (a) on which one or more third parties locate wireless equipment used to offer wireless connectivity to other third parties, and (b) from which a fiber connection extends from third party equipment on the pole to the Data Center.
- ''Data Center'' would mean the Mahwah, New Jersey data center where the Exchange's matching engine is located, or its successor.
- ''Data Center Pole'' would mean a pole that (a) holds wireless equipment, (b) is located within the grounds of the Data Center, and (c) cannot be used by third parties other than third parties with which the Exchange or an ICE Affiliate has an agreement to provide services in the name of the Exchange or an ICE Affiliate.
- ''ICE Affiliate'' would mean Intercontinental Exchange, Inc. (''ICE'') and any entity that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with ICE, where ''control'' means that one entity possesses, directly or indirectly, voting control of the other entity either through ownership of capital stock or other equity securities or through majority representation on the board of directors or other management body of such entity.

The proposed rule would require that:

The length of the connection between (a) the base of the Data Center Pole and (b) the network row in the space used for co-location in the Data Center shall be no less than the length of the connection between (x) the base of the closest Commercial Pole and (y) the network row in the space used for co-location in the Data Center.

In a conforming change, the Exchange proposes to add a new Rule 3.12E, marked ''Reserved.'' The addition would allow the numbering of the proposed Rule 3.13E to be consistent with changes proposed by the Affiliate SROs to their rules.[32/33]

25/26 *See* Securities Exchange Act Release No. 76750 (December 23, 3015), 80 FR 81648 (December 30, 2015) (SR–NYSEMKT–2015–85) (Order Approving Proposed Rule Change to the Co-location Services Offered by the Exchange (the Offering of a Wireless Connection to Allow Users to Receive Market Data Feeds from Third Party Markets) and to Reflect Changes to the NYSE MKT Equities Price List and the NYSE Amex Options Fee Schedule Related to These Services).

26/27 The Wireless Connections with Markham, Canada do not use equipment on the data center pole.

27/28 The wireless network similarly converts to a fiber connection for its connection into the Third Party Data Centers.

28/29 Equipment for services Anova offers under its own name is not allowed on the data center pole.

29/30 IDS does not sell rights to third parties to operate wireless equipment on the data center pole due to space limitations, security concerns, and the interference that would arise between equipment placed too closely together.

30/31 *See* letter from Gregory Babyak, Global Head of Regulatory Affairs, Bloomberg L.P., to Ms. Vanessa Countryman, Secretary, Securities and Exchange Commission (''Commission''), dated June 12, 2020; letter from Stephen John Berger, Managing Director, Global Head of Government and Regulatory Policy, Citadel Securities, to Ms. Vanessa Countryman, Secretary, Commission, dated June 12, 2020; letter from Jim Considine, Chief Financial Officer, McKay Brothers LLC (''McKay Brothers''), to Ms. Vanessa Countryman, Secretary, Commission, dated June 12, 2020 (''McKay Letter''); and letter from Thomas M. Merritt, Deputy General Counsel, Virtu Financial, Inc. to Ms. Vanessa Countryman, Secretary, Commission, dated March 10, 2020.

31/32 McKay Letter, *supra* note 30/31, at 9.

32/33 *See* Securities Exchange Act Release Nos. 88168 (February 11, 2020), 85 FR 8938, (February 18, 2020) (SR–NYSE–2020–05); 88170 (February 11, 2020), 85 FR 8956 (February 18, 2020) (SR–NYSEArca–2020–08); 88172 (February 11, 2020), 85 FR 8923 (February 18, 2020) (SR–NYSECHX–2020–02); 88171 (February 11, 2020), 85 FR 8930 (February 18, 2020) (SR–NYSENAT–2020–03) (notice of filing of proposed rule change to establish a Schedule of Wireless Connectivity Fees and Charges with wireless connections).

4. The Exchange proposes to add new text after the third full paragraph on page 15 of the Filing (first full paragraph on page 41 of the Exhibit 1):

The Exchange proposes to amend the Filing to include additional analysis of the competitive environment for wireless connections. Accordingly, the Exchange proposes to add a paragraph and accompanying footnote (subsequent footnotes would be renumbered in a conforming change) after the third full paragraph on page 15 of the Filing (first full paragraph on page 41 of the Exhibit 1), as follows (all text new):

The Exchange believes that its competitors' wireless connections provide connectivity at the same or similar speed as the Wireless Connections, and at the same or similar cost. Indeed, the McKay Letter acknowledges that McKay Brothers has the fastest wireless network.[34/35]

34/35 McKay Letter, *supra* note 30/31, at 4.

5. The Exchange proposes to amend the Statutory Basis section of the Filing after the first full paragraph on page 18 of the Filing (first full paragraph on page 45 of the Exhibit 1):

The Exchange proposes to include information in the Filing regarding why it believes the proposed new rule is reasonable. The Exchange proposes to amend the Statutory Basis section of the Filing to add new paragraphs and accompanying footnotes (subsequent footnotes would be renumbered in a conforming change) after the first full paragraph on page 18 of the Filing (first full paragraph on page 45 of the Exhibit 1), at the end of the section titled ''*The Proposed Change is Reasonable,*'' as follows (all text is new):

The Exchange believes that the proposed new Rule 3.13E would be reasonable as, pursuant to the rule, the networks for the Wireless Connections, and future wireless connections that use a Data Center Pole, would ''operat[e] in the same manner as

competitors do today without a latency subsidy or other advantage provided by the Exchanges. . . .'' [39/40] Accordingly, the proposed new rule would promote just and equitable principles of trade and, in general, protect investors and the public interest by ensuring that the subscribers to services using the IDS wireless network do not benefit from any physical proximity ''on the segment [of the network] closest to the Exchanges' data center that no competitor can replicate.'' [40/41] By ending both of the compared connections at the network row in the space used for co-location, the proposed rule would take distances within the Mahwah data center into account.

The proposed new rule would not apply differently to distinct types or sizes of market participants. The Exchange would be required to ensure that the length of the connection between (a) the base of the Data Center Pole and (b) the network row in the space used for co-location in the Data Center, would be no less than the length of the connection between (x) the base of the closest Commercial Pole and (y) the network row in the space used for co-location in the Data Center.

The Exchange believes that the proposed definition of ''Commercial Pole'' is reasonable and would promote just and equitable principles of trade because it would encompass any pole on which a third party locates its wireless equipment in order to offer wireless connectivity to customers. The Exchange believes that such third parties are the direct competitors for the Wireless Connections, as they also offer wireless connections to customers. If a third party used a pole for a proprietary wireless network and that pole does not have one or more third parties' wireless equipment used to offer wireless connectivity to other third parties, that pole would not fall within the scope of the definition of Commercial Pole.

The Exchange believes that the proposed definition of ''Data Center'' is reasonable and would promote just and equitable principles of trade because it would capture any data center to which the Exchange locates its matching engine.

The Exchange believes that the proposed definition of ''Data Center Pole'' is reasonable and would promote just and equitable principles of trade because it would encompass not just the current pole, but also any additional or successor pole on the grounds of the Data Center, so long as such pole could not be used by third parties other than third parties with which the Exchange or an ICE Affiliate had an agreement to provide services in the name of the Exchange or an ICE Affiliate, such as Anova.

The Exchange believes that the definition of ''ICE Affiliate'' is reasonable and would promote just and equitable principles of trade because the same definition is used in Rule 497-Equities (Affiliation between Exchange and a Member Organization),[41/42] and so using it would add transparency, clarity and internal consistency to Exchange rules.

[39/40] McKay Letter, *supra* note 30/31, at 7.
[40/41] *Id.,* at note 33.
[41/42] The definition of ICE has been added to the text.

6. The Exchange proposes to amend the Statutory Basis section of the Filing after the fifth full paragraph on page 19 of the Filing (first full paragraph on page 48 of the Exhibit 1):

The Exchange proposes to include information in the Filing regarding why it believes the proposed new rule is not unfairly discriminatory. The Exchange proposes to amend the Statutory Basis section of the Filing to add new paragraphs and accompanying footnotes (subsequent footnotes would be renumbered in a conforming change) after the fifth full paragraph on page 19 of the Filing (first full paragraph on page 48 of the Exhibit 1), immediately prior to the last paragraph of the section titled ''*The Proposed Change is Not Unfairly Discriminatory,*'' as follows (all text is new):

The Exchange believes that the proposed new Rule 3.13E would not be unfairly discriminatory, as pursuant to the rule, the networks for the Wireless Connections, and future wireless connections that use the Data Center Pole, would ''operat[e] in the same manner as competitors do today without a latency subsidy or other advantage provided by the Exchanges. . . .'' [42/43] Accordingly, the proposed new rule would ensure that the IDS wireless network does not benefit from physical proximity ''on the segment [of the network] closest to the Exchanges' data center that no competitor can replicate.'' [43/44] By ending both of the compared connections at the network row in the space used for co-location inside the Data Center, the proposed rule would take distances within the Mahwah data center into account.

The proposed new rule would not apply differently to distinct types or sizes of market participants. The Exchange would be required to ensure that the length of the connection between (a) the base of the Data Center Pole and (b) the network row in the space used for co-location in the Data Center, would be no less than the length of the connection between (x) the base of the closest Commercial Pole and (y) the network row in the space used for co-location in the Data Center.

The Exchange believes that the proposed definition of ''Commercial Pole'' would not be unfairly discriminatory because it would encompass any pole on which a third party locates its wireless equipment in order to offer wireless connectivity to customers. The Exchange believes that such third parties are the direct competitors for the Wireless Connections, as they also offer wireless connections to customers. If a third party used a pole for a proprietary wireless network and that pole does not have one or more third parties' wireless equipment used to offer wireless connectivity to other third parties, that pole would not fall within the scope of the definition of Commercial Pole.

The Exchange believes that the proposed definition of ''Data Center'' would not be unfairly discriminatory because it would capture any data center to which the Exchange locates its matching engine.

The Exchange believes that the proposed definition of ''Data Center Pole'' would not be unfairly discriminatory because it would encompass not just the current pole, but also any additional or successor pole on the grounds of the Data Center, so long as such pole could not be used by third parties other than third parties with which the Exchange or an ICE Affiliate had an agreement to provide services in the name of the Exchange or an ICE Affiliate, such as Anova.

The Exchange believes that the definition of ''ICE Affiliate'' would not be unfairly discriminatory because the same definition is used in Rule 497-Equities,[44/45] and so using it would add transparency, clarity and internal consistency to Exchange rules.

[42/43] McKay Letter, *supra* note 30/31, at 7.
[43/44] *Id.,* at note 33.
[44/45] The definition of ICE has been added to the text.

7. *The Exchange proposes to amend the section of the Filing titled ''Self-Regulatory Organization's Statement on Burden on Competition'' in the following two ways:*

The Exchange proposes to include information in the Filing regarding why it believes the proposed new rule would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of Section 6(b)(8) of the Securities Exchange Act of 1934 (the ''Act'').[11] Accordingly, the Exchange proposes to amend the section of the Filing titled ''*Self-Regulatory Organization's Statement on Burden on Competition*'' in the following two ways.

First, to set the new text apart from the previous discussion regarding the burden on competition, the Exchange proposes to add the heading ''*Wireless Market Data Connectivity*'' immediately before the first full paragraph under the heading on page 20 of the Filing (page 48 of the Exhibit 1). The new heading would apply to the current text of the Filing.

Second, after the third full paragraph on page 21 of the Filing (first full paragraph on page 51 of the Exhibit 1),

[11] 15 U.S.C. 78f(b)(8).

the Exchange proposes to add the heading ''*Proposed New Rule*'' and new paragraphs and accompanying footnotes (subsequent footnotes would be renumbered in a conforming change), as follows (all text is new):

Proposed New Rule

The Exchange does not believe that the proposed new rule would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of Section 6(b)(8) of the Act.[48/49]

With the exception of Anova, third parties do not have access to the data center pole. Under the proposed rule, the Exchange would always be obligated to ensure that the length of the connection between (a) the base of the Data Center Pole and (b) the network row in the space used for co-location in the Data Center, would be no less than the length of the connection between (x) the base of the closest Commercial Pole and (y) the network row in the space used for co-location in the Data Center.

IDS, not the Exchange, provides the Wireless Connections to market participants, and so it would be IDS that would have to slow its connection down as required by the rule. Accordingly, the Exchange believes that the only burden on competition of the proposed change would be on IDS.

Nonetheless, the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate because the proposed change would ensure that the IDS wireless network did not benefit from physical proximity ''on the segment [of the network] closest to the Exchanges' data center that no competitor can replicate.'' [49/50] The networks for the Wireless Connections, and future wireless connections that use the Data Center Pole, would ''operat[e] in the same manner as competitors do today without a latency subsidy or other advantage provided by the Exchanges. . . .'' [50/51]

The proposed rule would not otherwise put a burden on competition. As noted above, access to the data center pole is not required for third parties to establish wireless networks that can compete with the Wireless Connections to the Carteret and Secaucus Third Party Data Centers, as evidenced by the existing wireless connections offered by non-ICE entities.[51/52] Indeed, the Exchange believes that its competitors' wireless connections provide connectivity at the same or similar speed as the Wireless Connections, and at the same or similar cost. The McKay Letter acknowledges that McKay Brothers has the fastest wireless network.[52/53]

The Exchange notes that proximity to a data center is not the only determinant of a wireless network's latency. Rather, the latency of a wireless network depends on several factors. Variables include the wireless equipment utilized; the route of, and number of towers or buildings in, the network; and the fiber equipment used at either end of the connection. Moreover, latency is not the only consideration that a customer may have in selecting a wireless network to connect to for market data. Other considerations may include the amount of network uptime; the equipment that the network uses; the cost of the connection; and the applicable contractual provisions.

The proposed change does not affect competition among national securities exchanges or among members of the Exchange, but rather between IDS and its commercial competitors.

[48/49] 15 U.S.C. 78f(b)(8).

[49/50] McKay Letter, *supra* note 30/31, at note 33.

[50/51] *Id.,* at 7.

[51/52] A market participant in any of the Third Party Data Centers or the Mahwah data center also may create a proprietary wireless market data connection, connect through another market participant, or utilize fiber connections offered by the Exchange, ICE Affiliates, and other service providers and third party telecommunications providers.

[52/53] *Id.,* at 4.

8. *The Exchange proposes to add a list under ''Exhibit 5—Text of the Proposed Rule Change'' on page 22 of the Filing:*

The Exchange proposes to add a new Exhibit 5B. Accordingly, the Exchange proposes to add a list under ''Exhibit 5—Text of Proposed Rule Change'' on page 22 of the Filing, as follows (new text *underlined*):

Exhibit 5 – Text of the Proposed Rule Change

A. Text of the Proposed Schedule of Wireless Connectivity Fees and Charges

B. Text of the Proposed Rule

9. *The Exchange proposes to add new text to the first full paragraph of Section I on page 23 of the Exhibit 1:*

The Exchange proposes to add new text to the first full paragraph of Section I on page 23 of the Exhibit 1, as follows (new text *underlined*):

The Exchange proposes to establish a schedule of Wireless Connectivity Fees and Charges (the "Wireless Fee Schedule") with wireless connections between the Mahwah, New Jersey data center and other data centers and add a new rule to place restrictions on the use of a pole on the grounds of the Mahwah, New Jersey data center that is used for such wireless connections. The proposed rule change is available on the Exchange's website at www.nyse.com, at the principal office of the Exchange, and at the Commission's Public Reference Room.

10. *The Exchange proposes to amend ''Exhibit 5'' to ''Exhibit 5A'' on page 54 of the Exhibit 5:*

To reflect the addition of a new Exhibit 5B, the Exchange proposes to add ''A'' to ''EXHIBIT 5'' on page 54 of the Exhibit 5, to make it to ''EXHIBIT 5A''.

* * * * *

All other representations in the Filing remain as stated therein and no other changes are being made.

III. Date of Effectiveness of the Proposed Rule Change As Modified By Partial Amendment No. 1 and Timing for Commission Action

Within 180 days after the date of publication of the initial Notice of Filing in the **Federal Register** or within such longer period up to an additional 60 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 issue an order approving or disapproving such proposed rule change, as amended.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended by Partial Amendment No. 1, is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEAMER–2020–05 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEAMER–2020–05. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEAMER–2020–05, and should be submitted on or before August 28, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–17244 Filed 8–6–20; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–137, OMB Control No. 3235–0145]

Submission for OMB Review; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:

Regulations 13D and 13G; Schedules 13D and 13G

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget this request for extension of the previously approved collection of information discussed below.

Schedules 13D and 13G (17 CFR 240.13d–101 and 240.13d–102) are filed pursuant to Sections 13(d) and 13(g) (15 U.S.C. 78m(d) and 78m(g)) of the Securities Exchange Act of 1934 (''Exchange Act'') and Regulations 13D and 13G (17 CFR 240.13d–1–240.13d–7) thereunder to report beneficial ownership of equity securities registered under Section 12 (15 U.S.C. 78*l*) of the Exchange Act. Regulations 13D and 13G provide investors, and the subject issuer with information about accumulations of equity securities that may have the potential to change or influence control of the issuer. Schedule 13D and Schedule 13G are filed by persons, including small entities, to report their ownership of more than 5% of a class of equity securities registered under Section 12. We estimate that Schedule 13D takes approximately 14.5 hours to prepare and is filed by approximately 1,508 filers. We estimate that 25% of the 14.5 hours (3.625 hours per response) is prepared by the filer for a total annual reporting burden of 5,467 hours (3.625 hours per response × 1,508 responses).

We estimate that Schedule 13G takes approximately 12.4 hours to prepare and is filed by approximately 7,079 filers. We estimate that 25% of the 12.4 hours (3.10 hours per response) is prepared by the filer for a total annual reporting burden of 21,945 hours (3.10 hours per response × 7,079 responses).

The information provided by respondents is mandatory. Schedule 13D or Schedule 13G is filed by a respondent only when necessary. All information provided to the Commission is public. However, Rules 0–6 and 24b–2 (17 CFR 240.0–6 and 240.24b–2) under the Exchange Act do permit reporting persons to request confidential treatment for certain sensitive information concerning national security, trade secrets, or privileged commercial or financial information.

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 control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to (i) *www.reginfo.gov/public/do/PRAMain* and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.*

[12] 17 CFR 200.30–3(a)(12).

Dated: August 3, 2020.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–17260 Filed 8–6–20; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89462; File No. SR–NYSENAT–2020–08]

Self-Regulatory Organizations; NYSE National, Inc.; Notice of Filing of Partial Amendment No. 1 to Proposed Rule Change To Amend the Schedule of Wireless Connectivity Fees and Charges To Add Wireless Connectivity Services

August 3, 2020.

I. Introduction

On February 11, 2020, NYSE National, Inc. (''NYSE National'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'' or ''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change (SR–NYSENAT–2020–08) to amend the schedule of Wireless Connectivity Fees and Charges (''Wireless Fee Schedule'') to add wireless connectivity services that transport the market data of the Exchange and certain affiliates.

The Commission published the proposed rule change for public comment in the **Federal Register** on February 25, 2020.[3] The Commission received several comments on the proposed rule change, and a response from the Exchange.[4] On April 1, 2020, pursuant to Section 19(b)(2) of the Act,[5] the Commission designated a longer period within which to either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[6] On May 18, 2020, the Commission instituted proceedings to determine whether to approve or disapprove the proposed rule change.[7] The Commission received additional comments in response to the Order Instituting Proceedings.[8]

On July 27, 2020, the Exchange filed Partial Amendment No. 1 to the proposed rule change in response to certain comments on the proposed rule change. Partial Amendment No. 1 is described in Item II below, which has been substantially prepared by the Exchange.[9] The Commission is publishing this notice to solicit comments on Partial Amendment No. 1 from interested persons.[10]

II. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Amendment

NYSE National, Inc. (''NYSE National'' or the ''Exchange'') hereby submits this Partial Amendment No. 1 to the above-referenced filing (''Filing'') in connection with the proposed rule change to add wireless connectivity that transport the market data of the Exchange and certain affiliates to the schedule of Wireless Connectivity Fees and Charges (the ''Wireless Fee Schedule''). With this Partial Amendment No. 1, the Exchange proposes a new rule to place restrictions on the use of a pole on the grounds of the Mahwah, New Jersey data center that is used for wireless connectivity services that transport the market data of the Exchange and certain of its affiliates.

The Exchange proposes the following amendments to the Filing:

1. *The Exchange proposes to amend the first paragraph in Item 1(a) on page 3 of the Filing:*

The Exchange proposes to amend the first paragraph of Item 1(a) on page 3 of the Filing to add ''(a)'' before ''wireless connectivity services'' and add new text at the end of the paragraph to describe the proposed rule change, as follows (new text italicized):

> Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'') [1] and Rule 19b–4 thereunder,[2] NYSE National, Inc. (''NYSE National'' or the ''Exchange'') proposes to add *(a)* wireless connectivity services that transport the market data of the Exchange and certain affiliates to the schedule of Wireless Connectivity Fees and Charges (the ''Wireless Fee Schedule''); and *(b) a new rule to place restrictions on the use of a pole on the grounds of the Mahwah, New Jersey data center that is used for such wireless connectivity services.*

2. *The Exchange proposes to amend the carryover paragraph on pages 3 and 4 of the Filing (second full paragraph on page 24 of the Exhibit 1):*

The Exchange proposes to add amend the carryover paragraph on pages 3 and 4 of the Filing (second full paragraph on page 24 of the Exhibit 1) to add ''(a)'' before ''wireless connectivity services'' and add new text to describe the proposed rule change, as follows (new text italicized, deletion in [brackets]):

> The Exchange proposes to add *(a)* wireless connectivity services that transport market data of the Exchange and its affiliates New York Stock Exchange LLC (''NYSE'') and NYSE Arca, Inc. (''NYSE Arca'') to the Wireless Fee Schedule[.],[3/4] *and (b) a new rule to place restrictions on the use of a pole on the grounds of the Mahwah, New Jersey data center that is used for such wireless connectivity services.*

3. *The Exchange proposes to add a new section titled ''Proposed New Rule'' and accompanying footnotes after the first full paragraph on page 14 of the Filing (first full paragraph on page 39 of the Exhibit 1):*

The Exchange proposes a new rule to place restrictions on the use of a pole on the grounds of the Mahwah, New Jersey data center that is used for wireless connectivity services. Accordingly, the Exchange proposes to add a new section titled ''*Proposed New Rule*'' and accompanying footnotes (subsequent footnotes would be renumbered in a conforming change) after the first full paragraph on page 14 of the Filing (first full paragraph on page 39 of the Exhibit 1), after the end of the section titled

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 88241 (February 19, 2020), 85 FR 10738 (February 25, 2020) (SR–NYSENAT–2020–08) (''Wireless II Notice''). *See also* Securities Exchange Act Release Nos. 88237 (February 19, 2020), 85 FR 10752 (February 25, 2020) (SR–NYSE–2020–11); 88238 (February 19, 2020), 85 FR 10776 (February 25, 2020) (SR–NYSEAMER–2020–10); 88239 (February 19, 2020), 85 FR 10786 (February 25, 2020) (SR–NYSEArca–2020–15); and 88240 (February 19, 2020), 85 FR 10795 (February 25, 2020) (SR–NYSECHX–2020–05).

[4] Comments received on the Wireless II Notice and the Exchange's response are available on the Commission's website at: *https://www.sec.gov/comments/sr-nysenat-2020-08/srnysenat202008.htm.*

[5] 15 U.S.C. 78s(b)(2).

[6] *See* Securities Exchange Act Release No. 88540 (April 1, 2020), 85 FR 19562 (April 7, 2020). The Commission designated May 25, 2020, as the date by which it should approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule changes.

[7] *See* Securities Exchange Act Release No. 88901 (May 18, 2020), 85 FR 31273 (May 22, 2020) in which the Commission instituted proceedings (''Order Instituting Proceedings'' or ''OIP'').

[8] Comments received on the Wireless II Notice following the OIP also are available on the Commission's website at: *https://www.sec.gov/comments/sr-nysenat-2020-08/srnysenat202008.htm.*

[9] The Commission has reformatted the Exchange's presentation of the footnotes.

[10] Partial Amendment No. 1 is also available on the Commission's website at: *https://www.sec.gov/comments/sr-nysenat-2020-08/srnysenat202008.htm.* The Commission also refers interested persons to Securities Exchange Act Release No. 88171 (February 11, 2020), 85 FR 8930 (February 18, 2020) (SR–NYSENAT–2020–03) (wherein the Exchange filed a proposed rule change to establish the Wireless Fee Schedule listing available wireless bandwidth connections between the Mahwah, New Jersey data center and other data centers (''Wireless I'') and concurrently proposes to partially amend Wireless I). Partial Amendment No. 1 to Wireless I is available on the Commission's website at: *https://www.sec.gov/comments/sr-nysenat-2020-03/srnysenat202003.htm.*

''*The Proposed Service and Fees,*'' as follows (all text is new):

Proposed New Rule

Since 2016, IDS has had the use of a pole on the grounds of the Mahwah data center.[27/28] The data center pole is part of the network utilized for the Wireless Market Data Connections to the Carteret and Secaucus Third Party Data Centers.[28/29] At the data center pole, the wireless connection to the Third Party Data Centers converts to a fiber connection, and the fiber connection travels from the data center pole into the Mahwah data center.[29/30] The equipment on the data center pole belongs to IDS and Anova Technologies, LLC (''Anova''), the non-ICE entity that owns the wireless network used for the Wireless Market Data Connections to Secaucus and Carteret.[30/31]

Other third parties that offer wireless services utilize commercial poles located outside the grounds of the Mahwah, New Jersey data center for their wireless networks. A third party's wireless connections to the Third Party Data Center convert to fiber connections at the commercial pole, and the fiber connects the commercial pole to the Mahwah data center.

Several such third parties have objected to the use of the data center pole for the Wireless Market Data Connections. They argue that IDS has an advantage over its competitors because third parties are not allowed access to the data center pole,[31/32] and the data center pole is closer to the Mahwah data center than any commercial pole.[32/33] At least one third party has raised the additional concern that the Wireless Market Data Connections may benefit from ''less obvious and more discreet types of latency advantages'' due to infrastructure inside the Mahwah data center, noting that ''some connections may have a longer fiber route than others within a data center or may have to go through various equipment or meet me rooms that an affiliate or preferred provider of an exchange do not.'' [33/34]

The Exchange is proposing a new Rule 3.14 (Data Center Pole Latency Restrictions—Connectivity to Production of Exchange Market Data) that would require that the length of the connection from the data center pole to the point inside the Mahwah data center where Exchange market data is produced be no less than the length of the connection from the closest commercial pole to the same point. By requiring that the compared connections both extend to where Exchange market data is produced, the proposed rule would take distances within the Mahwah data center into account.

The proposed rule would include the following definitions:

- ''Commercial Pole'' would mean a pole (a) on which one or more third parties locate wireless equipment used to offer wireless connectivity to other third parties, and (b) from which a fiber connection extends from third party equipment on the pole to the Data Center.
- ''Data Center'' would mean the Mahwah, New Jersey data center where the Exchange's matching engine is located, or its successor.
- ''Data Center Pole'' would mean a pole that (a) holds wireless equipment, (b) is located within the grounds of the Data Center, and (c) cannot be used by third parties other than third parties with which the Exchange or an ICE Affiliate has an agreement to provide services in the name of the Exchange or an ICE Affiliate.
- ''ICE Affiliate'' would mean Intercontinental Exchange, Inc. (''ICE'') and any entity that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with ICE, where ''control'' means that one entity possesses, directly or indirectly, voting control of the other entity either through ownership of capital stock or other equity securities or through majority representation on the board of directors or other management body of such entity.

The proposed rule would require that:

The length of the connection between (a) the base of the Data Center Pole and (b) the point inside the Data Center where Exchange market data is produced shall be no less than the length of the connection between (x) the base of the closest Commercial Pole and (y) the point inside the Data Center where Exchange market data is produced.

27/28 *See* Securities Exchange Act Release No. 76748 (December 23, 2015), 80 FR 81609 (December 30, 2015) (SR–NYSE–2015–52) (order approving proposed rule change to the co-location services offered by the NYSE (the offering of a wireless connection to allow users to receive market data feeds from third party markets) and to reflect changes to the NYSE's price list related to these services).

28/29 The Wireless Market Data Connections with Markham, Canada do not use equipment on the data center pole.

29/30 The wireless network similarly converts to a fiber connection for its connection into the Third Party Data Centers.

30/31 Equipment for services Anova offers under its own name is not allowed on the data center pole.

31/32 IDS does not sell rights to third parties to operate wireless equipment on the data center pole due to space limitations, security concerns, and the interference that would arise between equipment placed too closely together.

32/33 *See* letter from Gregory Babyak, Global Head of Regulatory Affairs, Bloomberg L.P., to Ms. Vanessa Countryman, Secretary, Securities and Exchange Commission (''Commission''), dated June 12, 2020; letter from Stephen John Berger, Managing Director, Global Head of Government and Regulatory Policy, Citadel Securities, to Ms. Vanessa Countryman, Secretary, Commission, dated June 12, 2020; letter from Jim Considine, Chief Financial Officer, McKay Brothers LLC (''McKay Brothers''), to Ms. Vanessa Countryman, Secretary, Commission, dated June 12, 2020 (''McKay Letter''); and letter from Thomas M. Merritt, Deputy General Counsel, Virtu Financial, Inc. to Ms. Vanessa Countryman, Secretary, Commission, dated March 10, 2020.

33/34 McKay Letter, *supra* note 32/33, at 9.

4. *The Exchange proposes to add new text after the carryover paragraph on pages 15 and 16 of the Filing (first full paragraph on page 41 of the Exhibit 1):*

The Exchange proposes to amend the Filing to include additional analysis on the competitive environment for wireless connections. Accordingly, the Exchange proposes to add a paragraph and accompanying footnotes (subsequent footnotes would be renumbered in a conforming change) after the carryover paragraph on pages 15 and 16 of the Filing (first full paragraph on page 41 of the Exhibit 1), as follows (all text is new):

Such competitors can offer wireless connectivity to Selected Market Data or other Exchange market data in the Third Party Data Centers by obtaining the market data at the Mahwah data center and sending it over their wireless network to the Third Party Data Centers.[37/38] The Exchange believes that its competitors' wireless connections provide connectivity at the same or similar speed as the Wireless Market Data Connections, and at the same or similar cost. Indeed, the McKay Letter acknowledges that McKay Brothers has the fastest wireless network.[38/39]

37/38 A market participant in any of the Third Party Data Centers or the Mahwah data center also may create a proprietary wireless market data connection, connect through another market participant, or utilize fiber connections offered by the Exchange, ICE Affiliates, and other service providers and third party telecommunications providers.

38/39 McKay Letter, *supra* note 32/33, at 4.

5. *The Exchange proposes to amend the Statutory Basis section of the Filing after the second full paragraph on page 18 of the Filing (second full paragraph on page 45 of the Exhibit 1):*

The Exchange proposes to include information in the Filing regarding why it believes the proposed new rule is reasonable. The Exchange proposes to amend the Statutory Basis section of the Filing to add new paragraphs and accompanying footnotes (subsequent footnotes would be renumbered in a conforming change) after the second full paragraph on page 18 of the Filing (second full paragraph on page 45 of the Exhibit 1), at the end of the section titled ''*The Proposed Change is Reasonable,*'' as follows (all text is new):

The Exchange believes that the proposed new Rule 3.14 would be reasonable as, pursuant to the rule, the networks for the Wireless Market Data Connections, and future wireless connections that use a Data Center Pole, would ''operat[e] in the same manner as competitors do today without a latency subsidy or other advantage provided by the Exchanges. . . .'' [43/44] Accordingly, the proposed new rule would promote just and equitable principles of trade and, in general, protect investors and the public interest by ensuring that the subscribers to

services using the IDS wireless network do not benefit from any physical proximity ''on the segment [of the network] closest to the Exchanges' data center that no competitor can replicate.'' [44/45] By ending both of the compared connections at the point inside the Data Center where Exchange market data is produced, the proposed rule would take distances within the Mahwah data center into account.[45/46] The proposed new rule would not apply differently to distinct types or sizes of market participants. The Exchange would be required to ensure that the length of the connection between (a) the base of the Data Center Pole and (b) the point inside the Data Center where Exchange market data is produced, would be no less than the length of the connection between (x) the base of the closest Commercial Pole and (y) the point inside the Data Center where Exchange market data is produced.

The Exchange believes that the proposed definition of ''Commercial Pole'' is reasonable and would promote just and equitable principles of trade because it would encompass any pole on which a third party locates its wireless equipment in order to offer wireless connectivity to customers. The Exchange believes that such third parties are the direct competitors for the Wireless Market Data Connections, as they also offer wireless connections to customers. If a third party used a pole for a proprietary wireless network and that pole does not have one or more third parties' wireless equipment used to offer wireless connectivity to other third parties, that pole would not fall within the scope of the definition of Commercial Pole.

The Exchange believes that the proposed definition of ''Data Center'' is reasonable and would promote just and equitable principles of trade because it would capture any data center to which the Exchange locates its matching engine.

The Exchange believes that the proposed definition of ''Data Center Pole'' is reasonable and would promote just and equitable principles of trade because it would encompass not just the current pole, but also any additional or successor pole on the grounds of the Data Center, so long as such pole could not be used by third parties other than third parties with which the Exchange or an ICE Affiliate had an agreement to provide services in the name of the Exchange or an ICE Affiliate, such as Anova.

The Exchange believes that the definition of ''ICE Affiliate'' is reasonable and would promote just and equitable principles of trade because the same definition is used in Rule 3.1 (Additional Requirements for Listed Securities Issued by Intercontinental Exchange, Inc. or its Affiliates) and so using it would add transparency, clarity and internal consistency to Exchange rules.

[43/44] McKay Letter, *supra* note 32/33, at 7.

[44/45] *Id,* at note 33.

[45/46] Each of the Affiliate SROs is filing for a rule change that is substantially similar to the proposed Exchange rule. Assuming such filings are approved by the Commission, to the extent that the market data of an Affiliate SRO is produced separately from where the Exchange market data is produced, the wireless connection to that Affiliate SRO's market data would be captured by that Affiliate SRO's rule.

6. *The Exchange proposes to amend the Statutory Basis section of the Filing after the third full paragraph on page 19 of the Filing (second full paragraph on page 47 of the Exhibit 1):*

The Exchange proposes to include information in the Filing regarding why it believes the proposed new rule is not unfairly discriminatory. The Exchange proposes to amend the Statutory Basis section of the Filing to add new paragraphs and accompanying footnotes (subsequent footnotes would be renumbered in a conforming change) after the third full paragraph on page 19 of the Filing (second full paragraph on page 47 of the Exhibit 1), immediately prior to the last paragraph of the section titled ''*The Proposed Change is Not Unfairly Discriminatory,*'' as follows (all text is new):

The Exchange believes that the proposed new Rule 3.14 would not be unfairly discriminatory, as pursuant to the rule, the networks for the Wireless Market Data Connections, and future wireless connections that use the Data Center Pole, would ''operat[e] in the same manner as competitors do today without a latency subsidy or other advantage provided by the Exchanges. . . .'' [46/47] Accordingly, the proposed new rule would ensure that the IDS wireless network does not benefit from physical proximity ''on the segment [of the network] closest to the Exchanges' data center that no competitor can replicate.'' [47/48] By ending both of the compared connections at the point inside the Data Center where Exchange market data is produced, the proposed rule would take distances within the Mahwah data center into account.

The proposed new rule would not apply differently to distinct types or sizes of market participants. The Exchange would be required to ensure that the length of the connection between (a) the base of the Data Center Pole and (b) the point inside the Data Center where Exchange market data is produced, would be no less than the length of the connection between (x) the base of the closest Commercial Pole and (y) the point inside the Data Center where Exchange market data is produced.

The Exchange believes that the proposed definition of ''Commercial Pole'' would not be unfairly discriminatory because it would encompass any pole on which a third party locates its wireless equipment in order to offer wireless connectivity to customers. The Exchange believes that such third parties are the direct competitors for the Wireless Market Data Connections, as they also offer wireless connections to customers. If a third party used a pole for a proprietary wireless network and that pole does not have one or more third parties' wireless equipment used to offer wireless connectivity to other third parties, that pole would not fall within the scope of the definition of Commercial Pole.

The Exchange believes that the proposed definition of ''Data Center'' would not be unfairly discriminatory because it would capture any data center to which the Exchange locates its matching engine.

The Exchange believes that the proposed definition of ''Data Center Pole'' would not be unfairly discriminatory because it would encompass not just the current pole, but also any additional or successor pole on the grounds of the Data Center, so long as such pole could not be used by third parties other than third parties with which the Exchange or an ICE Affiliate had an agreement to provide services in the name of the Exchange or an ICE Affiliate, such as Anova.

The Exchange believes that the definition of ''ICE Affiliate'' would not be unfairly discriminatory because the same definition is used in Rule 3.1 and so using it would add transparency, clarity and internal consistency to Exchange rules.

[46/47] McKay Letter, *supra* note 32/33, at 7.

[47/48] *Id.,* at note 33.

7. *The Exchange proposes to amend the section of the Filing titled* ''*Self-Regulatory Organization's Statement on Burden on Competition*'' *in the following two ways:*

The Exchange proposes to include information in the Filing regarding why it believes the proposed new rule would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of Section 6(b)(8) of the Securities Exchange Act of 1934 (the ''Act'').[11] Accordingly, the Exchange proposes to amend the section of the Filing titled ''*Self-Regulatory Organization's Statement on Burden on Competition*'' in the following two ways. First, to set the new text apart from the previous discussion regarding the burden on competition, the Exchange proposes to add the heading ''*Wireless Market Data Connectivity*'' immediately before the first full paragraph under the heading on page 19 of the Filing (page 48 of the Exhibit 1). The new heading would apply to the current text of the Filing.

Second, after the third full paragraph on page 21 of the Filing (first full paragraph on page 51 of the Exhibit 1), the Exchange proposes to add the heading ''*Proposed New Rule*'' and new paragraphs and accompanying footnotes (subsequent footnotes would be renumbered in a conforming change), as follows (all text is new):

Proposed New Rule

The Exchange does not believe that the proposed new rule would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of Section 6(b)(8) of the Act.[50/51]

With the exception of Anova, third parties do not have access to the data center pole. Under the proposed rule, the Exchange would always be obligated to ensure that the length of the connection between (a) the base

[11] 15 U.S.C. 78f(b)(8).

of the Data Center Pole and (b) the point inside the Data Center where Exchange market data is produced, would be no less than the length of the connection between (x) the base of the closest Commercial Pole and (y) the point inside the Data Center where Exchange market data is produced.

IDS, not the Exchange, provides the Wireless Market Data Connections to market participants, and so it would be IDS that would have to slow its connection down as required by the rule. Accordingly, the Exchange believes that the only burden on competition of the proposed change would be on IDS.

Nonetheless, the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate because the proposed change would ensure that the IDS wireless network did not benefit from physical proximity ''on the segment [of the network] closest to the Exchanges' data center that no competitor can replicate.'' [51/52] The networks for the Wireless Market Data Connections, and future wireless connections that use the Data Center Pole, would ''operat[e] in the same manner as competitors do today without a latency subsidy or other advantage provided by the Exchanges. . . .'' [52/53]

The proposed rule would not otherwise put a burden on competition. As noted above, access to the data center pole is not required for third parties to establish wireless networks that can compete with the Wireless Market Data Connections to the Carteret and Secaucus Third Party Data Centers, as evidenced by the existing wireless connections offered by third party competitors.[53/54] Such competitors can offer wireless connectivity to Selected Market Data or other Exchange market data in the Third Party Data Centers by obtaining the market data at the Mahwah data center and sending it over their wireless network to the Third Party Data Centers.[54/55] Indeed, the Exchange believes that its competitors' wireless connections provide connectivity at the same or similar speed as the Wireless Market Data Connections, and at the same or similar cost. The McKay Letter acknowledges that McKay Brothers has the fastest wireless network.[55/56]

The Exchange notes that proximity to a data center is not the only determinant of a wireless network's latency. Rather, the latency of a wireless network depends on several factors. Variables include the wireless equipment utilized; the route of, and number of towers or buildings in, the network; and the fiber equipment used at either end of the connection. Moreover, latency is not the only consideration that a customer may have in selecting a wireless network to connect to for market data. Other considerations may include the amount of network uptime; the equipment that the network uses; the cost of the connection; and the applicable contractual provisions.

The proposed change does not affect competition among national securities exchanges or among members of the Exchange, but rather between IDS and its commercial competitors.

[50/51] 15 U.S.C. 78f(b)(8).

[51/52] McKay Letter, *supra* note 32/33, at note 33.

[52/53] *Id.,* at 7.

[53/54] Based on the information available to it, the Exchange believes that a market participant in the Carteret or Secaucus Third Party Data Center may purchase a wireless connection to the NYSE and NYSE Arca Integrated Feed data feeds from at least two other providers of wireless connectivity.

[54/55] A market participant in any of the Third Party Data Centers or the Mahwah data center also may create a proprietary wireless market data connection, connect through another market participant, or utilize fiber connections offered by the Exchange, ICE Affiliates, and other service providers and third party telecommunications providers.

[55/56] *Id.,* at 4.

8. *The Exchange proposes to add a list under ''Exhibit 5—Text of the Proposed Rule Change'' on page 22 of the Filing:*

The Exchange proposes to add a new Exhibit 5B. Accordingly, the Exchange proposes to add a list under ''Exhibit 5—Text of Proposed Rule Change'' on page 22 of the Filing, as follows (new text italicized):

Exhibit 5—Text of the Proposed Rule Change

A. Text of the Proposed Schedule of Wireless Connectivity Fees and Charges

B. Text of the Proposed Rule

9. *The Exchange proposes to add new text to the first full paragraph of Section I on page 23 of the Exhibit 1:*

The Exchange proposes to add new text to the first full paragraph of Section I on page 23 of the Exhibit 1, as follows (new text italicized):

The Exchange proposes to add wireless connectivity services that transport the market data of the Exchange and certain affiliates to the schedule of Wireless Connectivity Fees and Charge (the ''Wireless Fee Schedule'') *and add a new rule to place restrictions on the use of a pole on the grounds of the Mahwah, New Jersey data center that is used for such wireless connectivity services.* The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

10. *The Exchange proposes to amend ''Exhibit 5'' to ''Exhibit 5A'' on page 54 of the Exhibit 5:*

To reflect the addition of a new Exhibit 5B, the Exchange proposes to add ''A'' to ''EXHIBIT 5'' on page 54 of the Exhibit 5, to make it ''EXHIBIT 5A''.

* * * * *

All other representations in the Filing remain as stated therein and no other changes are being made.

III. Date of Effectiveness of the Proposed Rule Change As Modified By Partial Amendment No. 1 and Timing for Commission Action

Within 180 days after the date of publication of the initial Notice of Filing in the **Federal Register** or within such longer period up to an additional 60 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 issue an order approving or disapproving such proposed rule change, as amended.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended by Partial Amendment No. 1, is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSENAT–2020–08 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSENAT–2020–08. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for

inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSENAT–2020–08, and should be submitted on or before August 28, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–17252 Filed 8–6–20; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89464; File No. SR–NASDAQ–2020–017]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing of a Proposed Rule Change To Amend Nasdaq Rule 5704

August 4, 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 23, 2020, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''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 Nasdaq Rule 5704 to remove the listing requirement that following twelve months after listing a series of Exchange Traded Fund Shares (the ''Fund'') on Nasdaq that the Fund has at least 50 beneficial holders and to amend the requirement that Nasdaq will establish a minimum number of shares of the Fund to be outstanding at the time of initial listing with a requirement that the Fund must have a minimum number of shares outstanding to facilitate the formation of at least one creation unit on an initial and continued listing basis.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/nasdaq/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Nasdaq Rule 5704 to remove the listing requirement that following twelve months after listing a series of an Exchange Traded Fund Shares on Nasdaq that the Fund has at least 50 beneficial holders and to amend the requirement that Nasdaq will establish a minimum number of shares of the Fund to be outstanding at the time of initial listing with a requirement that the Fund must have a minimum number of shares outstanding to facilitate the formation of at least one creation unit on an initial and continued listing basis.[3]

Nasdaq believes that the requirement that a series of Exchange Traded Fund Shares listed pursuant to Nasdaq Rule 5704 must have at least 50 beneficial shareholders is no longer necessary. The Exchange believes that the conditions of Rule 6c–11[4] (''Rule 6c–11'') under the Investment Company Act of 1940, as amended,[5] coupled with the existing creation and redemption process, mitigate the potential lack of liquidity that the shareholder requirement was intended to address.[6] Nasdaq believes that requiring a sufficient number of shares to be outstanding at all times in order to facilitate the formation of at least one creation unit, coupled with the daily portfolio transparency and other enhanced disclosure requirements of Rule 6c–11, will facilitate an effective arbitrage mechanism and provide market participants and investors with sufficient transparency into the holdings of the underlying portfolio and ensure that the trading price in the secondary market remains in line with the value per share of the portfolio. The Exchange believes this is consistent with prior Commission statements.[7]

For example, Rule 6c–11 requires additional disclosure if the premium or discount is in excess of 2% for more than seven consecutive days, as well as related website disclosure and discussion requirements.[8] This disclosure provides additional transparency to investors in the event that the trading value and the underlying portfolio deviate for an extended period of time, which could indicate an inefficient arbitrage mechanism.[9] The arbitrage mechanism relies on the fact that shares of the Fund can be created and redeemed and that shares of the Fund are able to flow into or out of the market when the price of the Fund is not aligned with the net asset value per share of the portfolio. The resulting buying and selling of the shares of the Fund, as well as the underlying portfolio components, generally causes the market price and the net asset value per share to

[12] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term creation unit would have the same meaning as defined in Rule 6c–11 (*i.e.,* a specified number of exchange-traded fund shares that the exchange-traded fund will issue to (or redeem from) an authorized participant in exchange for the deposit (or delivery) of a basket and a cash balancing amount, if any.).

[4] A series of Exchange Traded Fund Shares listed pursuant to Nasdaq Rule 5704 is required to be eligible to operate pursuant to Rule 6c–11. *See* Nasdaq Rule 5704(b).

[5] *See* Release No. 33–10695; IC–33646; File No. S7–15–18 (Exchange-Traded Funds) (September 25, 2019), 84 FR 57162 (October 24, 2019) (''ETF Adopting Release'').

[6] As stated in previous rule proposals, Nasdaq believes that the shareholder requirement, as it relates to common stock, is a measure of liquidity designed to help assure that there will be sufficient investor interest and trading to support price discovery once a security is listed. *See* Securities Exchange Act Release No. 86314 (July 5, 2019), 84 FR 33102 (July 11, 2019) (Notice of Filing of Amendment No. 3 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 3, To Revise the Exchange's Initial Listing Standards Related to Liquidity). However, as discussed herein, the pricing, liquidity, trading and valuation of Exchange Traded Fund Shares is fundamentally different from that of common stock.

[7] In the Adopting Release, the Commission stated, ''Further, we believe that the conditions we are adopting as part of rule 6c–11, along with other recent actions that are designed to promote an effective arbitrage mechanism, will continue to result in a sufficiently close alignment between an ETF's market price and NAV per share in most circumstances . . .'' *See supra* note 6, at pp. 41.

[8] *See* 17 CFR 270.6c–11(c)(1)(vi).

[9] The Exchange notes that the Commission discussed the importance of an effective and efficient arbitrage mechanism in the Rule 6c–11 Release. *See supra* note 6 at pp. 14–16.

converge. The Exchange believes this is consistent with prior Commission statements.[10]

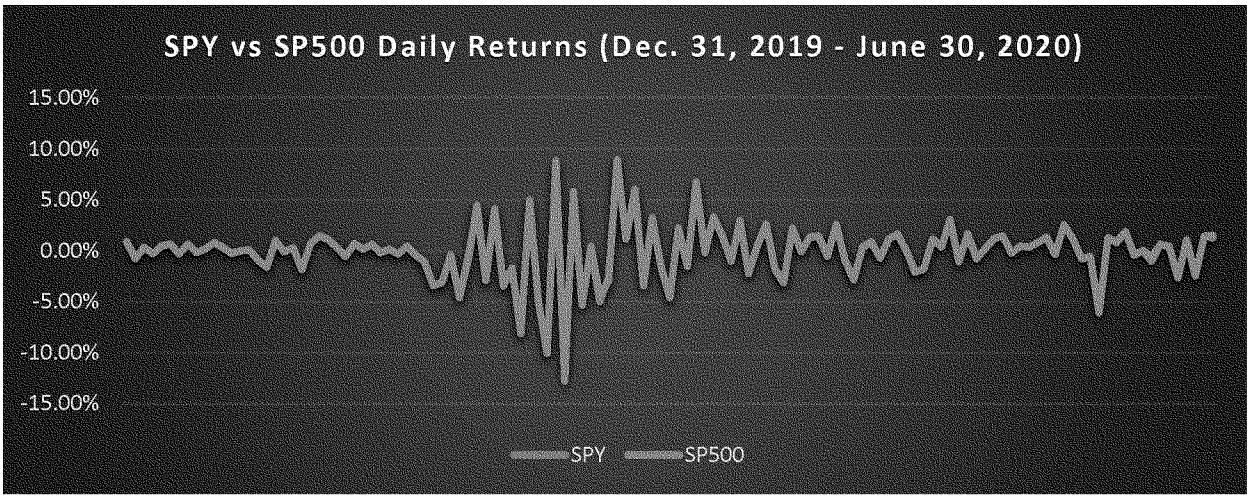
In addition, the proper functioning of the arbitrage mechanism is reliant on the presence of authorized participants (''APs'') that are eligible to facilitate creations and redemptions with the fund and support the liquidity of the fund. The AP facilitates liquidity in the ETF primary market by purchasing shares of the underlying portfolio and transferring the shares to the ETF issuer in exchange for shares of the ETF (creation) or returning shares of the ETF to the issuer and receiving shares of the portfolio (redemption). Therefore, the ability of the AP to transact in shares of the ETF plays a vital role in the liquidity of the ETF and the functioning of the arbitrage mechanism. The AP is able to buy and sell shares of the ETF from both the fund and investors. Because ETFs can be created and redeemed ''in-kind'' and do not have an upper limit of the number of shares that can be outstanding, an AP can fulfill customer orders or take advantage of arbitrage opportunities regardless of the number of ETF shares currently outstanding. Thus, unlike common stock, the liquidity of an ETF is not dependent on the number of ETF shares currently outstanding or the number of shareholders, but on the availability of AP's to transact in the ETF primary market. The Exchange notes that the SEC did not adopt a minimum number of APs as part of Rule 6c–11 because funds already have enough APs so that a need for such a requirement to ensure a sufficient number of APs was unwarranted.[11]

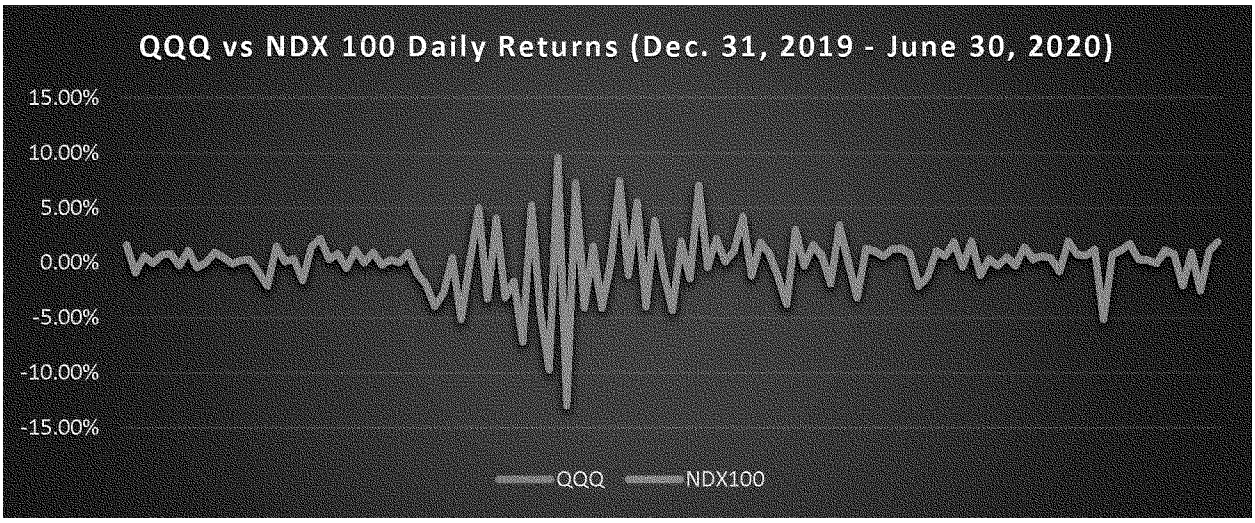
ETF liquidity, due to its open-ended structure allowing for creations and redemptions, differs from single company stocks because the opportunity or market makers to arbitrage between the ETF price and the value of the underlying securities exists. Even during market conditions marked by large buying or selling imbalances in the ETF, the ETF should be expected to trade close to the value of its underlying holdings provided that the creation/redemption facility remains open and accessible. To demonstrate, the two charts below[12] compare the percentage daily returns of both SPY and QQQ compared to their respective benchmark indices the S&P 500 and the Nasdaq 100. SPY and QQQ, as passive ETFs, are managed to track the returns of the benchmark index by replicating the holdings of the index. As can be seen in the two charts below, the returns of both SPY and QQQ are kept close in line through the availability of the arbitrage mechanism. It is important to note that this dynamic of close tracking was able to occur during a period of unprecedented volatility and volumes in both ETFs. The observations period was the first two quarters of 2020.

[8] *See* 17 CFR 270.6c–11(c)(1)(vi).

[9] The Exchange notes that the Commission discussed the importance of an effective and efficient arbitrage mechanism in the Rule 6c–11 Release. *See supra* note 6 at pp. 14–16.

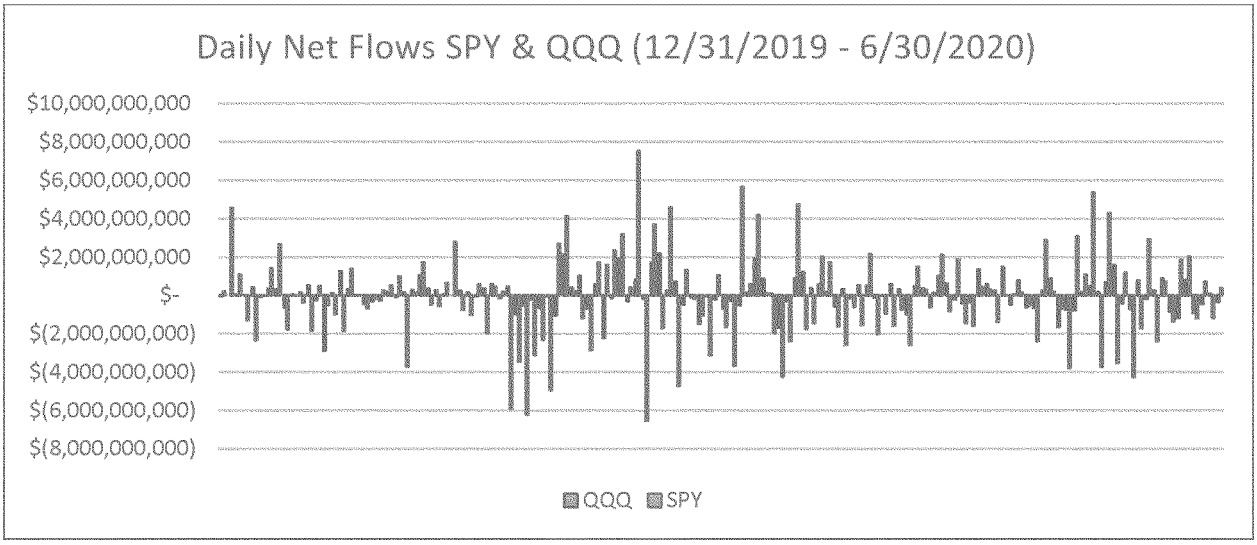
[10] In the ETF Adopting Release, the Commission stated, ''The combination of the creation and redemption process with secondary market trading in ETF shares and underlying securities provides arbitrage opportunities that are designed to help keep the market price of ETF shares at or close to the NAV per share of the ETF.'' *See* ETF Adopting Release at pp. 12–13.



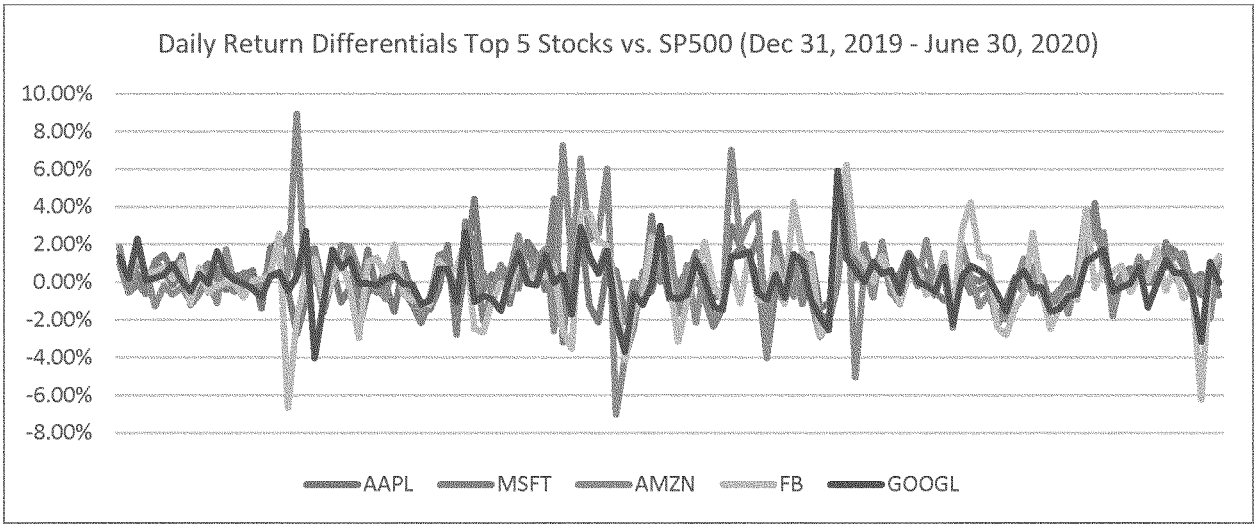


The chart below [13] maps out daily net flows through creation/redemption activity in the same observation period to give evidence that there likely were significant buy/sell imbalances where market makers were able to keep the returns of SPY and QQQ in line with their benchmark indices through the availability of arbitrage in the open-ended ETF structure. This dynamic also works similarly in an ETF with little or no daily trading activity, where a market maker can generally be expected to provide liquidity in this ETF that is higher than the average daily volume through creation/redemption. The market maker will consider the availability of the arbitrage mechanism and liquidity of the underlying fund securities significantly more than the awareness that an ETF has 50 or greater shareholders who may or may not even trade on a given trading day.

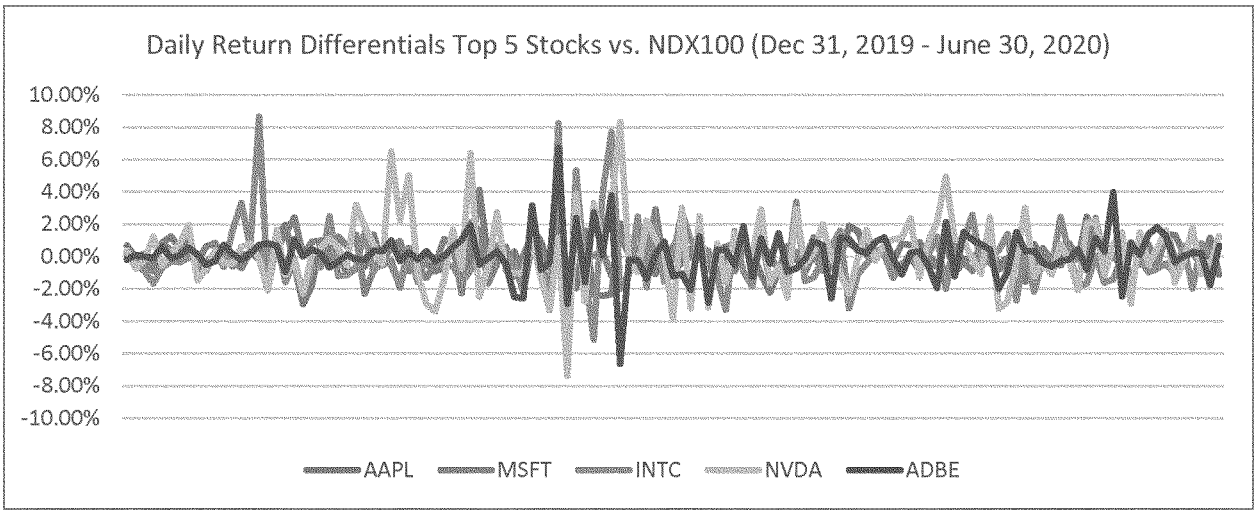
[13] FactSet Research Systems Inc. (2020). Daily Net Flows SPY & QQQ (12/31/19–6/30/20). Retrieved July 17, 2020, from FactSet database.



To further illustrate how the arbitrage mechanism makes ETF liquidity differ from single stock liquidity, the two charts below [14] take the 5 highest weighted stocks from the S&P 500 and Nasdaq 100 indices and compare their daily percentage returns against the daily percentage returns of the index they are constituents of. These stocks are some of the largest and most actively held and traded names on a daily basis, and the point being made is that these stocks are not open-ended and therefore impact how market makers trade them and consider the availability and activity of other trading participants. The observation period remains the first two quarters of 2020. When looking at the relative returns of each of these stocks against the ''market'' as these indices are commonly referred, we see that there are often significant daily return variations between the stock and the index. The stocks do not have the open-ended structure to create or redeem shares like the ETF; therefore, the market makers in the stocks must consider daily buying and selling imbalance activity to reduce risk on their balance sheets by quickly adjusting their trading prices directly in reaction to large trading imbalances. The expectation of other shareholders buying and selling the stock on a daily basis will impact how market makers adjust their prices significantly more than in an ETF due to their expected ability to quickly and efficiently trade out of risk.



[14] FactSet Research Systems Inc. (2020). Daily Return Differentials Top 5 Stocks vs. SP500 (Dec 31, 2019–June 30, 2020) and QQQ vs NDX 100 Daily Returns (Dec. 31, 2019–June 30, 2020) and Daily Return Differentials Top 5 Stocks vs. NDX100 (Dec. 31, 2019–June 30, 2020). Retrieved July 17, 2020, from FactSet database.



In order for fund redemptions to be executed in support of the arbitrage mechanism, Nasdaq believes it is appropriate that in lieu of the shareholder requirement that the Fund has a sufficient number of shares outstanding in order to facilitate the formation of at least one creation unit on an initial and continued listing basis. The existence of the creation and redemption process, daily portfolio transparency, as well as a sufficient number of shares outstanding to allow for the formation of at least one creation unit, ensures that market participants are able to redeem shares and, thereby support the proper functioning of the arbitrage mechanism. Of the over 350 funds currently listed on Nasdaq that would be eligible to be listed under Nasdaq Rule 5704, only two had a single creation unit outstanding. The remaining funds have, on average, shares outstanding equal to approximately 300 creation units.[15]

Therefore, the symbiotic relationship between the disclosure requirements of Rule 6c–11, the ability of the AP to create and redeem shares of a fund, and the functioning of the arbitrage mechanism helps to ensure that the trading price in the secondary market is at fair value. This renders the need for a shareholder requirement, whose original purpose was to support a fair and orderly trading, as duplicative and unnecessary. Finally, Nasdaq's surveillance program and its ability to halt trading in a fund provides for additional investor protections by further mitigating any abnormal trading that would affect the Fund's price.[16]

2. Statutory Basis

The Exchange believes that the proposal is consistent with Section 6(b) of the Act [17] in general and Section 6(b)(5) of the Act [18] in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change to amend Nasdaq Rule 5704 to remove the 50 beneficial holder requirement and to amend the shares outstanding listing requirement, as discussed above, will promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. As discussed herein, reliance on the conditions of Rule 6c–11, coupled with the existing creation and redemption process, as well as the presence of sufficient shares to support the creation and redemption process, serve to mitigate the potential for a lack of liquidity that the shareholder requirement was intended to address.[19] By further aligning the listing requirements with the operational relationship between investors, market participants and ETF issuers, the proposal facilitates greater transparency for investors and issuers resulting in a more efficient market and increased investor protections.

For the above reasons, the Exchange believes that the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Act. The Exchange believes that the proposed rule change will maintain the integrity of Nasdaq Rule 5704 on an initial and continued listing basis to the benefit of investors and the marketplace.

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

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 such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act.

[15] Nasdaq internal data as of March 31, 2020.

[16] *See* Nasdaq Rule 4120(a)(10).

[17] 15 U.S.C. 78f.

[18] 15 U.S.C. 78f(b)(5).

[19] *See supra* note 6.

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–NASDAQ–2020–017 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–NASDAQ–2020–017. 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–NASDAQ–2020–017, and should be submitted on or before August 28, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–17303 Filed 8–6–20; 8:45 am]

BILLING CODE 8011–01–P

[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89460; File No. SR–NYSEArca–2020–15]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Partial Amendment No. 1 to Proposed Rule Change To Amend the Schedule of Wireless Connectivity Fees and Charges To Add Wireless Connectivity Services

August 3, 2020.

I. Introduction

On February 11, 2020, NYSE Arca, Inc. (''NYSE Arca'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'' or ''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change (SR–NYSEArca–2020–15) to amend the schedule of Wireless Connectivity Fees and Charges (''Wireless Fee Schedule'') to add wireless connectivity services that transport the market data of the Exchange and certain affiliates.

The Commission published the proposed rule change for public comment in the **Federal Register** on February 25, 2020.[3] The Commission received several comments on the proposed rule change, and a response from the Exchange.[4] On April 1, 2020, pursuant to Section 19(b)(2) of the Act,[5] the Commission designated a longer period within which to either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[6] On May 18, 2020, the Commission instituted proceedings to determine whether to approve or disapprove the proposed rule change.[7] The Commission received additional comments in response to the Order Instituting Proceedings.[8]

On July 27, 2020, the Exchange filed Partial Amendment No. 1 to the proposed rule change in response to certain comments on the proposed rule change. Partial Amendment No. 1 is described in Item II below, which has been substantially prepared by the Exchange.[9] The Commission is publishing this notice to solicit comments on Partial Amendment No. 1 from interested persons.[10]

II. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Amendment

NYSE Arca, Inc. (''NYSE Arca'' or the ''Exchange'') hereby submits this Partial Amendment No. 1 to the above-referenced filing (''Filing'') in connection with the proposed rule change to add wireless connectivity that transport the market data of the Exchange and certain affiliates to the schedule of Wireless Connectivity Fees and Charges (the ''Wireless Fee Schedule''). With this Partial Amendment No. 1, the Exchange proposes a new rule to place restrictions on the use of a pole on the grounds of the Mahwah, New Jersey data center that is used for wireless connectivity services that transport the market data of the Exchange and certain of its affiliates. The Exchange proposes the following amendments to the Filing:

1. *The Exchange proposes to amend the first paragraph in Item 1(a) on page 3 of the Filing:*

The Exchange proposes to amend the first paragraph of Item 1(a) on page 3 of the Filing to add ''(a)'' before ''wireless

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 88239 (February 19, 2020), 85 FR 10786 (February 25, 2020) (SR–NYSEArca–2020–15) (''Wireless II Notice''). *See also* Securities Exchange Act Release Nos. 88237 (February 19, 2020), 85 FR 10752 (February 25, 2020) (SR–NYSE–2020–11); 88238 (February 19, 2020), 85 FR 10776 (February 25, 2020) (SR–NYSEAMER–2020–10); 88240 (February 19, 2020), 85 FR 10795 (February 25, 2020) (SR–NYSECHX–2020–05); and 88241 (February 19, 2020), 85 FR 10738 (February 25, 2020) (SR–NYSENAT–2020–08).

[4] Comments received on the Wireless II Notice and the Exchange's response are available on the Commission's website at: *https://www.sec.gov/comments/sr-nysearca-2020-15/srnysearca202015.htm.*

[5] 15 U.S.C. 78s(b)(2).

[6] *See* Securities Exchange Act Release No. 88540 (April 1, 2020), 85 FR 19562 (April 7, 2020). The Commission designated May 25, 2020, as the date by which it should approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule changes.

[7] *See* Securities Exchange Act Release No. 88901 (May 18, 2020), 85 FR 31273 (May 22, 2020) in which the Commission instituted proceedings (''Order Instituting Proceedings'' or ''OIP'').

[8] Comments received on the Wireless II Notice following the OIP also are available on the Commission's website at: *https://www.sec.gov/comments/sr-nysearca-2020-15/srnysearca202015.htm.*

[9] The Commission has reformatted the Exchange's presentation of the footnotes.

[10] Partial Amendment No. 1 is also available on the Commission's website at: *https://www.sec.gov/comments/sr-nysearca-2020-15/srnysearca202015.htm.* The Commission also refers interested persons to Securities Exchange Act Release No. 88170 (February 11, 2020), 85 FR 8956 (February 18, 2020) (SR–NYSEArca–2020–08) (wherein the Exchange filed a proposed rule change to establish the Wireless Fee Schedule listing available wireless bandwidth connections between the Mahwah, New Jersey data center and other data centers (''Wireless I'') and concurrently proposes to partially amend Wireless I). Partial Amendment No. 1 to Wireless I is available on the Commission's website at: *https://www.sec.gov/comments/sr-nysearca-2020-08/srnysearca202008.htm.*

connectivity services'' and add new text at the end of the paragraph to describe the proposed rule change, as follows (new text italicized):

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'') [1] and Rule 19b–4 thereunder,[2] NYSE Arca, Inc. (''NYSE Arca'' or the ''Exchange'') proposes to add *(a)* wireless connectivity services that transport the market data of the Exchange and certain affiliates to the schedule of Wireless Connectivity Fees and Charges (the ''Wireless Fee Schedule''); and *(b) a new rule to place restrictions on the use of a pole on the grounds of the Mahwah, New Jersey data center that is used for such wireless connectivity services.*

2. *The Exchange proposes to amend the carryover paragraph on pages 3 and 4 of the Filing (second full paragraph on page 24 of the Exhibit 1):*

The Exchange proposes to add amend the carryover paragraph on pages 3 and 4 of the Filing (second full paragraph on page 24 of the Exhibit 1) to add ''(a)'' before ''wireless connectivity services'' and add new text to describe the proposed rule change, as follows (new text italicized, deletion in [brackets]):

The Exchange proposes to add *(a)* wireless connectivity services that transport market data of the Exchange and its affiliates the New York Stock Exchange LLC (''NYSE'') and NYSE National, Inc. (''NYSE National'') to the Wireless Fee Schedule[.],[3/4] *and (b) a new rule to place restrictions on the use of a pole on the grounds of the Mahwah, New Jersey data center that is used for such wireless connectivity services.*

3. *The Exchange proposes to add a new section titled ''Proposed New Rule'' and accompanying footnotes after the first full paragraph on page 14 of the Filing (first full paragraph on page 40 of the Exhibit 1):*

The Exchange proposes a new rule to place restrictions on the use of a pole on the grounds of the Mahwah, New Jersey data center that is used for wireless connectivity services. Accordingly, the Exchange proposes to add a new section titled ''*Proposed New Rule*'' and accompanying footnotes (subsequent footnotes would be renumbered in a conforming change) after the first full paragraph on page 14 of the Filing (first full paragraph on page 40 of the Exhibit 1), after the end of the section titled ''*The Proposed Service and Fees,*'' as follows (all text is new):

Proposed New Rule

Since 2016, IDS has had the use of a pole on the grounds of the Mahwah data center.[27/28] The data center pole is part of the network utilized for the Wireless Market Data Connections to the Carteret and Secaucus Third Party Data Centers.[28/29] At the data center pole, the wireless connection to the Third Party Data Centers converts to a fiber connection, and the fiber connection travels from the data center pole into the Mahwah data center.[29/30] The equipment on the data center pole belongs to IDS and Anova Technologies, LLC (''Anova''), the non-ICE entity that owns the wireless network used for the Wireless Market Data Connections to Secaucus and Carteret.[30/31]

Other third parties that offer wireless services utilize commercial poles located outside the grounds of the Mahwah, New Jersey data center for their wireless networks. A third party's wireless connections to the Third Party Data Center convert to fiber connections at the commercial pole, and the fiber connects the commercial pole to the Mahwah data center.

Several such third parties have objected to the use of the data center pole for the Wireless Market Data Connections. They argue that IDS has an advantage over its competitors because third parties are not allowed access to the data center pole,[31/32] and the data center pole is closer to the Mahwah data center than any commercial pole.[32/33] At least one third party has raised the additional concern that the Wireless Market Data Connections may benefit from ''less obvious and more discreet types of latency advantages'' due to infrastructure inside the Mahwah data center, noting that ''some connections may have a longer fiber route than others within a data center or may have to go through various equipment or meet me rooms that an affiliate or preferred provider of an exchange do not.'' [33/34]

The Exchange is proposing a new Rule 3.14 (Data Center Pole Latency Restrictions—Connectivity to Production of Exchange Market Data) that would require that the length of the connection from the data center pole to the point inside the Mahwah data center where Exchange market data is produced be no less than the length of the connection from the closest commercial pole to the same point. By requiring that the compared connections both extend to where Exchange market data is produced, the proposed rule would take distances within the Mahwah data center into account.

The proposed rule would include the following definitions:

- ''Commercial Pole'' would mean a pole (a) on which one or more third parties locate wireless equipment used to offer wireless connectivity to other third parties, and (b) from which a fiber connection extends from third party equipment on the pole to the Data Center.
- ''Data Center'' would mean the Mahwah, New Jersey data center where the Exchange's matching engine is located, or its successor.
- ''Data Center Pole'' would mean a pole that (a) holds wireless equipment, (b) is located within the grounds of the Data Center, and (c) cannot be used by third parties other than third parties with which the Exchange or an ICE Affiliate has an agreement to provide services in the name of the Exchange or an ICE Affiliate.
- ''ICE Affiliate'' would mean Intercontinental Exchange, Inc. (''ICE'') and any entity that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with ICE, where ''control'' means that one entity possesses, directly or indirectly, voting control of the other entity either through ownership of capital stock or other equity securities or through majority representation on the board of directors or other management body of such entity.

The proposed rule would require that:

the length of the connection between (a) the base of the Data Center Pole and (b) the point inside the Data Center where Exchange market data is produced shall be no less than the length of the connection between (x) the base of the closest Commercial Pole and (y) the point inside the Data Center where Exchange market data is produced.

27/28 *See* Securities Exchange Act Release No. 76749 (December 23, 3015), 80 FR 81640 (December 30, 2015) (SR–NYSEArca–2015–99) (Order Approving Proposed Rule Change to the Co-Location Services Offered by the Exchange (the Offering of a Wireless Connection To Allow Users To Receive Market Data Feeds From Third Party Markets) and to Reflect Changes to the NYSE Arca Options Fee Schedule and the NYSE Arca Equities Schedule of Fees and Charges Related to These Services).

28/29 The Wireless Market Data Connections with Markham, Canada do not use equipment on the data center pole.

29/30 The wireless network similarly converts to a fiber connection for its connection into the Third Party Data Centers.

30/31 Equipment for services Anova offers under its own name is not allowed on the data center pole.

31/32 IDS does not sell rights to third parties to operate wireless equipment on the data center pole due to space limitations, security concerns, and the interference that would arise between equipment placed too closely together.

32/33 *See* letter from Gregory Babyak, Global Head of Regulatory Affairs, Bloomberg L.P., to Ms. Vanessa Countryman, Secretary, Securities and Exchange Commission (''Commission''), dated June 12, 2020; letter from Stephen John Berger, Managing Director, Global Head of Government and Regulatory Policy, Citadel Securities, to Ms. Vanessa Countryman, Secretary, Commission, dated June 12, 2020; letter from Jim Considine, Chief Financial Officer, McKay Brothers LLC (''McKay Brothers''), to Ms. Vanessa Countryman, Secretary, Commission, dated June 12, 2020 (''McKay Letter''); and letter from Thomas M. Merritt, Deputy General Counsel, Virtu Financial, Inc. to Ms.

Vanessa Countryman, Secretary, Commission, dated March 10, 2020.

[33/34] McKay Letter, *supra* note 32/33, at 9.

4. *The Exchange proposes to add new text after the first full paragraph on page 16 of the Filing (first full paragraph on page 42 of the Exhibit 1):*

The Exchange proposes to amend the Filing to include additional analysis on the competitive environment for wireless connections. Accordingly, the Exchange proposes to add a paragraph and accompanying footnotes (subsequent footnotes would be renumbered in a conforming change) after the first full paragraph on page 16 of the Filing (first full paragraph on page 42 of the Exhibit 1), as follows (all text is new):

Such competitors can offer wireless connectivity to Selected Market Data or other Exchange market data in the Third Party Data Centers by obtaining the market data at the Mahwah data center and sending it over their wireless network to the Third Party Data Centers.[37/38] The Exchange believes that its competitors' wireless connections provide connectivity at the same or similar speed as the Wireless Market Data Connections, and at the same or similar cost. Indeed, the McKay Letter acknowledges that McKay Brothers has the fastest wireless network.[38/39]

[37/38] A market participant in any of the Third Party Data Centers or the Mahwah data center also may create a proprietary wireless market data connection, connect through another market participant, or utilize fiber connections offered by the Exchange, ICE Affiliates, and other service providers and third party telecommunications providers.

[38/39] McKay Letter, *supra* note 32/33, at 4.

5. *The Exchange proposes to amend the Statutory Basis section of the Filing after the fourth full paragraph on page 18 of the Filing (third full paragraph on page 46 of the Exhibit 1):*

The Exchange proposes to include information in the Filing regarding why it believes the proposed new rule is reasonable. The Exchange proposes to amend the Statutory Basis section of the Filing to add new paragraphs and accompanying footnotes (subsequent footnotes would be renumbered in a conforming change) after the fourth full paragraph on page 18 of the Filing (third full paragraph on page 46 of the Exhibit 1), at the end of the section titled ''*The Proposed Change is Reasonable,*'' as follows (all text is new):

The Exchange believes that the proposed new Rule 3.14 would be reasonable as, pursuant to the rule, the networks for the Wireless Market Data Connections, and future wireless connections that use a Data Center Pole, would ''operat[e] in the same manner as competitors do today without a latency subsidy or other advantage provided by the Exchanges. . . .'' [43/44] Accordingly, the proposed new rule would promote just and equitable principles of trade and, in general, protect investors and the public interest by ensuring that the subscribers to services using the IDS wireless network do not benefit from any physical proximity ''on the segment [of the network] closest to the Exchanges' data center that no competitor can replicate.'' [44/45] By ending both of the compared connections at the point inside the Data Center where Exchange market data is produced, the proposed rule would take distances within the Mahwah data center into account.[45/46]

The proposed new rule would not apply differently to distinct types or sizes of market participants. The Exchange would be required to ensure that the length of the connection between (a) the base of the Data Center Pole and (b) the point inside the Data Center where Exchange market data is produced, would be no less than the length of the connection between (x) the base of the closest Commercial Pole and (y) the point inside the Data Center where Exchange market data is produced.

The Exchange believes that the proposed definition of ''Commercial Pole'' is reasonable and would promote just and equitable principles of trade because it would encompass any pole on which a third party locates its wireless equipment in order to offer wireless connectivity to customers. The Exchange believes that such third parties are the direct competitors for the Wireless Market Data Connections, as they also offer wireless connections to customers. If a third party used a pole for a proprietary wireless network and that pole does not have one or more third parties' wireless equipment used to offer wireless connectivity to other third parties, that pole would not fall within the scope of the definition of Commercial Pole.

The Exchange believes that the proposed definition of ''Data Center'' is reasonable and would promote just and equitable principles of trade because it would capture any data center to which the Exchange locates its matching engine.

The Exchange believes that the proposed definition of ''Data Center Pole'' is reasonable and would promote just and equitable principles of trade because it would encompass not just the current pole, but also any additional or successor pole on the grounds of the Data Center, so long as such pole could not be used by third parties other than third parties with which the Exchange or an ICE Affiliate had an agreement to provide services in the name of the Exchange or an ICE Affiliate, such as Anova.

The Exchange believes that the definition of ''ICE Affiliate'' is reasonable and would promote just and equitable principles of trade because the same definition is used in Rule 5.1–E(c) (Listing of an Affiliate or Entity that Operates and/or Owns a Trading System or Facility of the Exchange), and so using it would add transparency, clarity and internal consistency to Exchange rules.

[43/44] McKay Letter, *supra* note 32/33, at 7.

[44/45] *Id,* at note 33.

[45/46] Each of the Affiliate SROs is filing for a rule change that is substantially similar to the proposed Exchange rule. Assuming such filings are approved by the Commission, to the extent that the market data of an Affiliate SRO is produced separately from where the Exchange market data is produced, the wireless connection to that Affiliate SRO's market data would be captured by that Affiliate SRO's rule.

6. *The Exchange proposes to amend the Statutory Basis section of the Filing after the carry-over paragraph on pages 19 and 20 of the Filing (second full paragraph on page 48 of the Exhibit 1):*

The Exchange proposes to include information in the Filing regarding why it believes the proposed new rule is not unfairly discriminatory. The Exchange proposes to amend the Statutory Basis section of the Filing to add new paragraphs and accompanying footnotes (subsequent footnotes would be renumbered in a conforming change) after the carry-over paragraph on pages 19 and 20 of the Filing (second full paragraph on page 48 of the Exhibit 1), immediately prior to the last paragraph of the section titled ''*The Proposed Change is Not Unfairly Discriminatory,*'' as follows (all text is new):

The Exchange believes that the proposed new Rule 3.14 would not be unfairly discriminatory, as pursuant to the rule, the networks for the Wireless Market Data Connections, and future wireless connections that use the Data Center Pole, would ''operat[e] in the same manner as competitors do today without a latency subsidy or other advantage provided by the Exchanges. . . .'' [46/47] Accordingly, the proposed new rule would ensure that the IDS wireless network does not benefit from physical proximity ''on the segment [of the network] closest to the Exchanges' data center that no competitor can replicate.'' [47/48] By ending both of the compared connections at the point inside the Data Center where Exchange market data is produced, the proposed rule would take distances within the Mahwah data center into account.

The proposed new rule would not apply differently to distinct types or sizes of market participants. The Exchange would be required to ensure that the length of the connection between (a) the base of the Data Center Pole and (b) the point inside the Data Center where Exchange market data is produced, would be no less than the length of the connection between (x) the base of the closest Commercial Pole and (y) the point inside the Data Center where Exchange market data is produced.

The Exchange believes that the proposed definition of ''Commercial Pole'' would not be unfairly discriminatory because it would encompass any pole on which a third party locates its wireless equipment in order to offer wireless connectivity to customers. The Exchange believes that such third parties are the direct competitors for the Wireless Market Data Connections, as they also offer wireless connections to customers. If a third party used a pole for a proprietary wireless network and that pole does not have one or more third parties' wireless equipment used

to offer wireless connectivity to other third parties, that pole would not fall within the scope of the definition of Commercial Pole.

The Exchange believes that the proposed definition of ''Data Center'' would not be unfairly discriminatory because it would capture any data center to which the Exchange locates its matching engine.

The Exchange believes that the proposed definition of ''Data Center Pole'' would not be unfairly discriminatory because it would encompass not just the current pole, but also any additional or successor pole on the grounds of the Data Center, so long as such pole could not be used by third parties other than third parties with which the Exchange or an ICE Affiliate had an agreement to provide services in the name of the Exchange or an ICE Affiliate, such as Anova.

The Exchange believes that the definition of ''ICE Affiliate'' would not be unfairly discriminatory because the same definition is used in Rule 5.1–E(c) and so using it would add transparency, clarity and internal consistency to Exchange rules.

46/47 McKay Letter, *supra* note 32/33, at 7.

47/48 *Id.,* at note 33.

7. *The Exchange proposes to amend the section of the Filing titled ''Self-Regulatory Organization's Statement on Burden on Competition'' in the following two ways:*

The Exchange proposes to include information in the Filing regarding why it believes the proposed new rule would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of Section 6(b)(8) of the Securities Exchange Act of 1934 (the ''Act'').[11] Accordingly, the Exchange proposes to amend the section of the Filing titled ''*Self-Regulatory Organization's Statement on Burden on Competition*'' in the following two ways.

First, to set the new text apart from the previous discussion regarding the burden on competition, the Exchange proposes to add the heading ''*Wireless Market Data Connectivity*'' immediately before the first full paragraph under the heading on page 20 of the Filing (page 49 of the Exhibit 1). The new heading would apply to the current text of the Filing.

Second, after the first full paragraph on page 22 of the Filing (first full paragraph on page 51 of the Exhibit 1), the Exchange proposes to add the heading ''*Proposed New Rule*'' and new paragraphs and accompanying footnotes (subsequent footnotes would be renumbered in a conforming change), as follows (all text is new):

Proposed New Rule

The Exchange does not believe that the proposed new rule would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of Section 6(b)(8) of the Act.[50/51]

With the exception of Anova, third parties do not have access to the data center pole. Under the proposed rule, the Exchange would always be obligated to ensure that the length of the connection between (a) the base of the Data Center Pole and (b) the point inside the Data Center where Exchange market data is produced, would be no less than the length of the connection between (x) the base of the closest Commercial Pole and (y) the point inside the Data Center where Exchange market data is produced.

IDS, not the Exchange, provides the Wireless Market Data Connections to market participants, and so it would be IDS that would have to slow its connection down as required by the rule. Accordingly, the Exchange believes that the only burden on competition of the proposed change would be on IDS.

Nonetheless, the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate because the proposed change would ensure that the IDS wireless network did not benefit from physical proximity ''on the segment [of the network] closest to the Exchanges' data center that no competitor can replicate.'' [51/52] The networks for the Wireless Market Data Connections, and future wireless connections that use the Data Center Pole, would ''operat[e] in the same manner as competitors do today without a latency subsidy or other advantage provided by the Exchanges. . . .'' [52/53]

The proposed rule would not otherwise put a burden on competition. As noted above, access to the data center pole is not required for third parties to establish wireless networks that can compete with the Wireless Market Data Connections to the Carteret and Secaucus Third Party Data Centers, as evidenced by the existing wireless connections offered by third party competitors.[53/54] Such competitors can offer wireless connectivity to Selected Market Data or other Exchange market data in the Third Party Data Centers by obtaining the market data at the Mahwah data center and sending it over their wireless network to the Third Party Data Centers.[54/55] Indeed, the Exchange believes that its competitors' wireless connections provide connectivity at the same or similar speed as the Wireless Market Data Connections, and at the same or similar cost. The McKay Letter acknowledges that McKay Brothers has the fastest wireless network.[55/56]

The Exchange notes that proximity to a data center is not the only determinant of a wireless network's latency. Rather, the latency of a wireless network depends on several factors. Variables include the wireless equipment utilized; the route of, and number of towers or buildings in, the network; and the fiber equipment used at either end of the connection. Moreover, latency is not the only consideration that a customer may have in selecting a wireless network to connect to for market data. Other considerations may include the amount of network uptime; the equipment that the network uses; the cost of the connection; and the applicable contractual provisions.

The proposed change does not affect competition among national securities exchanges or among members of the Exchange, but rather between IDS and its commercial competitors.

50/51 15 U.S.C. 78f(b)(8).

51/52 McKay Letter, *supra* note 32/33, at note 33.

52/53 *Id.,* at 7.

53/54 Based on the information available to it, the Exchange believes that a market participant in the Carteret or Secaucus Third Party Data Center may purchase a wireless connection to the NYSE and NYSE Arca Integrated Feed data feeds from at least two other providers of wireless connectivity.

54/55 A market participant in any of the Third Party Data Centers or the Mahwah data center also may create a proprietary wireless market data connection, connect through another market participant, or utilize fiber connections offered by the Exchange, ICE Affiliates, and other service providers and third party telecommunications providers.

55/56 *Id.,* at 4.

8. *The Exchange proposes to add a list under ''Exhibit 5—Text of the Proposed Rule Change'' on page 23 of the Filing:*

The Exchange proposes to add a new Exhibit 5B. Accordingly, the Exchange proposes to add a list under ''Exhibit 5—Text of Proposed Rule Change'' on page 22 of the Filing, as follows (new text italicized):

Exhibit 5—Text of the Proposed Rule Change

A. Text of the Proposed Schedule of Wireless Connectivity Fees and Charges

B. Text of the Proposed Rule

9. *The Exchange proposes to add new text to the first full paragraph of Section I on page 24 of the Exhibit 1:*

The Exchange proposes to add new text to the first full paragraph of Section I on page 24 of the Exhibit 1, as follows (new text italicized):

The Exchange proposes to add wireless connectivity services that transport the market data of the Exchange and certain affiliates to the schedule of Wireless Connectivity Fees and Charge (the ''Wireless Fee Schedule'') *and add a new rule to place restrictions on the use of a pole on the grounds of the Mahwah, New Jersey data center that is used for such wireless connectivity services.* The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

10. *The Exchange proposes to amend ''Exhibit 5'' to ''Exhibit 5A'' on page 55 of the Exhibit 5:*

To reflect the addition of a new Exhibit 5B, the Exchange proposes to add ''A'' to ''EXHIBIT 5'' on page 55 of the Exhibit 5, to make it ''EXHIBIT 5A''.

* * * * *

[11] 15 U.S.C. 78f(b)(8).

All other representations in the Filing remain as stated therein and no other changes are being made.

III. Date of Effectiveness of the Proposed Rule Change As Modified By Partial Amendment No. 1 and Timing for Commission Action

Within 180 days after the date of publication of the initial Notice of Filing in the **Federal Register** or within such longer period up to an additional 60 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 issue an order approving or disapproving such proposed rule change, as amended.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended by Partial Amendment No. 1, 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–NYSEArca–2020–15 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–NYSEArca–2020–15. 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–NYSEArca–2020–15, and should be submitted on or before August 28, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–17250 Filed 8–6–20; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89451; File No. SR–CboeBZX–2020–061]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Amend Rule 4.5, Which is Part of the Exchange's Compliance Rule ("Compliance Rule") Regarding the National Market System Plan Governing the Consolidated Audit Trail (the "CAT NMS Plan" or "Plan") to be Consistent with an Amendment to the CAT NMS Plan Recently Approved by the Securities and Exchange Commission (the "Commission")

August 3, 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 30, 2020, Cboe BZX Exchange, Inc. (the "Exchange" or "BZX") 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

Cboe BZX Exchange, Inc. (the "Exchange" or "Cboe BZX") proposes to amend Rule 4.5, which is part of the Exchange's compliance rule ("Compliance Rule") regarding the National Market System Plan Governing the Consolidated Audit Trail (the "CAT NMS Plan" or "Plan")[3] to be consistent with an amendment to the CAT NMS Plan recently approved by the Securities and Exchange Commission (the "Commission"). The text of the proposed rule change is provided below.

(additions are *italicized;* deletions are [bracketed])

* * * * *

Rules of Cboe BZX Exchange, Inc.

* * * * *

Rule 4.5. Consolidated Audit Trail—Definitions

For purposes of Rules 4.5 through 4.16:

* * * * *

(r) "Firm Designated ID" means *(1)* a unique *and persistent* identifier for each trading account designated by Industry Members for purposes of providing data to the Central Repository, *provided, however, such identifier may not be the account number for such trading account if the trading account is not a proprietary account; (2) 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; or (3) 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,* where each such identifier is unique among all identifiers from any given Industry Member [for each business date].

* * * * *

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/bzx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

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[12] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Unless otherwise specified, capitalized terms used in this rule filing are defined as set forth in the Compliance Rule.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to amend Chapter 7, Section B of the Rules, the Compliance Rule regarding the CAT NMS Plan, to be consistent with an amendment to the CAT NMS Plan recently approved by the Commission.[4] The Commission approved an amendment to the CAT NMS Plan to amend the requirements for Firm Designated IDs in four ways: (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 (the ''FDID Amendment''). As a result, the Exchange proposes to amend the definition of ''Firm Designated ID'' in Rule 4.5 to reflect the changes to the CAT NMS Plan regarding the requirements for Firm Designated IDs.

Rule 4.5(r) defines the term ''Firm Designated ID'' to mean ''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.''

(1) Prohibit Use of Account Numbers

The Exchange proposes to amend the definition of ''Firm Designated ID'' in Rule 4.5(r) to provide that Industry Members may not use account numbers as the Firm Designated ID for trading accounts that are not proprietary accounts. Specifically, the Exchange proposes to add the following to the definition of a Firm Designated ID: ''provided, however, such identifier may not be the account number for such trading account if the trading account is not a proprietary account.''

(2) Persistent Firm Designated ID

The Exchange also proposes to amend the definition of ''Firm Designated ID'' in Rule 4.5(r) to require a Firm Designated ID assigned by an Industry Member to a trading account to be persistent over time, not for each business day.[5] To effect this change, the Exchange proposes to amend the definition of ''Firm Designated ID'' in Rule 4.5(r) to add ''and persistent'' after ''unique'' and delete ''for each business date'' 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.

(3) Relationship Identifiers

The FDID Amendment also permits an Industry Member to provide a relationship identifier as the Firm Designated ID, rather than an identifier that represents a trading account, in certain scenarios in which an Industry Member does not have an account number available to its order handling and/or execution system at the time of order receipt (*e.g.,* certain institutional accounts, managed accounts, accounts for individuals). In such scenarios, the trading account structure may not be available when a new order is first received from a client and, instead, only an identifier representing the client's trading relationship is available. In these limited instances, the Industry Member may provide an identifier used by the Industry Member to represent the client's trading relationship with the Industry Member instead of an account number.

When a trading relationship is established at a broker-dealer for clients, the broker-dealer typically creates a parent account, under which additional subaccounts are created. However, in some cases, the broker-dealer establishes the parent relationship for a client using a relationship identifier as opposed to an actual parent account. The relationship identifier could be any of a variety of identifiers, such as a short name for a relevant individual or institution. This relationship identifier is established prior to any trading for the client. If a relationship identifier has been established rather than a parent account, and an order is placed on behalf of the client, any executed trades will be kept in a firm account (*e.g.,* a facilitation or average price account) until they are allocated to the proper subaccount(s), *i.e.,* the accounts associated with the parent relationship identifier connecting them to the client.

Relationship identifiers are used in circumstances in which the account structure is not available to the trading system at the time of order placement. The clients have established accounts prior to the trade that satisfy relevant regulatory obligations for opening accounts, such as Know Your Customer and other customer obligations. However, the order receipt workflows operate using relationship identifiers, not accounts.

For Firm Designated ID purposes, as with an identifier for a trading account, the relationship identifier must be persistent over time. The relationship identifier also must be unique among all identifiers from any given Industry Member. With these requirements, a single relationship could be tracked across time within a single Industry Member using the Firm Designated ID. In addition, the relationship identifier must be masked as the relationship identifier could be a name or otherwise provide an indication as to the identity of the relationship. The masking requirement would avoid potentially revealing the identity of the relationship.

An example of the use of a relationship identifier as a Firm Designated ID would be a follows: Suppose that Big Fund Manager is known in Industry Member A's systems as ''BFM1.'' When an order is placed by Big Fund Manager, the order is tagged to BFM1. Industry Member A could use a masked version of BFM1 in place of the Firm Designated ID representing a trading account when reporting a new

[4] Securities Exchange Act Release No. 89397 (July 24, 2020) (**Federal Register** pending).

[5] 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 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.

order from Big Fund Manager instead of the account numbers to which executed shares/contracts will be allocated at a later time via a booking or other system. Similarly, another example of the use of a relationship identifier as a Firm Designated ID would involve an individual in place of the Big Fund Manager in the above example.

In accordance with the FDID Amendment, the Exchange proposes to amend the definition of a ''Firm Designated ID'' in Rule 4.5(r) to permit Industry Members to provide a relationship identifier as the Firm Designated ID as described above. Specifically, the Exchange proposes to amend the definition of ''Firm Designated ID'' in Rule 4.5(r) to state that a Firm Designated ID means, in relevant 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.''

(4) Entity Identifiers

The FDID Amendment also permits Industry Members to provide an entity identifier, rather than an identifier that represents a trading account, when an employee of the 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. An entity identifier is an identifier of the Industry Member that represents the firm discretionary relationship with the client rather than a firm trading account.

The scenarios in which a firm uses an entity identifier are comparable to when a firm uses a relationship identifier (as described above) except the entity identifier represents the Industry Member rather than a client. As with relationship identifiers, entity identifiers are used in circumstances in which the account structure is not available to the trading system at the time of order placement. In this workflow, the Industry Member's order handling and/execution system does not have an account number at the time of order origination. The 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. However, the order origination workflows operate using entity identifiers, not accounts.

For Firm Designated ID purposes, as with the identifier for a trading account or a relationship, the entity identifier must be persistent over time. The entity identifier also must be unique among all identifiers from any given Industry Member. Each Industry Member must make its own risk determination as to whether it believes it is necessary to mask the entity identifier when using an entity identifier to report the Firm Designated ID to CAT.

An example of the use of an entity identifier as a Firm Designated ID would be when Industry Member 1 has an employee that is a registered representative that has discretion over several client accounts held at Industry Member 1. The registered representative places an order that he will later allocate to individual client accounts. At the time the order is placed, the trading system only knows it involves a representative of Industry Member 1 and it does not have a specific trading account that could be used for Firm Designated ID reporting. Therefore, Industry Member 1 could report IM1, its entity identifier, as the FDID with the new order.

In accordance with the FDID Amendment, the Exchange proposes to amend the definition of ''Firm Designated ID'' in Rule 4.5(r) to permit the use of an entity identifier as a Firm Designated ID as described above. Specifically, the Exchange proposes to amend the definition of a ''Firm Designated ID'' in Rule 4.5(r) to state that a Firm Designated ID means, in relevant 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.''

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[6] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[7] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[8] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that this proposal is consistent with the Act because it is consistent with, and implements, a recent amendment to the CAT NMS Plan, and is designed to assist the Exchange and its Industry Members in meeting regulatory obligations pursuant to the Plan. In approving the Plan, the Commission noted that the Plan ''is necessary and appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanism of a national market system, or is otherwise in furtherance of the purposes of the Act.''[9] To the extent that this proposal implements the Plan, and applies specific requirements to Industry Members, the Exchange believes that this proposal furthers the objectives of the Plan, as identified by the Commission, and is therefore consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange notes that the proposed rule changes are consistent with a recent amendment to the CAT NMS Plan, and are designed to assist the Exchange in meeting its regulatory obligations pursuant to the Plan. The Exchange also notes that the FDID Amendment will apply equally to all Industry Members that trade NMS Securities and OTC Equity Securities. In addition, all national securities exchanges and FINRA are proposing this amendment to their Compliance Rules. Therefore, this is not a competitive rule filing, and, therefore, it does not impose a burden on competition.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] *Id.*

[9] *See* Securities Exchange Act Release No. 79318 (November 15, 2016), 81 FR 84696, 84697 (November 23, 2016).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [10] and Rule 19b–4(f)(6) thereunder.[11] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [12] and Rule 19b–4(f)(6)(iii) thereunder.[13]

A proposed rule change filed under Rule 19b–4(f)(6) [14] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[15] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative by July 31, 2020. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest because it implements an amendment to the CAT NMS Plan approved by the Commission.[16] Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposal operative as of July 31, 2020.[17]

At any time within 60 days of the filing of this proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule 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–CboeBZX–2020–061 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–CboeBZX–2020–061. 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–CboeBZX–2020–061 and should be submitted on or before August 28, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–17241 Filed 8–6–20; 8:45 am]

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[10] 15 U.S.C. 78s(b)(3)(A)(iii).

[11] 17 CFR 240.19b–4(f)(6).

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[14] 17 CFR 240.19b–4(f)(6).

[15] 17 CFR 240.19b–4(f)(6)(iii).

[16] *See* Securities Exchange Act Release No. 89397 (July 24, 2020) (**Federal Register** publication pending).

[17] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89456; File No. SR–NYSECHX–2020–02]

Self-Regulatory Organizations; NYSE Chicago, Inc.; Notice of Filing of Partial Amendment No. 1 to Proposed Rule Change To Establish a Wireless Fee Schedule Setting Forth Available Wireless Bandwidth Connections and Associated Fees

August 3, 2020.

I. Introduction

On January 30, 2020, NYSE Chicago, Inc. (''NYSE Chicago'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'' or ''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change (SR–NYSECHX–2020–02) to establish a schedule of Wireless Connectivity Fees and Charges (''Wireless Fee Schedule'') listing available wireless bandwidth connections between the Mahwah, New Jersey data center and other data centers.

The Commission published the proposed rule change for public comment in the **Federal Register** on February 18, 2020.[3] The Commission

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 88172 (February 11, 2020), 85 FR 8923 (February 18, 2020) (SR–NYSECHX–2020–02) (''Wireless I Notice''). *See also* Securities Exchange Act Release Nos. 88168 (February 11, 2020), 85 FR 8938 (February 18, 2020) (SR–NYSE–2020–05); 88169 (February 11, 2020), 85 FR 8946 (February 18, 2020) (SR–NYSEAMER–2020–05); 88170 (February 11, 2020), 85 FR 8956 (February 18, 2020) (SR–NYSEArca-2020–08); and 88171 (February 11, 2020), 85 FR 8930 (February 18, 2020) (SR–NYSENAT–2020–03).

received several comments on the proposed rule change, and a response from the Exchange.[4] On April 1, 2020, pursuant to Section 19(b)(2) of the Act,[5] the Commission designated a longer period within which to either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[6] On May 18, 2020, the Commission instituted proceedings to determine whether to approve or disapprove the proposed rule change.[7] The Commission received additional comments in response to the Order Instituting Proceedings.[8]

On July 27, 2020, the Exchange filed Partial Amendment No. 1 to the proposed rule change in response to certain comments on the proposed rule change. Partial Amendment No. 1 is described in Item II below, which has been substantially prepared by the Exchange.[9] The Commission is publishing this notice to solicit comments on Partial Amendment No. 1 from interested persons.[10]

II. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Amendment

NYSE Chicago, Inc. (''NYSE Chicago'' or the ''Exchange'') hereby submits this Partial Amendment No. 1 to the above-referenced filing (''Filing''), in connection with the proposed rule change to establish a schedule of Wireless Connectivity Fees and Charges (the ''Wireless Fee Schedule'') with wireless connections between the Mahwah, New Jersey data center and other data centers. With this Partial Amendment No. 1, the Exchange proposes a new rule to place restrictions on the use of a pole on the grounds of the Mahwah, New Jersey data center that is used for such wireless connections.

The Exchange proposes the following amendments to the Filing:

1. The Exchange proposes to amend the first paragraph in Item 1(a) on page 3 of the Filing:

The Exchange proposes to amend the first paragraph of Item 1(a) on page 3 of the Filing to add ''(a)'' before ''establish'' and add new text at the end of the paragraph to describe the proposed rule change, as follows (new text italicized):

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'')[1] and Rule 19b–4 thereunder,[2] NYSE Chicago, Inc. (''NYSE Chicago'' or the ''Exchange'') proposes to *(a)* establish a schedule of Wireless Connectivity Fees and Charges (the ''Wireless Fee Schedule'') with wireless connections between the Mahwah, New Jersey data center and other data centers*, and (b) add a new rule to place restrictions on the use of a pole on the grounds of the Mahwah, New Jersey data center that is used for such wireless connections.*

2. *The Exchange proposes to amend the carryover paragraph on pages 3 and 4 of the Filing (second full paragraph on page 24 of the Exhibit 1):*

The Exchange proposes to add a sentence at the end of the carryover paragraph on pages 3 and 4 of the Filing (second full paragraph on page 24 of the Exhibit 1) to describe the proposed rule change, as follows (new text italicized):

The Exchange proposes to establish the Wireless Fee Schedule with wireless connections between the Mahwah, New Jersey data center and three data centers that are owned and operated by third parties unaffiliated with the Exchange: (1) Carteret, New Jersey, (2) Secaucus, New Jersey, and (3) Markham, Canada (collectively, the ''Third Party Data Centers''). Market participants that purchase such a wireless connection (a ''Wireless Connection'') are charged an initial and monthly fee. In addition, the Exchange proposes to include a General Note to the Wireless Fee Schedule. *The Exchange proposes to add a new rule to place restrictions on the use of a pole on the grounds of the Mahwah, New Jersey data center that is used for the Wireless Connections.*

3. *The Exchange proposes to add a new section titled '' Proposed New Rule'' and accompanying footnotes after the second full paragraph on page 14 of the Filing (first full paragraph on page 40 of the Exhibit 1):*

The Exchange proposes a new rule to place restrictions on the use of a pole on the grounds of the Mahwah, New Jersey data center that is used for wireless connectivity services. Accordingly, the Exchange proposes to add a new section titled ''*Proposed New Rule*'' with accompanying footnotes (subsequent footnotes would be renumbered in a conforming change) after the second full paragraph on page 14 of the Filing (first full paragraph on page 40 of the Exhibit 1), after the end of the section titled ''*Proposed General Note,*'' as follows (all text is new):

Proposed New Rule

Since 2016, IDS has had the use of a pole on the grounds of the Mahwah data center.[25/26] The data center pole is part of the network utilized for the Wireless Connections to the Carteret and Secaucus Third Party Data Centers.[26/27] At the data center pole, the wireless connection to the Third Party Data Centers converts to a fiber connection, and the fiber connection travels from the data center pole into the Mahwah data center.[27/28] The equipment on the data center pole belongs to IDS and Anova Technologies, LLC (''Anova''), the non-ICE entity that owns the wireless network used for the Wireless Connections to Secaucus and Carteret.[28/29]

Other third parties that offer wireless services utilize commercial poles located outside the grounds of the Mahwah, New Jersey data center for their wireless networks. A third party's wireless connections to the Third Party Data Center convert to fiber connections at the commercial pole, and the fiber connects the commercial pole to the Mahwah data center.

Several such third parties have objected to the use of the data center pole for the Wireless Connections. They argue that IDS has an advantage over its competitors because third parties are not allowed access to the data center pole,[29/30] and the data center pole is closer to the Mahwah data center than any commercial pole.[30/31] At least one third party has raised the additional concern that the Wireless Connections may benefit from ''less obvious and more discreet types of latency advantages'' due to infrastructure inside the Mahwah data center, noting that ''some connections may have a longer fiber route than others within a data center or may have to go through various equipment or meet me rooms that an affiliate or preferred provider of an exchange do not.''[31/32]

The Exchange is proposing a new Rule 3.13 (Data Center Pole Latency Restrictions—Connectivity to Co-Location Space) that would require that the length of the connection from the data center pole to the network row in the space used for co-location in the Mahwah data center (*i.e.,* the point where the Wireless Connections lead) be no less than the length of the connection from

[4] Comments received on the Wireless I Notice and the Exchange's response are available on the Commission's website at: *https://www.sec.gov/comments/sr-nysechx-2020-02/srnysechx202002.htm.*

[5] 15 U.S.C. 78s(b)(2).

[6] *See* Securities Exchange Act Release No. 88539 (April 1, 2020), 85 FR 19553 (April 7, 2020). The Commission designated May 18, 2020, as the date by which it should approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule changes.

[7] *See* Securities Exchange Act Release No. 88901 (May 18, 2020), 85 FR 31273 (May 22, 2020) in which the Commission instituted proceedings (''Order Instituting Proceedings'' or ''OIP'').

[8] Comments received on the Wireless I Notice following the OIP also are available on the Commission's website at: *https://www.sec.gov/comments/sr-nysechx-2020-02/srnysechx202002.htm.*

[9] The Commission has reformatted the Exchange's presentation of the footnotes.

[10] Partial Amendment No. 1 is also available on the Commission's website at: *https://www.sec.gov/comments/sr-nysechx-2020-02/srnysechx202002.htm.* The Commission also refers interested persons to Securities Exchange Act Release No. 88240 (February 19, 2020), 85 FR 10795 (February 25, 2020) (SR–NYSECHX–2020–05) (wherein the Exchange filed a proposed rule change to amend the proposed Wireless Fee Schedule to add ''Wireless Market Data Connections'' and associated fees (''Wireless II'') and concurrently proposes to partially amend Wireless II). Partial Amendment No. 1 to Wireless II is available on the Commission's website at: *https://www.sec.gov/comments/sr-nysechx-2020-05/srnysechx202005.htm.*

the closest commercial pole to the same point. By requiring that the compared connections both extend to the network row in the space used for co-location, the proposed rule would take distances within the Mahwah data center into account.

The proposed rule would include the following definitions:

• ''Commercial Pole'' would mean a pole (a) on which one or more third parties locate wireless equipment used to offer wireless connectivity to other third parties, and (b) from which a fiber connection extends from third party equipment on the pole to the Data Center.

• ''Data Center'' would mean the Mahwah, New Jersey data center where the Exchange's matching engine is located, or its successor.

• ''Data Center Pole'' would mean a pole that (a) holds wireless equipment, (b) is located within the grounds of the Data Center, and (c) cannot be used by third parties other than third parties with which the Exchange or an ICE Affiliate has an agreement to provide services in the name of the Exchange or an ICE Affiliate.

• ''ICE Affiliate'' would mean Intercontinental Exchange, Inc. (''ICE'') and any entity that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with ICE, where ''control'' means that one entity possesses, directly or indirectly, voting control of the other entity either through ownership of capital stock or other equity securities or through majority representation on the board of directors or other management body of such entity.

The proposed rule would require that:

the length of the connection between (a) the base of the Data Center Pole and (b) the network row in the space used for co-location in the Data Center shall be no less than the length of the connection between (x) the base of the closest Commercial Pole and (y) the network row in the space used for co-location in the Data Center.

In a conforming change, the Exchange proposes to add a new Rule 3.12, marked ''Reserved.'' The addition would allow the numbering of the proposed Rule 3.13 to be consistent with changes proposed by the Affiliate SROs to their rules.[32/33]

[25/26] *See* Securities Exchange Act Release No. 76748 (December 23, 3015), 80 FR 81609 (December 30, 2015) (SR–NYSE–2015–52) (order approving proposed rule change to the co-location services offered by the NYSE (the offering of a wireless connection to allow users to receive market data feeds from third party markets) and to reflect changes to the NYSE's price list related to these services).

[26/27] The Wireless Connections with Markham, Canada do not use equipment on the data center pole.

[27/28] The wireless network similarly converts to a fiber connection for its connection into the Third Party Data Centers.

[28/29] Equipment for services Anova offers under its own name is not allowed on the data center pole.

[29/30] IDS does not sell rights to third parties to operate wireless equipment on the data center pole due to space limitations, security concerns, and the interference that would arise between equipment placed too closely together.

[30/31] *See* letter from Gregory Babyak, Global Head of Regulatory Affairs, Bloomberg L.P., to Ms. Vanessa Countryman, Secretary, Securities and Exchange Commission (''Commission''), dated June 12, 2020; letter from Stephen John Berger, Managing Director, Global Head of Government and Regulatory Policy, Citadel Securities, to Ms. Vanessa Countryman, Secretary, Commission, dated June 12, 2020; letter from Jim Considine, Chief Financial Officer, McKay Brothers LLC (''McKay Brothers''), to Ms. Vanessa Countryman, Secretary, Commission, dated June 12, 2020 (''McKay Letter''); and letter from Thomas M. Merritt, Deputy General Counsel, Virtu Financial, Inc. to Ms. Vanessa Countryman, Secretary, Commission, dated March 10, 2020.

[31/32] McKay Letter, *supra* note 30/31, at 9.

[32/33] *See* Securities Exchange Act Release Nos. 88168 (February 11, 2020), 85 FR 8938, (February 18, 2020) (SR–NYSE–2020–05); 88169 (February 11, 2020), 85 FR 8946 February 18, 2020) (SR–NYSEAMER–2020–05); 88170 (February 11, 2020), 85 FR 8956 (February 18, 2020) (SR–NYSEArca–2020–08); and 88171 (February 11, 2020), 85 FR 8930 (February 18, 2020) (SR–NYSENAT–2020–03); (notice of filing of proposed rule change to establish a Schedule of Wireless Connectivity Fees and Charges with wireless connections).

4. *The Exchange proposes to add new text after the carryover paragraph on pages 15 and 16 of the Filing (first full paragraph on page 42 of the Exhibit 1):*

The Exchange proposes to amend the Filing to include additional analysis of the competitive environment for wireless connections. Accordingly, the Exchange proposes to add a paragraph and accompanying footnote (subsequent footnotes would be renumbered in a conforming change) after the carryover paragraph on pages 15 and 16 of the Filing (first full paragraph on page 42 of the Exhibit 1) as follows (all text new):

The Exchange believes that its competitors' wireless connections provide connectivity at the same or similar speed as the Wireless Connections, and at the same or similar cost. Indeed, the McKay Letter acknowledges that McKay Brothers has the fastest wireless network.[34/35]

[34/35] McKay Letter, *supra* note 30/31, at 4.

5. *The Exchange proposes to amend the Statutory Basis section of the Filing after the third full paragraph on page 18 of the Filing (second full paragraph on page 46 of the Exhibit 1):*

The Exchange proposes to include information in the Filing regarding why it believes the proposed new rule is reasonable. The Exchange proposes to amend the Statutory Basis section of the Filing to add new paragraphs and accompanying footnotes (subsequent footnotes would be renumbered in a conforming change) after the third full paragraph on page 18 of the Filing (second full paragraph on page 46 of the Exhibit 1), at the end of the section titled ''*The Proposed Change is Reasonable,*'' as follows (all text is new):

The Exchange believes that the proposed new Rule 3.13 would be reasonable as, pursuant to the rule, the networks for the Wireless Connections, and future wireless connections that use a Data Center Pole, would ''operat[e] in the same manner as competitors do today without a latency subsidy or other advantage provided by the Exchanges . . . .'' [39/40] Accordingly, the proposed new rule would promote just and equitable principles of trade and, in general, protect investors and the public interest by ensuring that the subscribers to services using the IDS wireless network do not benefit from any physical proximity ''on the segment [of the network] closest to the Exchanges' data center that no competitor can replicate.'' [40/41] By ending both of the compared connections at the network row in the space used for co-location, the proposed rule would take distances within the Mahwah data center into account.

The proposed new rule would not apply differently to distinct types or sizes of market participants. The Exchange would be required to ensure that the length of the connection between (a) the base of the Data Center Pole and (b) the network row in the space used for co-location in the Data Center, would be no less than the length of the connection between (x) the base of the closest Commercial Pole and (y) the network row in the space used for co-location in the Data Center.

The Exchange believes that the proposed definition of ''Commercial Pole'' is reasonable and would promote just and equitable principles of trade because it would encompass any pole on which a third party locates its wireless equipment in order to offer wireless connectivity to customers. The Exchange believes that such third parties are the direct competitors for the Wireless Connections, as they also offer wireless connections to customers. If a third party used a pole for a proprietary wireless network and that pole does not have one or more third parties' wireless equipment used to offer wireless connectivity to other third parties, that pole would not fall within the scope of the definition of Commercial Pole.

The Exchange believes that the proposed definition of ''Data Center'' is reasonable and would promote just and equitable principles of trade because it would capture any data center to which the Exchange locates its matching engine.

The Exchange believes that the proposed definition of ''Data Center Pole'' is reasonable and would promote just and equitable principles of trade because it would encompass not just the current pole, but also any additional or successor pole on the grounds of the Data Center, so long as such pole could not be used by third parties other

than third parties with which the Exchange or an ICE Affiliate had an agreement to provide services in the name of the Exchange or an ICE Affiliate, such as Anova.

The Exchange believes that the definition of ''ICE Affiliate'' is reasonable and would promote just and equitable principles of trade because the same definition is used in Article 22, Rule 28 (Additional Requirements for Listed Securities Issued by Intercontinental Exchange, Inc. or its Affiliates), and so using it would add transparency, clarity and internal consistency to Exchange rules.

[39/40] McKay Letter, *supra* note 30/31, at 7.
[40/41] *Id.,* at note 33.

6. *The Exchange proposes to amend the Statutory Basis section of the Filing after the second full paragraph on page 20 of the Filing (second full paragraph on page 49 of the Exhibit 1):*

The Exchange proposes to include information in the Filing regarding why it believes the proposed new rule is not unfairly discriminatory. The Exchange proposes to amend the Statutory Basis section of the Filing to add new paragraphs and accompanying footnotes (subsequent footnotes would be renumbered in a conforming change) after the second full paragraph on page 20 of the Filing (second full paragraph on page 49 of the Exhibit 1), immediately prior to the last paragraph of the section titled ''*The Proposed Change is Not Unfairly Discriminatory,*'' as follows (all text is new):

The Exchange believes that the proposed new Rule 3.13 would not be unfairly discriminatory, as pursuant to the rule, the networks for the Wireless Connections, and future wireless connections that use the Data Center Pole, would ''operat[e] in the same manner as competitors do today without a latency subsidy or other advantage provided by the Exchanges . . . .'' [41/42] Accordingly, the proposed new rule would ensure that the IDS wireless network does not benefit from physical proximity ''on the segment [of the network] closest to the Exchanges' data center that no competitor can replicate.'' [42/43] By ending both of the compared connections at the network row in the space used for co-location inside the Data Center, the proposed rule would take distances within the Mahwah data center into account.

The proposed new rule would not apply differently to distinct types or sizes of market participants. The Exchange would be required to ensure that the length of the connection between (a) the base of the Data Center Pole and (b) the network row in the space used for co-location in the Data Center, would be no less than the length of the connection between (x) the base of the closest Commercial Pole and (y) the network row in the space used for co-location in the Data Center.

The Exchange believes that the proposed definition of ''Commercial Pole'' would not be unfairly discriminatory because it would encompass any pole on which a third party locates its wireless equipment in order to offer wireless connectivity to customers. The Exchange believes that such third parties are the direct competitors for the Wireless Connections, as they also offer wireless connections to customers. If a third party used a pole for a proprietary wireless network and that pole does not have one or more third parties' wireless equipment used to offer wireless connectivity to other third parties, that pole would not fall within the scope of the definition of Commercial Pole.

The Exchange believes that the proposed definition of ''Data Center'' would not be unfairly discriminatory because it would capture any data center to which the Exchange locates its matching engine.

The Exchange believes that the proposed definition of ''Data Center Pole'' would not be unfairly discriminatory because it would encompass not just the current pole, but also any additional or successor pole on the grounds of the Data Center, so long as such pole could not be used by third parties other than third parties with which the Exchange or an ICE Affiliate had an agreement to provide services in the name of the Exchange or an ICE Affiliate, such as Anova.

The Exchange believes that the definition of ''ICE Affiliate'' would not be unfairly discriminatory because the same definition is used in Article 22, Rule 28, and so using it would add transparency, clarity and internal consistency to Exchange rules.

[41/42] McKay Letter, *supra* note 30/31, at 7.
[42/43] *Id.,* at note 33.

7. *The Exchange proposes to amend the section of the Filing titled ''Self-Regulatory Organization's Statement on Burden on Competition'' in the following two ways:*

The Exchange proposes to include information in the Filing regarding why it believes the proposed new rule would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of Section 6(b)(8) of the Securities Exchange Act of 1934 (the ''Act'').[11] Accordingly, the Exchange proposes to amend the section of the Filing titled ''*Self-Regulatory Organization's Statement on Burden on Competition*'' in the following two ways.

First, to set the new text apart from the previous discussion regarding the burden on competition, the Exchange proposes to add the heading ''*Wireless Market Data Connectivity*'' immediately before the first full paragraph under the heading on page 20 of the Filing (page 49 of the Exhibit 1). The new heading would apply to the current text of the Filing.

Second, after the first full paragraph on page 22 of the Filing (second full paragraph on page 51 of the Exhibit 1), the Exchange proposes to add the heading ''*Proposed New Rule*'' and new paragraphs and accompanying footnotes (subsequent footnotes would be renumbered in a conforming change), as follows (all text is new):

Proposed New Rule

The Exchange does not believe that the proposed new rule would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of Section 6(b)(8) of the Act.[46/47]

With the exception of Anova, third parties do not have access to the data center pole. Under the proposed rule, the Exchange would always be obligated to ensure that the length of the connection between (a) the base of the Data Center Pole and (b) the network row in the space used for co-location in the Data Center, would be no less than the length of the connection between (x) the base of the closest Commercial Pole and (y) the network row in the space used for co-location in the Data Center.

IDS, not the Exchange, provides the Wireless Connections to market participants, and so it would be IDS that would have to slow its connection down as required by the rule. Accordingly, the Exchange believes that the only burden on competition of the proposed change would be on IDS.

Nonetheless, the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate because the proposed change would ensure that the IDS wireless network did not benefit from physical proximity ''on the segment [of the network] closest to the Exchanges' data center that no competitor can replicate.'' [47/48] The networks for the Wireless Connections, and future wireless connections that use the Data Center Pole, would ''operat[e] in the same manner as competitors do today without a latency subsidy or other advantage provided by the Exchanges . . . .'' [48/49]

The proposed rule would not otherwise put a burden on competition. As noted above, access to the data center pole is not required for third parties to establish wireless networks that can compete with the Wireless Connections to the Carteret and Secaucus Third Party Data Centers, as evidenced by the existing wireless connections offered by non-ICE entities.[49/50] Indeed, the Exchange believes that its competitors' wireless connections provide connectivity at the same or similar speed as the Wireless Connections, and at the same or similar cost. The McKay Letter acknowledges that McKay Brothers has the fastest wireless network.[50/51]

The Exchange notes that proximity to a data center is not the only determinant of a wireless network's latency. Rather, the latency of a wireless network depends on several factors. Variables include the wireless equipment utilized; the route of, and number of towers or buildings in, the network; and the fiber equipment used at either end of the connection. Moreover, latency is not the only consideration that a customer may have in selecting a wireless network to connect to for market data. Other considerations may include the amount of network uptime; the equipment that the network uses; the cost of the connection; and the applicable contractual provisions.

The proposed change does not affect competition among national securities

[11] 15 U.S.C. 78f(b)(8).

exchanges or among members of the Exchange, but rather between IDS and its commercial competitors.

[46/47] 15 U.S.C. 78f(b)(8).

[47/48] McKay Letter, *supra* note 30/31, at note 33.

[48/49] *Id.,* at 7.

[49/50] A market participant in any of the Third Party Data Centers or the Mahwah data center also may create a proprietary wireless market data connection, connect through another market participant, or utilize fiber connections offered by the Exchange, ICE Affiliates, and other service providers and third party telecommunications providers.

[50/51] *Id.,* at 4.

8. *The Exchange proposes to add a list under ''Exhibit 5—Text of the Proposed Rule Change'' on page 23 of the Filing:*

The Exchange proposes to add a new Exhibit 5B. Accordingly, the Exchange proposes to add a list under ''Exhibit 5—Text of Proposed Rule Change'' on page 23 of the Filing, as follows (new text italicized):

Exhibit 5—Text of the Proposed Rule Change

A. Text of the Proposed Schedule of Wireless Connectivity Fees and Charges

B. Text of the Proposed Rule

9. *The Exchange proposes to add new text to the first full paragraph of Section I on page 24 of the Exhibit 1:*

The Exchange proposes to add new text to the first full paragraph of Section I on page 24 of the Exhibit 1, as follows (new text italicized):

The Exchange proposes to establish a schedule of Wireless Connectivity Fees and Charges (the ''Wireless Fee Schedule'') with wireless connections between the Mahwah, New Jersey data center and other data centers *and add a new rule to place restrictions on the use of a pole on the grounds of the Mahwah, New Jersey data center that is used for such wireless connections.* The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

10. *The Exchange proposes to amend ''Exhibit 5'' to ''Exhibit 5A'' on page 55 of the Exhibit 5:*

To reflect the addition of a new Exhibit 5B, the Exchange proposes to add ''A'' to ''EXHIBIT 5'' on page 55 of the Exhibit 5, to make it to ''EXHIBIT 5A''.

* * * * *

All other representations in the Filing remain as stated therein and no other changes are being made.

III. Date of Effectiveness of the Proposed Rule Change As Modified By Partial Amendment No. 1 and Timing for Commission Action

Within 180 days after the date of publication of the initial Notice of Filing in the **Federal Register** or within such longer period up to an additional 60 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 issue an order approving or disapproving such proposed rule change, as amended.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended by Partial Amendment No. 1, is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSECHX–2020–02 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSECHX–2020–02. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSECHX–2020–02, and should be submitted on or before August 28, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–17246 Filed 8–6–20; 8:45 am]

BILLING CODE 8011–01–P

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2:00 p.m. on Wednesday, August 12, 2020.

PLACE: The meeting will be held via remote means and/or at the Commission's headquarters, 100 F Street NE, Washington, DC 20549.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission's website at *https://www.sec.gov.*

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

The subject matter of the closed meeting will consist of the following topic:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Resolution of litigation claims; and

Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting agenda items that may consist of adjudicatory,

examination, litigation, or regulatory matters.

CONTACT PERSON FOR MORE INFORMATION: For further information; please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

Dated: August 5, 2020.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2020–17406 Filed 8–5–20; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89452; File No. SR–CboeBYX–2020–023]

Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating To Amend Rule 4.5, Which Is Part of the Exchange's Compliance Rule (''Compliance Rule'') Regarding the National Market System Plan Governing the Consolidated Audit Trail (the ''CAT NMS Plan'' or ''Plan'') To Be Consistent With an Amendment to the CAT NMS Plan Recently Approved by the Securities and Exchange Commission (the ''Commission'')

August 3, 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 30, 2020, Cboe BYX Exchange, Inc. (the ''Exchange'' or ''BYX'') 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

Cboe BYX Exchange, Inc. (the ''Exchange'' or ''Cboe BYX'') proposes to amend Rule 4.5, which is part of the Exchange's compliance rule (''Compliance Rule'') regarding the National Market System Plan Governing the Consolidated Audit Trail (the ''CAT NMS Plan'' or ''Plan'') [3] to be consistent with an amendment to the CAT NMS Plan recently approved by the Securities and Exchange Commission (the ''Commission''). The text of the proposed rule change is provided below.

(additions are *italicized;* deletions are [bracketed])

* * * * *

Rules of Cboe BYX Exchange, Inc.

* * * * *

Rule 4.5. Consolidated Audit Trail—Definitions

For purposes of Rules 4.5 through 4.16:

* * * * *

(r) ''Firm Designated ID'' means *(1)* a unique *and persistent* identifier for each trading account designated by Industry Members for purposes of providing data to the Central Repository, *provided, however, such identifier may not be the account number for such trading account if the trading account is not a proprietary account; (2) 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; or (3) 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,* where each such identifier is unique among all identifiers from any given Industry Member[for each business date].

* * * * *

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/byx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to amend Chapter 7, Section B of the Rules, the Compliance Rule regarding the CAT NMS Plan, to be consistent with an amendment to the CAT NMS Plan recently approved by the Commission.[4] The Commission approved an amendment to the CAT NMS Plan to amend the requirements for Firm Designated IDs in four ways: (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 (the ''FDID Amendment''). As a result, the Exchange proposes to amend the definition of ''Firm Designated ID'' in Rule 4.5 to reflect the changes to the CAT NMS Plan regarding the requirements for Firm Designated IDs.

Rule 4.5(r) defines the term ''Firm Designated ID'' to mean ''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.''

(1) Prohibit Use of Account Numbers

The Exchange proposes to amend the definition of ''Firm Designated ID'' in Rule 4.5(r) to provide that Industry Members may not use account numbers as the Firm Designated ID for trading accounts that are not proprietary accounts. Specifically, the Exchange proposes to add the following to the definition of a Firm Designated ID: ''provided, however, such identifier may not be the account number for such trading account if the trading account is not a proprietary account.''

(2) Persistent Firm Designated ID

The Exchange also proposes to amend the definition of ''Firm Designated ID'' in Rule 4.5(r) to require a Firm Designated ID assigned by an Industry

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Unless otherwise specified, capitalized terms used in this rule filing are defined as set forth in the Compliance Rule.

[4] Securities Exchange Act Release No. 89397 (July 24, 2020) (**Federal Register** pending).

Member to a trading account to be persistent over time, not for each business day.[5] To effect this change, the Exchange proposes to amend the definition of ''Firm Designated ID'' in Rule 4.5(r) to add ''and persistent'' after ''unique'' and delete ''for each business date'' 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.

(3) Relationship Identifiers

The FDID Amendment also permits an Industry Member to provide a relationship identifier as the Firm Designated ID, rather than an identifier that represents a trading account, in certain scenarios in which an Industry Member does not have an account number available to its order handling and/or execution system at the time of order receipt (*e.g.,* certain institutional accounts, managed accounts, accounts for individuals). In such scenarios, the trading account structure may not be available when a new order is first received from a client and, instead, only an identifier representing the client's trading relationship is available. In these limited instances, the Industry Member may provide an identifier used by the Industry Member to represent the client's trading relationship with the Industry Member instead of an account number.

When a trading relationship is established at a broker-dealer for clients, the broker-dealer typically creates a parent account, under which additional subaccounts are created. However, in some cases, the broker-dealer establishes the parent relationship for a client using a relationship identifier as opposed to an actual parent account. The relationship identifier could be any of a variety of identifiers, such as a short name for a relevant individual or institution. This relationship identifier is established prior to any trading for the client. If a relationship identifier has been established rather than a parent account, and an order is placed on behalf of the client, any executed trades will be kept in a firm account (*e.g.,* a facilitation or average price account) until they are allocated to the proper subaccount(s), *i.e.,* the accounts associated with the parent relationship identifier connecting them to the client.

Relationship identifiers are used in circumstances in which the account structure is not available to the trading system at the time of order placement. The clients have established accounts prior to the trade that satisfy relevant regulatory obligations for opening accounts, such as Know Your Customer and other customer obligations. However, the order receipt workflows operate using relationship identifiers, not accounts.

For Firm Designated ID purposes, as with an identifier for a trading account, the relationship identifier must be persistent over time. The relationship identifier also must be unique among all identifiers from any given Industry Member. With these requirements, a single relationship could be tracked across time within a single Industry Member using the Firm Designated ID. In addition, the relationship identifier must be masked as the relationship identifier could be a name or otherwise provide an indication as to the identity of the relationship. The masking requirement would avoid potentially revealing the identity of the relationship.

An example of the use of a relationship identifier as a Firm Designated ID would be a follows: Suppose that Big Fund Manager is known in Industry Member A's systems as ''BFM1.'' When an order is placed by Big Fund Manager, the order is tagged to BFM1. Industry Member A could use a masked version of BFM1 in place of the Firm Designated ID representing a trading account when reporting a new order from Big Fund Manager instead of the account numbers to which executed shares/contracts will be allocated at a later time via a booking or other system. Similarly, another example of the use of a relationship identifier as a Firm Designated ID would involve an individual in place of the Big Fund Manager in the above example.

In accordance with the FDID Amendment, the Exchange proposes to amend the definition of a ''Firm Designated ID'' in Rule 4.5(r) to permit Industry Members to provide a relationship identifier as the Firm Designated ID as described above. Specifically, the Exchange proposes to amend the definition of ''Firm Designated ID'' in Rule 4.5(r) to state that a Firm Designated ID means, in relevant 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.''

(4) Entity Identifiers

The FDID Amendment also permits Industry Members to provide an entity identifier, rather than an identifier that represents a trading account, when an employee of the 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. An entity identifier is an identifier of the Industry Member that represents the firm discretionary relationship with the client rather than a firm trading account.

The scenarios in which a firm uses an entity identifier are comparable to when a firm uses a relationship identifier (as described above) except the entity identifier represents the Industry Member rather than a client. As with relationship identifiers, entity identifiers are used in circumstances in which the account structure is not available to the trading system at the time of order placement. In this workflow, the Industry Member's order handling and/execution system does not have an account number at the time of order origination. The 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. However, the order origination workflows operate using entity identifiers, not accounts.

For Firm Designated ID purposes, as with the identifier for a trading account or a relationship, the entity identifier must be persistent over time. The entity identifier also must be unique among all identifiers from any given Industry Member. Each Industry Member must make its own risk determination as to whether it believes it is necessary to mask the entity identifier when using an entity identifier to report the Firm Designated ID to CAT.

An example of the use of an entity identifier as a Firm Designated ID would be when Industry Member 1 has an employee that is a registered representative that has discretion over several client accounts held at Industry

[5] 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 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.

Member 1. The registered representative places an order that he will later allocate to individual client accounts. At the time the order is placed, the trading system only knows it involves a representative of Industry Member 1 and it does not have a specific trading account that could be used for Firm Designated ID reporting. Therefore, Industry Member 1 could report IM1, its entity identifier, as the FDID with the new order.

In accordance with the FDID Amendment, the Exchange proposes to amend the definition of ''Firm Designated ID'' in Rule 4.5(r) to permit the use of an entity identifier as a Firm Designated ID as described above. Specifically, the Exchange proposes to amend the definition of a ''Firm Designated ID'' in Rule 4.5(r) to state that a Firm Designated ID means, in relevant 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.''

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[6] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[7] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[8] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that this proposal is consistent with the Act because it is consistent with, and implements, a recent amendment to the CAT NMS Plan, and is designed to assist the Exchange and its Industry Members in meeting regulatory obligations pursuant to the Plan. In approving the Plan, the Commission noted that the Plan ''is necessary and appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanism of a national market system, or is otherwise in furtherance of the purposes of the Act.''[9] To the extent that this proposal implements the Plan, and applies specific requirements to Industry Members, the Exchange believes that this proposal furthers the objectives of the Plan, as identified by the Commission, and is therefore consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange notes that the proposed rule changes are consistent with a recent amendment to the CAT NMS Plan, and are designed to assist the Exchange in meeting its regulatory obligations pursuant to the Plan. The Exchange also notes that the FDID Amendment will apply equally to all Industry Members that trade NMS Securities and OTC Equity Securities. In addition, all national securities exchanges and FINRA are proposing this amendment to their Compliance Rules. Therefore, this is not a competitive rule filing, and, therefore, it does not impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[10] and Rule 19b–4(f)(6) thereunder.[11] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[12] and Rule 19b–4(f)(6)(iii) thereunder.[13]

A proposed rule change filed under Rule 19b–4(f)(6)[14] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[15] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative by July 31, 2020. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest because it implements an amendment to the CAT NMS Plan approved by the Commission.[16] Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposal operative as of July 31, 2020.[17]

At any time within 60 days of the filing of this proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] *Id.*

[9] *See* Securities Exchange Act Release No. 79318 (November 15, 2016), 81 FR 84696, 84697 (November 23, 2016).

[10] 15 U.S.C. 78s(b)(3)(A)(iii).

[11] 17 CFR 240.19b–4(f)(6).

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[14] 17 CFR 240.19b–4(f)(6).

[15] 17 CFR 240.19b–4(f)(6)(iii).

[16] *See* Securities Exchange Act Release No. 89397 (July 24, 2020) (**Federal Register** publication pending).

[17] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

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–CboeBYX–2020–023 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–CboeBYX–2020–023. 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–CboeBYX–2020–023 and should be submitted on or before August 28, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–17242 Filed 8–6–20; 8:45 am]

BILLING CODE 8011–01–P

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89450; File No. SR-CboeEDGA–2020–022]

Self-Regulatory Organizations; Cboe EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating To Amend Rule 4.5, Which Is Part of the Exchange's Compliance Rule ("Compliance Rule") Regarding the National Market System Plan Governing the Consolidated Audit Trail (the "CAT NMS Plan" or "Plan") To Be Consistent With an Amendment to the CAT NMS Plan Recently Approved by the Securities and Exchange Commission (the "Commission")

August 3, 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 30, 2020, Cboe EDGA Exchange, Inc. (the ''Exchange'' or ''EDGA'') 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

Cboe EDGA Exchange, Inc. (the ''Exchange'' or ''Cboe EDGA'') proposes to amend Rule 4.5, which is part of the Exchange's compliance rule (''Compliance Rule'') regarding the National Market System Plan Governing the Consolidated Audit Trail (the ''CAT NMS Plan'' or ''Plan'') [3] to be consistent with an amendment to the CAT NMS Plan recently approved by the Securities and Exchange Commission (the ''Commission''). The text of the proposed rule change is provided below.

(additions are *italicized;* deletions are [bracketed])

* * * * *

Rules of Cboe EDGA Exchange, Inc.

* * * * *

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Unless otherwise specified, capitalized terms used in this rule filing are defined as set forth in the Compliance Rule.

Rule 4.5. Consolidated Audit Trail—Definitions

For purposes of Rules 4.5 through 4.16:

* * * * *

(r) ''Firm Designated ID'' means *(1)* a unique *and persistent* identifier for each trading account designated by Industry Members for purposes of providing data to the Central Repository, *provided, however, such identifier may not be the account number for such trading account if the trading account is not a proprietary account; (2) 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; or (3) 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,* where each such identifier is unique among all identifiers from any given Industry Member[for each business date].

* * * * *

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/edga/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to amend Chapter 7, Section B of the Rules, the Compliance Rule regarding the CAT NMS Plan, to be consistent with an amendment to the CAT NMS Plan recently approved by

the Commission.[4] The Commission approved an amendment to the CAT NMS Plan to amend the requirements for Firm Designated IDs in four ways: (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 (the ''FDID Amendment''). As a result, the Exchange proposes to amend the definition of ''Firm Designated ID'' in Rule 4.5 to reflect the changes to the CAT NMS Plan regarding the requirements for Firm Designated IDs.

Rule 4.5(r) defines the term ''Firm Designated ID'' to mean ''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.''

(1) Prohibit Use of Account Numbers

The Exchange proposes to amend the definition of ''Firm Designated ID'' in Rule 4.5(r) to provide that Industry Members may not use account numbers as the Firm Designated ID for trading accounts that are not proprietary accounts. Specifically, the Exchange proposes to add the following to the definition of a Firm Designated ID: ''provided, however, such identifier may not be the account number for such trading account if the trading account is not a proprietary account.''

(2) Persistent Firm Designated ID

The Exchange also proposes to amend the definition of ''Firm Designated ID'' in Rule 4.5(r) to require a Firm Designated ID assigned by an Industry Member to a trading account to be persistent over time, not for each business day.[5] To effect this change, the Exchange proposes to amend the definition of ''Firm Designated ID'' in Rule 4.5(r) to add ''and persistent'' after ''unique'' and delete ''for each business date'' 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.

(3) Relationship Identifiers

The FDID Amendment also permits an Industry Member to provide a relationship identifier as the Firm Designated ID, rather than an identifier that represents a trading account, in certain scenarios in which an Industry Member does not have an account number available to its order handling and/or execution system at the time of order receipt (*e.g.,* certain institutional accounts, managed accounts, accounts for individuals). In such scenarios, the trading account structure may not be available when a new order is first received from a client and, instead, only an identifier representing the client's trading relationship is available. In these limited instances, the Industry Member may provide an identifier used by the Industry Member to represent the client's trading relationship with the Industry Member instead of an account number.

When a trading relationship is established at a broker-dealer for clients, the broker-dealer typically creates a parent account, under which additional subaccounts are created. However, in some cases, the broker-dealer establishes the parent relationship for a client using a relationship identifier as opposed to an actual parent account. The relationship identifier could be any of a variety of identifiers, such as a short name for a relevant individual or institution. This relationship identifier is established prior to any trading for the client. If a relationship identifier has been established rather than a parent account, and an order is placed on behalf of the client, any executed trades will be kept in a firm account (*e.g.,* a facilitation or average price account) until they are allocated to the proper subaccount(s), *i.e.,* the accounts associated with the parent relationship identifier connecting them to the client.

Relationship identifiers are used in circumstances in which the account structure is not available to the trading system at the time of order placement. The clients have established accounts prior to the trade that satisfy relevant regulatory obligations for opening accounts, such as Know Your Customer and other customer obligations. However, the order receipt workflows operate using relationship identifiers, not accounts.

For Firm Designated ID purposes, as with an identifier for a trading account, the relationship identifier must be persistent over time. The relationship identifier also must be unique among all identifiers from any given Industry Member. With these requirements, a single relationship could be tracked across time within a single Industry Member using the Firm Designated ID. In addition, the relationship identifier must be masked as the relationship identifier could be a name or otherwise provide an indication as to the identity of the relationship. The masking requirement would avoid potentially revealing the identity of the relationship.

An example of the use of a relationship identifier as a Firm Designated ID would be a follows: Suppose that Big Fund Manager is known in Industry Member A's systems as ''BFM1.'' When an order is placed by Big Fund Manager, the order is tagged to BFM1. Industry Member A could use a masked version of BFM1 in place of the Firm Designated ID representing a trading account when reporting a new order from Big Fund Manager instead of the account numbers to which executed shares/contracts will be allocated at a later time via a booking or other system. Similarly, another example of the use of a relationship identifier as a Firm Designated ID would involve an individual in place of the Big Fund Manager in the above example.

In accordance with the FDID Amendment, the Exchange proposes to amend the definition of a ''Firm Designated ID'' in Rule 4.5(r) to permit Industry Members to provide a relationship identifier as the Firm Designated ID as described above. Specifically, the Exchange proposes to amend the definition of ''Firm Designated ID'' in Rule 4.5(r) to state that a Firm Designated ID means, in relevant 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.''

[4] Securities Exchange Act Release No. 89397 (July 24, 2020) (**Federal Register** pending).

[5] 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 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.

(4) Entity Identifiers

The FDID Amendment also permits Industry Members to provide an entity identifier, rather than an identifier that represents a trading account, when an employee of the 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. An entity identifier is an identifier of the Industry Member that represents the firm discretionary relationship with the client rather than a firm trading account.

The scenarios in which a firm uses an entity identifier are comparable to when a firm uses a relationship identifier (as described above) except the entity identifier represents the Industry Member rather than a client. As with relationship identifiers, entity identifiers are used in circumstances in which the account structure is not available to the trading system at the time of order placement. In this workflow, the Industry Member's order handling and/execution system does not have an account number at the time of order origination. The 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. However, the order origination workflows operate using entity identifiers, not accounts.

For Firm Designated ID purposes, as with the identifier for a trading account or a relationship, the entity identifier must be persistent over time. The entity identifier also must be unique among all identifiers from any given Industry Member. Each Industry Member must make its own risk determination as to whether it believes it is necessary to mask the entity identifier when using an entity identifier to report the Firm Designated ID to CAT.

An example of the use of an entity identifier as a Firm Designated ID would be when Industry Member 1 has an employee that is a registered representative that has discretion over several client accounts held at Industry Member 1. The registered representative places an order that he will later allocate to individual client accounts. At the time the order is placed, the trading system only knows it involves a representative of Industry Member 1 and it does not have a specific trading account that could be used for Firm Designated ID reporting. Therefore, Industry Member 1 could report IM1, its entity identifier, as the FDID with the new order.

In accordance with the FDID Amendment, the Exchange proposes to amend the definition of ''Firm Designated ID'' in Rule 4.5(r) to permit the use of an entity identifier as a Firm Designated ID as described above. Specifically, the Exchange proposes to amend the definition of a ''Firm Designated ID'' in Rule 4.5(r) to state that a Firm Designated ID means, in relevant 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.''

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[6] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[7] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[8] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that this proposal is consistent with the Act because it is consistent with, and implements, a recent amendment to the CAT NMS Plan, and is designed to assist the Exchange and its Industry Members in meeting regulatory obligations pursuant to the Plan. In approving the Plan, the Commission noted that the Plan ''is necessary and appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanism of a national market system, or is otherwise in furtherance of the purposes of the Act.''[9] To the extent that this proposal implements the Plan, and applies specific requirements to Industry Members, the Exchange believes that this proposal furthers the objectives of the Plan, as identified by the Commission, and is therefore consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange notes that the proposed rule changes are consistent with a recent amendment to the CAT NMS Plan, and are designed to assist the Exchange in meeting its regulatory obligations pursuant to the Plan. The Exchange also notes that the FDID Amendment will apply equally to all Industry Members that trade NMS Securities and OTC Equity Securities. In addition, all national securities exchanges and FINRA are proposing this amendment to their Compliance Rules. Therefore, this is not a competitive rule filing, and, therefore, it does not impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[10] and Rule 19b–4(f)(6) thereunder.[11] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A)

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] *Id.*

[9] *See* Securities Exchange Act Release No. 79318 (November 15, 2016), 81 FR 84696, 84697 (November 23, 2016).

[10] 15 U.S.C. 78s(b)(3)(A)(iii).

[11] 17 CFR 240.19b–4(f)(6).

of the Act [12] and Rule 19b–4(f)(6)(iii) thereunder.[13]

A proposed rule change filed under Rule 19b–4(f)(6) [14] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[15] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative by July 31, 2020. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest because it implements an amendment to the CAT NMS Plan approved by the Commission.[16] Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposal operative as of July 31, 2020.[17]

At any time within 60 days of the filing of this proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule 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–CboeEDGA–2020–022 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–CboeEDGA–2020–022. 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–CboeEDGA–2020–022 and should be submitted on or before August 28, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–17240 Filed 8–6–20; 8:45 am]

BILLING CODE 8011–01–P

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[14] 17 CFR 240.19b–4(f)(6).

[15] 17 CFR 240.19b–4(f)(6)(iii).

[16] *See* Securities Exchange Act Release No. 89397 (July 24, 2020) (**Federal Register** publication pending).

[17] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89455; File No. SR–NYSEArca–2020–08]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Partial Amendment No. 1 to Proposed Rule Change To Establish a Wireless Fee Schedule Setting Forth Available Wireless Bandwidth Connections and Associated Fees

August 3, 2020.

I. Introduction

On January 30, 2020, NYSE Arca, Inc. (''NYSE Arca'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'' or ''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change (SR–NYSEArca–2020–08) to establish a schedule of Wireless Connectivity Fees and Charges (''Wireless Fee Schedule'') listing available wireless bandwidth connections between the Mahwah, New Jersey data center and other data centers.

The Commission published the proposed rule change for public comment in the **Federal Register** on February 18, 2020.[3] The Commission received several comments on the proposed rule change, and a response from the Exchange.[4] On April 1, 2020, pursuant to Section 19(b)(2) of the Act,[5] the Commission designated a longer period within which to either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[6] On May 18, 2020, the Commission instituted proceedings to determine

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 88170 (February 11, 2020), 85 FR 8956 (February 18, 2020) (SR–NYSEArca–2020–08) (''Wireless I Notice''). *See also* Securities Exchange Act Release Nos. 88168 (February 11, 2020), 85 FR 8938 (February 18, 2020) (SR–NYSE–2020–05); 88169 (February 11, 2020), 85 FR 8946 (February 18, 2020) (SR–NYSEAMER–2020–05); 88172 (February 11, 2020), 85 FR 8923 (February 18, 2020) (SR–NYSECHX–2020–02); and 88171 (February 11, 2020), 85 FR 8930 (February 18, 2020) (SR–NYSENAT–2020–03).

[4] Comments received on the Wireless I Notice and the Exchange's response are available on the Commission's website at: *https://www.sec.gov/comments/sr-nysearca-2020-08/srnysearca202008.htm.*

[5] 15 U.S.C. 78s(b)(2).

[6] *See* Securities Exchange Act Release No. 88539 (April 1, 2020), 85 FR 19553 (April 7, 2020). The Commission designated May 18, 2020, as the date by which it should approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule changes.

whether to approve or disapprove the proposed rule change.[7] The Commission received additional comments in response to the Order Instituting Proceedings.[8]

On July 27, 2020, the Exchange filed Partial Amendment No. 1 to the proposed rule change in response to certain comments on the proposed rule change. Partial Amendment No. 1 is described in Item II below, which has been substantially prepared by the Exchange.[9] The Commission is publishing this notice to solicit comments on Partial Amendment No. 1 from interested persons.[10]

II. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Amendment

NYSE Arca, Inc. (''NYSE Arca'' or the ''Exchange'') hereby submits this Partial Amendment No. 1 to the above-referenced filing (''Filing''), in connection with the proposed rule change to establish a schedule of Wireless Connectivity Fees and Charges (the ''Wireless Fee Schedule'') with wireless connections between the Mahwah, New Jersey data center and other data centers. With this Partial Amendment No. 1, the Exchange proposes a new rule to place restrictions on the use of a pole on the grounds of the Mahwah, New Jersey data center that is used for such wireless connections.

The Exchange proposes the following amendments to the Filing:

1. *The Exchange proposes to amend the first paragraph in Item 1(a) on page 3 of the Filing:*

The Exchange proposes to amend the first paragraph of Item 1(a) on page 3 of the Filing to add ''(a)'' before ''establish'' and add new text at the end of the paragraph to describe the proposed rule change, as follows (new text italicized):

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'') [1] and Rule 19b–4 thereunder,[2] NYSE Arca, Inc. (''NYSE Arca'' or the ''Exchange'') proposes to *(a)* establish a schedule of Wireless Connectivity Fees and Charges (the ''Wireless Fee Schedule'') with wireless connections between the Mahwah, New Jersey data center and other data centers*, and (b) add a new rule to place restrictions on the use of a pole on the grounds of the Mahwah, New Jersey data center that is used for such wireless connections.*

2. *The Exchange proposes to amend the carryover paragraph on pages 3 and 4 of the Filing (second full paragraph on page 24 of the Exhibit 1):*

The Exchange proposes to add a sentence at the end of the carryover paragraph on pages 3 and 4 of the Filing (second full paragraph on page 24 of the Exhibit 1) to describe the proposed rule change, as follows (new text italicized):

The Exchange proposes to establish the Wireless Fee Schedule with wireless connections between the Mahwah, New Jersey data center and three data centers that are owned and operated by third parties unaffiliated with the Exchange: (1) Carteret, New Jersey, (2) Secaucus, New Jersey, and (3) Markham, Canada (collectively, the ''Third Party Data Centers''). Market participants that purchase such a wireless connection (a ''Wireless Connection'') are charged an initial and monthly fee. In addition, the Exchange proposes to include a General Note to the Wireless Fee Schedule. *The Exchange proposes to add a new rule to place restrictions on the use of a pole on the grounds of the Mahwah, New Jersey data center that is used for the Wireless Connections.*

3. *The Exchange proposes to add a new section titled ''Proposed New Rule'' and accompanying footnotes after the second full paragraph on page 14 of the Filing (first full paragraph on page 40 of the Exhibit 1):*

The Exchange proposes a new rule to place restrictions on the use of a pole on the grounds of the Mahwah, New Jersey data center that is used for wireless connectivity services. Accordingly, the Exchange proposes to add a new section titled ''*Proposed New Rule*'' with accompanying footnotes (subsequent footnotes would be renumbered in a conforming change) after the second full paragraph on page 14 of the Filing (first full paragraph on page 40 of the Exhibit 1), after the end of the section titled ''*Proposed General Note,*'' as follows (all text is new):

Proposed New Rule

Since 2016, IDS has had the use of a pole on the grounds of the Mahwah data center.[25/26] The data center pole is part of the network utilized for the Wireless Connections to the Carteret and Secaucus Third Party Data Centers.[26/27] At the data center pole, the wireless connection to the Third Party Data Centers converts to a fiber connection, and the fiber connection travels from the data center pole into the Mahwah data center.[27/28] The equipment on the data center pole belongs to IDS and Anova Technologies, LLC (''Anova''), the non-ICE entity that owns the wireless network used for the Wireless Connections to Secaucus and Carteret.[28/29]

Other third parties that offer wireless services utilize commercial poles located outside the grounds of the Mahwah, New Jersey data center for their wireless networks. A third party's wireless connections to the Third Party Data Center convert to fiber connections at the commercial pole, and the fiber connects the commercial pole to the Mahwah data center.

Several such third parties have objected to the use of the data center pole for the Wireless Connections. They argue that IDS has an advantage over its competitors because third parties are not allowed access to the data center pole,[29/30] and the data center pole is closer to the Mahwah data center than any commercial pole.[30/31] At least one third party has raised the additional concern that the Wireless Connections may benefit from ''less obvious and more discreet types of latency advantages'' due to infrastructure inside the Mahwah data center, noting that ''some connections may have a longer fiber route than others within a data center or may have to go through various equipment or meet me rooms that an affiliate or preferred provider of an exchange do not.'' [31/32]

The Exchange is proposing a new Rule 3.13 (Data Center Pole Latency Restrictions—Connectivity to Co-Location Space) that would require that the length of the connection from the data center pole to the network row in the space used for co-location in the Mahwah data center (*i.e.,* the point where the Wireless Connections lead) be no less than the length of the connection from the closest commercial pole to the same point. By requiring that the compared connections both extend to the network row in the space used for co-location, the proposed rule would take distances within the Mahwah data center into account.

The proposed rule would include the following definitions:

- ''Commercial Pole'' would mean a pole (a) on which one or more third parties locate wireless equipment used to offer wireless connectivity to other third parties, and (b) from which a fiber connection extends from third party equipment on the pole to the Data Center.
- ''Data Center'' would mean the Mahwah, New Jersey data center where the Exchange's matching engine is located, or its successor.
- ''Data Center Pole'' would mean a pole that (a) holds wireless equipment, (b) is located within the grounds of the Data Center, and (c) cannot be used by third parties other than third parties with which the Exchange or an ICE Affiliate has an

[7] *See* Securities Exchange Act Release No. 88901 (May 18, 2020), 85 FR 31273 (May 22, 2020) in which the Commission instituted proceedings (''Order Instituting Proceedings'' or ''OIP'').

[8] Comments received on the Wireless I Notice following the OIP also are available on the Commission's website at: *https://www.sec.gov/comments/sr-nysearca-2020-08/srnysearca202008.htm.*

[9] The Commission has reformatted the Exchange's presentation of the footnotes.

[10] Partial Amendment No. 1 is also available on the Commission's website at: *https://www.sec.gov/comments/sr-nysearca-2020-08/srnysearca202008.htm.* The Commission also refers interested persons to Securities Exchange Act Release No. 88239 (February 19, 2020), 85 FR 10786 (February 25, 2020) (SR–NYSEArca–2020–15) (wherein the Exchange filed a proposed rule change to amend the proposed Wireless Fee Schedule to add ''Wireless Market Data Connections'' and associated fees (''Wireless II'') and concurrently proposes to partially amend Wireless II). Partial Amendment No. 1 to Wireless II is available on the Commission's website at: *https://www.sec.gov/comments/sr-nysearca-2020-15/srnysearca202015.htm.*

agreement to provide services in the name of the Exchange or an ICE Affiliate.

• ''ICE Affiliate'' would mean Intercontinental Exchange, Inc. (''ICE'') and any entity that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with ICE, where ''control'' means that one entity possesses, directly or indirectly, voting control of the other entity either through ownership of capital stock or other equity securities or through majority representation on the board of directors or other management body of such entity.

The proposed rule would require that:

the length of the connection between (a) the base of the Data Center Pole and (b) the network row in the space used for co-location in the Data Center shall be no less than the length of the connection between (x) the base of the closest Commercial Pole and (y) the network row in the space used for co-location in the Data Center.

The Exchange notes that the numbering of proposed Rule 3.13 would be consistent with changes proposed by the Affiliate SROs to their rules.[32/33]

[25/26] *See* Securities Exchange Act Release No. 76749 (December 23, 3015), 80 FR 81640 (December 30, 2015) (SR–NYSEArca–2015–99) (Order Approving Proposed Rule Change to the Co-Location Services Offered by the Exchange (the Offering of a Wireless Connection To Allow Users To Receive Market Data Feeds From Third Party Markets) and to Reflect Changes to the NYSE Arca Options Fee Schedule and the NYSE Arca Equities Schedule of Fees and Charges Related to These Services).

[26/27] The Wireless Connections with Markham, Canada do not use equipment on the data center pole.

[27/28] The wireless network similarly converts to a fiber connection for its connection into the Third Party Data Centers.

[28/29] Equipment for services Anova offers under its own name is not allowed on the data center pole.

[29/30] IDS does not sell rights to third parties to operate wireless equipment on the data center pole due to space limitations, security concerns, and the interference that would arise between equipment placed too closely together.

[30/31] *See* letter from Gregory Babyak, Global Head of Regulatory Affairs, Bloomberg L.P., to Ms. Vanessa Countryman, Secretary, Securities and Exchange Commission (''Commission''), dated June 12, 2020; letter from Stephen John Berger, Managing Director, Global Head of Government and Regulatory Policy, Citadel Securities, to Ms. Vanessa Countryman, Secretary, Commission, dated June 12, 2020; letter from Jim Considine, Chief Financial Officer, McKay Brothers LLC (''McKay Brothers''), to Ms. Vanessa Countryman, Secretary, Commission, dated June 12, 2020 (''McKay Letter''); and letter from Thomas M. Merritt, Deputy General Counsel, Virtu Financial, Inc. to Ms. Vanessa Countryman, Secretary, Commission, dated March 10, 2020.

[31/32] McKay Letter, *supra* note 30/31, at 9.

[32/33] *See* Securities Exchange Act Release Nos. 88168 (February 11, 2020), 85 FR 8938, (February 18, 2020) (SR–NYSE–2020–05); 88169 (February 11, 2020), 85 FR 8946 February 18, 2020) (SR–NYSEAMER–2020–05); 85 FR 8923 (February 18, 2020) (SR–NYSECHX–2020–02); 88171 (February 11, 2020); and 88171 (February 11, 2020), 85 FR 8930 (February 18, 2020) (SR–NYSENAT–2020–03); (notice of filing of proposed rule change to establish a Schedule of Wireless Connectivity Fees and Charges with wireless connections).

4. *The Exchange proposes to add new text after the carryover paragraph on pages 15 and 16 of the Filing (first full paragraph on page 42 of the Exhibit 1):*

The Exchange proposes to amend the Filing to include additional analysis of the competitive environment for wireless connections. Accordingly, the Exchange proposes to add a paragraph and accompanying footnote (subsequent footnotes would be renumbered in a conforming change) after the carryover paragraph on pages 15 and 16 of the Filing (first full paragraph on page 42 of the Exhibit 1), as follows (all text new):

The Exchange believes that its competitors' wireless connections provide connectivity at the same or similar speed as the Wireless Connections, and at the same or similar cost. Indeed, the McKay Letter acknowledges that McKay Brothers has the fastest wireless network.[34/35]

[34/35] McKay Letter, *supra* note 30/31, at 4.

5. *The Exchange proposes to amend the Statutory Basis section of the Filing after the third full paragraph on page 18 of the Filing (second full paragraph on page 46 of the Exhibit 1):*

The Exchange proposes to include information in the Filing regarding why it believes the proposed new rule is reasonable. The Exchange proposes to amend the Statutory Basis section of the Filing to add new paragraphs and accompanying footnotes (subsequent footnotes would be renumbered in a conforming change) after the third full paragraph on page 18 of the Filing (second full paragraph on page 46 of the Exhibit 1), at the end of the section titled ''*The Proposed Change is Reasonable,*'' as follows (all text is new):

The Exchange believes that the proposed new Rule 3.13 would be reasonable as, pursuant to the rule, the networks for the Wireless Connections, and future wireless connections that use a Data Center Pole, would ''operat[e] in the same manner as competitors do today without a latency subsidy or other advantage provided by the Exchanges. . . .'' [39/40] Accordingly, the proposed new rule would promote just and equitable principles of trade and, in general, protect investors and the public interest by ensuring that the subscribers to services using the IDS wireless network do not benefit from any physical proximity ''on the segment [of the network] closest to the Exchanges' data center that no competitor can replicate.'' [40/41] By ending both of the compared connections at the network row in the space used for co-location, the proposed rule would take distances within the Mahwah data center into account.

The proposed new rule would not apply differently to distinct types or sizes of market participants. The Exchange would be required to ensure that the length of the connection between (a) the base of the Data Center Pole and (b) the network row in the space used for co-location in the Data Center, would be no less than the length of the connection between (x) the base of the closest Commercial Pole and (y) the network row in the space used for co-location in the Data Center.

The Exchange believes that the proposed definition of ''Commercial Pole'' is reasonable and would promote just and equitable principles of trade because it would encompass any pole on which a third party locates its wireless equipment in order to offer wireless connectivity to customers. The Exchange believes that such third parties are the direct competitors for the Wireless Connections, as they also offer wireless connections to customers. If a third party used a pole for a proprietary wireless network and that pole does not have one or more third parties' wireless equipment used to offer wireless connectivity to other third parties, that pole would not fall within the scope of the definition of Commercial Pole.

The Exchange believes that the proposed definition of ''Data Center'' is reasonable and would promote just and equitable principles of trade because it would capture any data center to which the Exchange locates its matching engine.

The Exchange believes that the proposed definition of ''Data Center Pole'' is reasonable and would promote just and equitable principles of trade because it would encompass not just the current pole, but also any additional or successor pole on the grounds of the Data Center, so long as such pole could not be used by third parties other than third parties with which the Exchange or an ICE Affiliate had an agreement to provide services in the name of the Exchange or an ICE Affiliate, such as Anova.

The Exchange believes that the definition of ''ICE Affiliate'' is reasonable and would promote just and equitable principles of trade because the same definition is used in Rule 5.1–E(c) (Listing of an Affiliate or Entity that Operates and/or Owns a Trading System or Facility of the Exchange), and so using it would add transparency, clarity and internal consistency to Exchange rules.

[39/40] McKay Letter, *supra* note 30/31, at 7.

[40/41] *Id.,* at note 33.

6. *The Exchange proposes to amend the Statutory Basis section of the Filing after the third full paragraph on page 20 of the Filing (second full paragraph on page 49 of the Exhibit 1):*

The Exchange proposes to include information in the Filing regarding why

it believes the proposed new rule is not unfairly discriminatory. The Exchange proposes to amend the Statutory Basis section of the Filing to add new paragraphs and accompanying footnotes (subsequent footnotes would be renumbered in a conforming change) after the third full paragraph on page 20 of the Filing (second full paragraph on page 49 of the Exhibit 1), immediately prior to the last paragraph of the section titled ''*The Proposed Change is Not Unfairly Discriminatory,*'' as follows (all text is new):

The Exchange believes that the proposed new Rule 3.13 would not be unfairly discriminatory, as pursuant to the rule, the networks for the Wireless Connections, and future wireless connections that use the Data Center Pole, would ''operat[e] in the same manner as competitors do today without a latency subsidy or other advantage provided by the Exchanges. . . .'' [41/42] Accordingly, the proposed new rule would ensure that the IDS wireless network does not benefit from physical proximity ''on the segment [of the network] closest to the Exchanges' data center that no competitor can replicate.'' [42/43] By ending both of the compared connections at the network row in the space used for co-location inside the Data Center, the proposed rule would take distances within the Mahwah data center into account.

The proposed new rule would not apply differently to distinct types or sizes of market participants. The Exchange would be required to ensure that the length of the connection between (a) the base of the Data Center Pole and (b) the network row in the space used for co-location in the Data Center, would be no less than the length of the connection between (x) the base of the closest Commercial Pole and (y) the network row in the space used for co-location in the Data Center.

The Exchange believes that the proposed definition of ''Commercial Pole'' would not be unfairly discriminatory because it would encompass any pole on which a third party locates its wireless equipment in order to offer wireless connectivity to customers. The Exchange believes that such third parties are the direct competitors for the Wireless Connections, as they also offer wireless connections to customers. If a third party used a pole for a proprietary wireless network and that pole does not have one or more third parties' wireless equipment used to offer wireless connectivity to other third parties, that pole would not fall within the scope of the definition of Commercial Pole.

The Exchange believes that the proposed definition of ''Data Center'' would not be unfairly discriminatory because it would capture any data center to which the Exchange locates its matching engine.

The Exchange believes that the proposed definition of ''Data Center Pole'' would not be unfairly discriminatory because it would encompass not just the current pole, but also any additional or successor pole on the grounds of the Data Center, so long as such pole could not be used by third parties other than third parties with which the Exchange or an ICE Affiliate had an agreement to provide services in the name of the Exchange or an ICE Affiliate, such as Anova.

The Exchange believes that the definition of ''ICE Affiliate'' would not be unfairly discriminatory because the same definition is used in Rule 5.1–E(c), and so using it would add transparency, clarity and internal consistency to Exchange rules.

[41/42] McKay Letter, *supra* note 30/31, at 7.

[42/43] *Id.,* at note 33.

7. *The Exchange proposes to amend the section of the Filing titled ''Self-Regulatory Organization's Statement on Burden on Competition'' in the following two ways:*

The Exchange proposes to include information in the Filing regarding why it believes the proposed new rule would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of Section 6(b)(8) of the Securities Exchange Act of 1934 (the ''Act'').[11] Accordingly, the Exchange proposes to amend the section of the Filing titled ''*Self-Regulatory Organization's Statement on Burden on Competition*'' in the following two ways. First, to set the new text apart from the previous discussion regarding the burden on competition, the Exchange proposes to add the heading ''*Wireless Market Data Connectivity*'' immediately before the first full paragraph under the heading on page 20 of the Filing (page 49 of the Exhibit 1). The new heading would apply to the current text of the Filing.

Second, after the second full paragraph on page 22 of the Filing (second full paragraph on page 52 of the Exhibit 1), the Exchange proposes to add the heading ''*Proposed New Rule*'' and new paragraphs and accompanying footnotes (subsequent footnotes would be renumbered in a conforming change), as follows (all text is new):

Proposed New Rule

The Exchange does not believe that the proposed new rule would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of Section 6(b)(8) of the Act.[46/47]

With the exception of Anova, third parties do not have access to the data center pole. Under the proposed rule, the Exchange would always be obligated to ensure that the length of the connection between (a) the base of the Data Center Pole and (b) the network row in the space used for co-location in the Data Center, would be no less than the length of the connection between (x) the base of the closest Commercial Pole and (y) the network row in the space used for co-location in the Data Center.

IDS, not the Exchange, provides the Wireless Connections to market participants, and so it would be IDS that would have to slow its connection down as required by the rule. Accordingly, the Exchange believes that the only burden on competition of the proposed change would be on IDS.

Nonetheless, the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate because the proposed change would ensure that the IDS wireless network did not benefit from physical proximity ''on the segment [of the network] closest to the Exchanges' data center that no competitor can replicate.'' [47/48] The networks for the Wireless Connections, and future wireless connections that use the Data Center Pole, would ''operat[e] in the same manner as competitors do today without a latency subsidy or other advantage provided by the Exchanges . . . .'' [48/49]

The proposed rule would not otherwise put a burden on competition. As noted above, access to the data center pole is not required for third parties to establish wireless networks that can compete with the Wireless Connections to the Carteret and Secaucus Third Party Data Centers, as evidenced by the existing wireless connections offered by non-ICE entities.[49/50] Indeed, the Exchange believes that its competitors' wireless connections provide connectivity at the same or similar speed as the Wireless Connections, and at the same or similar cost. The McKay Letter acknowledges that McKay Brothers has the fastest wireless network.[50/51]

The Exchange notes that proximity to a data center is not the only determinant of a wireless network's latency. Rather, the latency of a wireless network depends on several factors. Variables include the wireless equipment utilized; the route of, and number of towers or buildings in, the network; and the fiber equipment used at either end of the connection. Moreover, latency is not the only consideration that a customer may have in selecting a wireless network to connect to for market data. Other considerations may include the amount of network uptime; the equipment that the network uses; the cost of the connection; and the applicable contractual provisions.

The proposed change does not affect competition among national securities exchanges or among members of the Exchange, but rather between IDS and its commercial competitors.

[46/47] 15 U.S.C. 78f(b)(8).

[47/48] McKay Letter, *supra* note 30/31, at note 33.

[48/49] *Id.,* at 7.

[49/50] A market participant in any of the Third Party Data Centers or the Mahwah data center also may create a proprietary wireless market data connection, connect through another market participant, or utilize fiber connections offered by the Exchange, ICE Affiliates, and other service providers and third party telecommunications providers.

[50/51] *Id.,* at 4.

8. *The Exchange proposes to add a list under ''Exhibit 5—Text of the Proposed Rule Change'' on page 23 of the Filing:*

The Exchange proposes to add a new Exhibit 5B. Accordingly, the Exchange proposes to add a list under ''Exhibit

[11] 15 U.S.C. 78f(b)(8).

5—Text of Proposed Rule Change'' on page 23 of the Filing, as follows (new text italicized):

Exhibit 5—Text of the Proposed Rule Change

A. Text of the Proposed Schedule of Wireless Connectivity Fees and Charges

B. Text of the Proposed Rule

9. *The Exchange proposes to add new text to the first full paragraph of Section I on page 24 of the Exhibit 1:*

The Exchange proposes to add new text to the first full paragraph of Section I on page 24 of the Exhibit 1, as follows (new text italicized):

The Exchange proposes to establish a schedule of Wireless Connectivity Fees and Charges (the ''Wireless Fee Schedule'') with wireless connections between the Mahwah, New Jersey data center and other data centers *and add a new rule to place restrictions on the use of a pole on the grounds of the Mahwah, New Jersey data center that is used for such wireless connections.* The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

10. *The Exchange proposes to amend ''Exhibit 5'' to ''Exhibit 5A'' on page 55 of the Exhibit 5:*

To reflect the addition of a new Exhibit 5B, the Exchange proposes to add ''A'' to ''EXHIBIT 5'' on page 55 of the Exhibit 5, to make it to ''EXHIBIT 5A''.

* * * * *

All other representations in the Filing remain as stated therein and no other changes are being made.

III. Date of Effectiveness of the Proposed Rule Change as Modified by Partial Amendment No. 1 and Timing for Commission Action

Within 180 days after the date of publication of the initial Notice of Filing in the **Federal Register** or within such longer period up to an additional 60 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 issue an order approving or disapproving such proposed rule change, as amended.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended by Partial Amendment No. 1, 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–NYSEArca–2020–08 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–NYSEArca–2020–08. 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–NYSEArca–2020–08, and should be submitted on or before August 28, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–17245 Filed 8–6–20; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89461; File No. SR–NYSECHX–2020–05]

Self-Regulatory Organizations; NYSE Chicago, Inc.; Notice of Filing of Partial Amendment No. 1 to Proposed Rule Change To Amend the Schedule of Wireless Connectivity Fees and Charges To Add Wireless Connectivity Services

August 3, 2020.

I. Introduction

On February 11, 2020, NYSE Chicago, Inc. (''NYSE Chicago'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'' or ''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change (SR–NYSECHX–2020–05) to amend the schedule of Wireless Connectivity Fees and Charges (''Wireless Fee Schedule'') to add wireless connectivity services that transport the market data of certain affiliates of the Exchange.

[12] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

The Commission published the proposed rule change for public comment in the **Federal Register** on February 25, 2020.[3] The Commission received several comments on the proposed rule change, and a response from the Exchange.[4] On April 1, 2020, pursuant to Section 19(b)(2) of the Act,[5] the Commission designated a longer period within which to either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[6] On May 18, 2020, the Commission instituted proceedings to determine whether to approve or disapprove the proposed rule change.[7] The Commission received additional comments in response to the Order Instituting Proceedings.[8]

On July 27, 2020, the Exchange filed Partial Amendment No. 1 to the proposed rule change in response to certain comments on the proposed rule change. Partial Amendment No. 1 is described in Item II below, which has been substantially prepared by the Exchange.[9] The Commission is publishing this notice to solicit comments on Partial Amendment No. 1 from interested persons.[10]

II. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Amendment

NYSE Chicago, Inc. (''NYSE Chicago'' or the ''Exchange'') hereby submits this Partial Amendment No. 1 to the above-referenced filing (''Filing'') in connection with the proposed rule change to add wireless connectivity that transport the market data of certain affiliates of the Exchange to the schedule of Wireless Connectivity Fees and Charges (the ''Wireless Fee Schedule''). With this Partial Amendment No. 1, the Exchange proposes a new rule to place restrictions on the use of a pole on the grounds of the Mahwah, New Jersey data center that is used for wireless connectivity services that transport the market data of certain of affiliates of the Exchange.

The Exchange proposes the following amendments to the Filing:

1. The Exchange proposes to amend the first paragraph in Item 1(a) on page 3 of the Filing:

The wireless connectivity services do not transport market data of the Exchange. Accordingly, the Exchange proposes to amend the first paragraph of Item 1(a) on page 3 of the Filing to reflect that fact and to add text to describe the proposed rule change. Specifically, it proposes to add ''(a)'' before ''wireless connectivity services''; delete ''the Exchange and''; add ''of the Exchange'' after ''certain affiliates''; and add new text at the end of the paragraph to describe the proposed rule change, as follows (new text *underlined,* deletions in [brackets]):

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act")[1] and Rule 19b-4 thereunder,[2] NYSE Chicago, Inc. ("NYSE Chicago" or the "Exchange") proposes to add <u>(a)</u> wireless connectivity services that transport the market data of [the Exchange and] certain affiliates <u>of the Exchange</u> to the schedule of Wireless Connectivity Fees and Charges (the "Wireless Fee Schedule"); and <u>(b) a new rule to place restrictions on the use of a pole on the grounds of the Mahwah, New Jersey data center that is used for such wireless connectivity services</u>.

The Exchange proposes to add *(a)* wireless connectivity services that transport market data of three Exchange affiliates, New York Stock Exchange LLC (''NYSE''), NYSE Arca, Inc. (''NYSE Arca'') and NYSE National, Inc. (''NYSE National'') to the Wireless Fee Schedule[.],[3/4] *and (b) a new rule to place restrictions on the use of a pole on the grounds of the Mahwah, New Jersey data center that is used for such wireless connectivity services.* A market participant is not able to use the wireless connectivity services to connect to Exchange market data.

2. The Exchange proposes to amend the carryover paragraph on pages 3 and

[3] *See* Securities Exchange Act Release No. 88240 (February 19, 2020), 85 FR 10795 (February 25, 2020) (SR–NYSECHX–2020–05) (''Wireless II Notice''). *See also* Securities Exchange Act Release Nos. 88237 (February 19, 2020), 85 FR 10752 (February 25, 2020) (SR–NYSE–2020–11); 88238 (February 19, 2020), 85 FR 10776 (February 25, 2020) (SR–NYSEAMER–2020–10); 88239 (February 19, 2020), 85 FR 10786 (February 25, 2020) (SR–NYSEArca–2020–15); and 88241 (February 19, 2020), 85 FR 10738 (February 25, 2020) (SR–NYSENAT–2020–08).

[4] Comments received on the Wireless II Notice and the Exchange's response are available on the Commission's website at: *https://www.sec.gov/comments/sr-nysechx-2020-05/srnysechx202005.htm.*

[5] 15 U.S.C. 78s(b)(2).

[6] *See* Securities Exchange Act Release No. 88540 (April 1, 2020), 85 FR 19562 (April 7, 2020). The Commission designated May 25, 2020, as the date by which it should approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule changes.

[7] *See* Securities Exchange Act Release No. 88901 (May 18, 2020), 85 FR 31273 (May 22, 2020) in which the Commission instituted proceedings (''Order Instituting Proceedings'' or ''OIP'').

[8] Comments received on the Wireless II Notice following the OIP also are available on the Commission's website at: *https://www.sec.gov/comments/sr-nysechx-2020-05/srnysechx202005.htm.*

[9] The Commission has reformatted the Exchange's presentation of the footnotes.

[10] Partial Amendment No. 1 is also available on the Commission's website at: *https://www.sec.gov/comments/sr-nysechx-2020-05/srnysechx202005.htm.* The Commission also refers interested persons to Securities Exchange Act Release No. 88172 (February 11, 2020), 85 FR 8923 (February 18, 2020) (SR–NYSECHX–2020–02) (wherein the Exchange filed a proposed rule change to establish the Wireless Fee Schedule listing available wireless bandwidth connections between the Mahwah, New Jersey data center and other data centers (''Wireless I'') and concurrently proposes to partially amend Wireless I). Partial Amendment No. 1 to Wireless I is available on the Commission's website at: *https://www.sec.gov/comments/sr-nysechx-2020-02/srnysechx202002.htm.*

4 of the Filing (second full paragraph on page 24 of the Exhibit 1):

The Exchange proposes to add amend the carryover paragraph on pages 3 and 4 of the Filing (second full paragraph on page 24 of the Exhibit 1) to add ''(a)'' before ''wireless connectivity services'' and add new text to describe the proposed rule change, as follows (new text *underlined,* deletion in [brackets]:

The Exchange proposes to add (a) wireless connectivity services that transport market data of three Exchange affiliates, New York Stock Exchange LLC ("NYSE"), NYSE Arca, Inc. ("NYSE Arca") and NYSE National, Inc. ("NYSE National") to the Wireless Fee Schedule[.],[3/4] and (b) a new rule to place restrictions on the use of a pole on the grounds of the Mahwah, New Jersey data center that is used for such wireless connectivity services. A market participant is not able to use the wireless connectivity services to connect to Exchange market data.

3. The Exchange proposes to add a new section titled ''Proposed New Rule'' and accompanying footnotes after the first full paragraph on page 14 of the Filing (carryover paragraph on pages 40 and 41 of the Exhibit 1):

The Exchange proposes a new rule to place restrictions on the use of a pole on the grounds of the Mahwah, New Jersey data center that is used for wireless connectivity services. Accordingly, the Exchange proposes to add a new section titled ''*Proposed New Rule*'' and accompanying footnotes (subsequent footnotes would be renumbered in a conforming change) after the first full paragraph on page 14 of the Filing (carryover paragraph on pages 40 and 41 of the Exhibit 1), after the end of the section titled ''*The Proposed Service and Fees,*'' as follows (all text is new):

Proposed New Rule

Since 2016, IDS has had the use of a pole on the grounds of the Mahwah data center.[27/28] The data center pole is part of the network utilized for the Wireless Market Data Connections to the Carteret and Secaucus Third Party Data Centers.[28/29] At the data center pole, the wireless connection to the Third Party Data Centers converts to a fiber connection, and the fiber connection travels from the data center pole into the Mahwah data center.[29/30] The equipment on the data center pole belongs to IDS and Anova Technologies, LLC (''Anova''), the non-ICE entity that owns the wireless network used for the Wireless Market Data Connections to Secaucus and Carteret.[30/31]

Other third parties that offer wireless services utilize commercial poles located outside the grounds of the Mahwah, New Jersey data center for their wireless networks. A third party's wireless connections to the Third Party Data Center convert to fiber connections at the commercial pole, and the fiber connects the commercial pole to the Mahwah data center.

Several such third parties have objected to the use of the data center pole for the Wireless Market Data Connections. They argue that IDS has an advantage over its competitors because third parties are not allowed access to the data center pole,[31/32] and the data center pole is closer to the Mahwah data center than any commercial pole.[32/33] At least one third party has raised the additional concern that the Wireless Market Data Connections may benefit from ''less obvious and more discreet types of latency advantages'' due to infrastructure inside the Mahwah data center, noting that ''some connections may have a longer fiber route than others within a data center or may have to go through various equipment or meet me rooms that an affiliate or preferred provider of an exchange do not.'' [33/34]

The Exchange is proposing a new Rule 3.14 (Data Center Pole Latency Restrictions—Connectivity to Production of Exchange Market Data) that would require that the length of the connection from the data center pole to the point inside the Mahwah data center where Exchange market data is produced be no less than the length of the connection from the closest commercial pole to the same point. By requiring that the compared connections both extend to where Exchange market data is produced, the proposed rule would take distances within the Mahwah data center into account.

The proposed rule would include the following definitions:

- ''Commercial Pole'' would mean a pole (a) on which one or more third parties locate wireless equipment used to offer wireless connectivity to other third parties, and (b) from which a fiber connection extends from third party equipment on the pole to the Data Center.
- ''Data Center'' would mean the Mahwah, New Jersey data center where the Exchange's matching engine is located, or its successor.
- ''Data Center Pole'' would mean a pole that (a) holds wireless equipment, (b) is located within the grounds of the Data Center, and (c) cannot be used by third parties other than third parties with which the Exchange or an ICE Affiliate has an agreement to provide services in the name of the Exchange or an ICE Affiliate.
- ''ICE Affiliate'' would mean Intercontinental Exchange, Inc. (''ICE'') and any entity that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with ICE, where ''control'' means that one entity possesses, directly or indirectly, voting control of the other entity either through ownership of capital stock or other equity securities or through majority representation on the board of directors or other management body of such entity.

The proposed rule would require that:

the length of the connection between (a) the base of the Data Center Pole and (b) the point inside the Data Center where Exchange market data is produced shall be no less than the length of the connection between (x) the base of the closest Commercial Pole and (y) the point inside the Data Center where Exchange market data is produced.

[27/28] *See* Securities Exchange Act Release No. 76748 (December 23, 3015), 80 FR 81609 (December 30, 2015) (SR–NYSE–2015–52) (order approving proposed rule change to the co-location services offered by the NYSE (the offering of a wireless connection to allow users to receive market data feeds from third party markets) and to reflect changes to the NYSE's price list related to these services).

[28/29] The Wireless Market Data Connections with Markham, Canada do not use equipment on the data center pole.

[29/30] The wireless network similarly converts to a fiber connection for its connection into the Third Party Data Centers.

[30/31] Equipment for services Anova offers

under its own name is not allowed on the data center pole.

31/32 IDS does not sell rights to third parties to operate wireless equipment on the data center pole due to space limitations, security concerns, and the interference that would arise between equipment placed too closely together.

32/33 *See* letter from Gregory Babyak, Global Head of Regulatory Affairs, Bloomberg L.P., to Ms. Vanessa Countryman, Secretary, Securities and Exchange Commission (''Commission''), dated June 12, 2020; letter from Stephen John Berger, Managing Director, Global Head of Government and Regulatory Policy, Citadel Securities, to Ms. Vanessa Countryman, Secretary, Commission, dated June 12, 2020; letter from Jim Considine, Chief Financial Officer, McKay Brothers LLC (''McKay Brothers''), to Ms. Vanessa Countryman, Secretary, Commission, dated June 12, 2020 (''McKay Letter''); and letter from Thomas M. Merritt, Deputy General Counsel, Virtu Financial, Inc. to Ms. Vanessa Countryman, Secretary, Commission, dated March 10, 2020.

33/34 McKay Letter, *supra* note 32/33, at 9.

4. The Exchange proposes to add new text after the first full paragraph on page 16 of the Filing (first full paragraph on page 43 of the Exhibit 1):

The Exchange proposes to amend the Filing to include additional analysis on the competitive environment for wireless connections. Accordingly, the Exchange proposes to add a paragraph and accompanying footnotes (subsequent footnotes would be renumbered in a conforming change) after the first full paragraph on page 16 of the Filing (first full paragraph on page 43 of the Exhibit 1), as follows (all text is new):

Such competitors can offer wireless connectivity to Selected Market Data or other Exchange market data in the Third Party Data Centers by obtaining the market data at the Mahwah data center and sending it over their wireless network to the Third Party Data Centers.[37/38] The Exchange believes that its competitors' wireless connections provide connectivity at the same or similar speed as the Wireless Market Data Connections, and at the same or similar cost. Indeed, the McKay Letter acknowledges that McKay Brothers has the fastest wireless network.[38/39]

37/38 A market participant in any of the Third Party Data Centers or the Mahwah data center also may create a proprietary wireless market data connection, connect through another market participant, or utilize fiber connections offered by the Exchange, ICE Affiliates, and other service providers and third party telecommunications providers.

38/39 McKay Letter, *supra* note 32/33, at 4.

5. The Exchange proposes to amend the Statutory Basis section of the Filing after the fourth full paragraph on page 18 of the Filing (carryover paragraph on pages 46 and 47 of the Exhibit 1):

The Exchange proposes to include information in the Filing regarding why it believes the proposed new rule is reasonable. The Exchange proposes to amend the Statutory Basis section of the Filing to add new paragraphs and accompanying footnotes (subsequent footnotes would be renumbered in a conforming change) after the fourth full paragraph on page 18 of the Filing (carryover paragraph on pages 46 and 47 of the Exhibit 1), at the end of the section titled ''*The Proposed Change is Reasonable,*'' as follows (all text is new):

The Exchange believes that the proposed new Rule 3.14 would be reasonable as, pursuant to the rule, the networks for the Wireless Market Data Connections, and future wireless connections that use a Data Center Pole, would ''operat[e] in the same manner as competitors do today without a latency subsidy or other advantage provided by the Exchanges. . . .'' [43/44] Accordingly, the proposed new rule would promote just and equitable principles of trade and, in general, protect investors and the public interest by ensuring that the subscribers to services using the IDS wireless network do not benefit from any physical proximity ''on the segment [of the network] closest to the Exchanges' data center that no competitor can replicate.'' [44/45] By ending both of the compared connections at the point inside the Data Center where Exchange market data is produced, the proposed rule would take distances within the Mahwah data center into account.[45/46]

The proposed new rule would not apply differently to distinct types or sizes of market participants. The Exchange would be required to ensure that the length of the connection between (a) the base of the Data Center Pole and (b) the point inside the Data Center where Exchange market data is produced, would be no less than the length of the connection between (x) the base of the closest Commercial Pole and (y) the point inside the Data Center where Exchange market data is produced.

The Exchange believes that the proposed definition of ''Commercial Pole'' is reasonable and would promote just and equitable principles of trade because it would encompass any pole on which a third party locates its wireless equipment in order to offer wireless connectivity to customers. The Exchange believes that such third parties are the direct competitors for the Wireless Market Data Connections, as they also offer wireless connections to customers. If a third party used a pole for a proprietary wireless network and that pole does not have one or more third parties' wireless equipment used to offer wireless connectivity to other third parties, that pole would not fall within the scope of the definition of Commercial Pole.

The Exchange believes that the proposed definition of ''Data Center'' is reasonable and would promote just and equitable principles of trade because it would capture any data center to which the Exchange locates its matching engine.

The Exchange believes that the proposed definition of ''Data Center Pole'' is reasonable and would promote just and equitable principles of trade because it would encompass not just the current pole, but also any additional or successor pole on the grounds of the Data Center, so long as such pole could not be used by third parties other than third parties with which the Exchange or an ICE Affiliate had an agreement to provide services in the name of the Exchange or an ICE Affiliate, such as Anova.

The Exchange believes that the definition of ''ICE Affiliate'' is reasonable and would promote just and equitable principles of trade because the same definition is used in Article 22, Rule 28 (Additional Requirements for Listed Securities Issued by Intercontinental Exchange, Inc. or its Affiliates) and so using it would add transparency, clarity and internal consistency to Exchange rules.

43/44 McKay Letter, *supra* note 32/33, at 7.

44/45 *Id,* at note 33.

45/46 Each of the Affiliate SROs is filing for a rule change that is substantially similar to the proposed Exchange rule. Assuming such filings are approved by the Commission, to the extent that the market data of an Affiliate SRO is produced separately from where the Exchange market data is produced, the wireless connection to that Affiliate SRO's market data would be captured by that Affiliate SRO's rule.

6. The Exchange proposes to amend the Statutory Basis section of the Filing after the carryover paragraph on pages 19 and 20 of the Filing (carryover paragraph on pages 48 and 49 of the Exhibit 1):

The Exchange proposes to include information in the Filing regarding why it believes the proposed new rule is not unfairly discriminatory. The Exchange proposes to amend the Statutory Basis section of the Filing to add new paragraphs and accompanying footnotes (subsequent footnotes would be renumbered in a conforming change) after the carry-over paragraph on pages 19 and 20 of the Filing (carryover paragraph on pages 48 and 49 of the Exhibit 1), immediately prior to the last paragraph of the section titled ''*The Proposed Change is Not Unfairly Discriminatory,*'' as follows (all text is new):

The Exchange believes that the proposed new Rule 3.14 would not be unfairly discriminatory, as pursuant to the rule, the networks for the Wireless Market Data Connections, and future wireless connections that use the Data Center Pole, would ''operat[e] in the same manner as competitors do today without a latency subsidy or other advantage provided by the Exchanges. . . .'' [46/47] Accordingly, the proposed new rule would ensure that the IDS wireless network does not benefit from physical proximity ''on the segment [of the network] closest to the Exchanges' data center that no competitor can replicate.'' [47/48] By ending both of the compared connections at the point inside the Data Center where Exchange market data is produced, the

proposed rule would take distances within the Mahwah data center into account.

The proposed new rule would not apply differently to distinct types or sizes of market participants. The Exchange would be required to ensure that the length of the connection between (a) the base of the Data Center Pole and (b) the point inside the Data Center where Exchange market data is produced, would be no less than the length of the connection between (x) the base of the closest Commercial Pole and (y) the point inside the Data Center where Exchange market data is produced.

The Exchange believes that the proposed definition of ''Commercial Pole'' would not be unfairly discriminatory because it would encompass any pole on which a third party locates its wireless equipment in order to offer wireless connectivity to customers. The Exchange believes that such third parties are the direct competitors for the Wireless Market Data Connections, as they also offer wireless connections to customers. If a third party used a pole for a proprietary wireless network and that pole does not have one or more third parties' wireless equipment used to offer wireless connectivity to other third parties, that pole would not fall within the scope of the definition of Commercial Pole.

The Exchange believes that the proposed definition of ''Data Center'' would not be unfairly discriminatory because it would capture any data center to which the Exchange locates its matching engine.

The Exchange believes that the proposed definition of ''Data Center Pole'' would not be unfairly discriminatory because it would encompass not just the current pole, but also any additional or successor pole on the grounds of the Data Center, so long as such pole could not be used by third parties other than third parties with which the Exchange or an ICE Affiliate had an agreement to provide services in the name of the Exchange or an ICE Affiliate, such as Anova.

The Exchange believes that the definition of ''ICE Affiliate'' would not be unfairly discriminatory because the same definition is used in Article 22, Rule 28 and so using it would add transparency, clarity and internal consistency to Exchange rules.

46/47 McKay Letter, *supra* note 32/33, at 7.

47/48 *Id.,* at note 33.

7. The Exchange proposes to amend the section of the Filing titled ''Self-Regulatory Organization's Statement on Burden on Competition'' in the following two ways:

The Exchange proposes to include information in the Filing regarding why it believes the proposed new rule would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of Section 6(b)(8) of the Securities Exchange Act of 1934 (the ''Act'').[11] Accordingly, the Exchange proposes to amend the section of the Filing titled ''*Self-Regulatory Organization's Statement on Burden on Competition*'' in the following two ways.

First, to set the new text apart from the previous discussion regarding the burden on competition, the Exchange proposes to add the heading ''*Wireless Market Data Connectivity*'' immediately before the first full paragraph under the heading on page 20 of the Filing (page 49 of the Exhibit 1). The new heading would apply to the current text of the Filing.

Second, after the first full paragraph on page 22 of the Filing (second full paragraph on page 51 of the Exhibit 1), the Exchange proposes to add the heading ''*Proposed New Rule*'' and new paragraphs and accompanying footnotes (subsequent footnotes would be renumbered in a conforming change), as follows (all text is new):

Proposed New Rule

The Exchange does not believe that the proposed new rule would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of Section 6(b)(8) of the Act.[50/51]

With the exception of Anova, third parties do not have access to the data center pole. Under the proposed rule, the Exchange would always be obligated to ensure that the length of the connection between (a) the base of the Data Center Pole and (b) the point inside the Data Center where Exchange market data is produced, would be no less than the length of the connection between (x) the base of the closest Commercial Pole and (y) the point inside the Data Center where Exchange market data is produced.

IDS, not the Exchange, provides the Wireless Market Data Connections to market participants, and so it would be IDS that would have to slow its connection down as required by the rule. Accordingly, the Exchange believes that the only burden on competition of the proposed change would be on IDS.

Nonetheless, the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate because the proposed change would ensure that the IDS wireless network did not benefit from physical proximity ''on the segment [of the network] closest to the Exchanges' data center that no competitor can replicate.'' [51/52] The networks for the Wireless Market Data Connections, and future wireless connections that use the Data Center Pole, would ''operat[e] in the same manner as competitors do today without a latency subsidy or other advantage provided by the Exchanges. . . .'' [52/53]

The proposed rule would not otherwise put a burden on competition. As noted above, access to the data center pole is not required for third parties to establish wireless networks that can compete with the Wireless Market Data Connections to the Carteret and Secaucus Third Party Data Centers, as evidenced by the existing wireless connections offered by third party competitors.[53/54] Such competitors can offer wireless connectivity to Selected Market Data or other Exchange market data in the Third Party Data Centers by obtaining the market data at the Mahwah data center and sending it over their wireless network to the Third Party Data Centers.[54/55] Indeed, the Exchange believes that its competitors' wireless connections provide connectivity at the same or similar speed as the Wireless Market Data Connections, and at the same or similar cost. The McKay Letter acknowledges that McKay Brothers has the fastest wireless network.[55/56]

The Exchange notes that proximity to a data center is not the only determinant of a wireless network's latency. Rather, the latency of a wireless network depends on several factors. Variables include the wireless equipment utilized; the route of, and number of towers or buildings in, the network; and the fiber equipment used at either end of the connection. Moreover, latency is not the only consideration that a customer may have in selecting a wireless network to connect to for market data. Other considerations may include the amount of network uptime; the equipment that the network uses; the cost of the connection; and the applicable contractual provisions.

The proposed change does not affect competition among national securities exchanges or among members of the Exchange, but rather between IDS and its commercial competitors.

50/51 15 U.S.C. 78f(b)(8).

51/52 McKay Letter, *supra* note 32/33, at note 33.

52/53 *Id.,* at 7.

53/54 Based on the information available to it, the Exchange believes that a market participant in the Carteret or Secaucus Third Party Data Center may purchase a wireless connection to the NYSE and NYSE Arca Integrated Feed data feeds from at least two other providers of wireless connectivity.

54/55 A market participant in any of the Third Party Data Centers or the Mahwah data center also may create a proprietary wireless market data connection, connect through another market participant, or utilize fiber connections offered by the Exchange, ICE Affiliates, and other service providers and third party telecommunications providers.

55/56 *Id.,* at 4.

8. *The Exchange proposes to add a list under ''Exhibit 5—Text of the Proposed Rule Change'' on page 23 of the Filing:*

The Exchange proposes to add a new Exhibit 5B. Accordingly, the Exchange proposes to add a list under ''Exhibit 5—Text of Proposed Rule Change'' on page 23 of the Filing, as follows (new text *underlined*):

[11] 15 U.S.C. 78f(b)(8).

Exhibit 5 – Text of the Proposed Rule Change

A. Text of the Proposed Schedule of Wireless Connectivity Fees and Charges

B. Text of the Proposed Rule

9. *The Exchange proposes to add new text to the first full paragraph of Section I on page 23 of the Exhibit 1:*

The Exchange proposes to add new text to the first full paragraph of Section I on page 24 of the Exhibit 1, as follows (new text *underlined*):

The Exchange proposes to add wireless connectivity services that transport the market data of certain affiliates of the Exchange to the schedule of Wireless Connectivity Fees and Charge (the "Wireless Fee Schedule") and add a new rule to place restrictions on the use of a pole on the grounds of the Mahwah, New Jersey data center that is used for such wireless connectivity services. The proposed rule change is available on the Exchange's website at www.nyse.com, at the principal office of the Exchange, and at the Commission's Public Reference Room.

10. The Exchange proposes to amend "Exhibit 5" to "Exhibit 5A" on page 55 of the Exhibit 5:

To reflect the addition of a new Exhibit 5B, the Exchange proposes to add "A" to "EXHIBIT 5" on page 55 of the Exhibit 5, to make it "EXHIBIT 5A".

* * * * *

All other representations in the Filing remain as stated therein and no other changes are being made.

III. Date of Effectiveness of the Proposed Rule Change as Modified by Partial Amendment No. 1 and Timing for Commission Action

Within 180 days after the date of publication of the initial Notice of Filing in the **Federal Register** or within such longer period up to an additional 60 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 issue an order approving or disapproving such proposed rule change, as amended.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended by Partial Amendment No. 1, is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSECHX–2020–05 on the subject line.

Paper comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSECHX–2020–05. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSECHX–2020–05, and should be submitted on or before August 28, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–17251 Filed 8–6–20; 8:45 am]

BILLING CODE 8011–01–P

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89458; File No. SR–NYSE–2020–11]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing of Partial Amendment No. 1 To Proposed Rule Change To Amend the Schedule of Wireless Connectivity Fees and Charges To Add Wireless Connectivity Services

August 3, 2020.

I. Introduction

On February 11, 2020, New York Stock Exchange LLC (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'' or ''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change (SR–NYSE–2020–11) to amend the schedule of Wireless Connectivity Fees and Charges (''Wireless Fee Schedule'') to add wireless connectivity services that transport the market data of the Exchange and certain affiliates.

The Commission published the proposed rule change for public comment in the **Federal Register** on February 25, 2020.[3] The Commission received several comments on the proposed rule change, and a response from the Exchange.[4] On April 1, 2020, pursuant to Section 19(b)(2) of the Act,[5] the Commission designated a longer period within which to either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[6] On May 18, 2020, the Commission instituted proceedings to determine whether to approve or disapprove the proposed rule change.[7] The Commission received additional comments in response to the Order Instituting Proceedings.[8]

On July 27, 2020, the Exchange filed Partial Amendment No. 1 to the proposed rule change in response to certain comments on the proposed rule change. Partial Amendment No. 1 is described in Item II below, which has been substantially prepared by the Exchange.[9] The Commission is publishing this notice to solicit comments on Partial Amendment No. 1 from interested persons.[10]

II. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Amendment

New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') hereby submits this Partial Amendment No. 1 to the above-referenced filing (''Filing'') in connection with the proposed rule change to add wireless connectivity that transport the market data of the Exchange and certain affiliates to the schedule of Wireless Connectivity Fees and Charges (the ''Wireless Fee Schedule''). With this Partial Amendment No. 1, the Exchange proposes a new rule to place restrictions on the use of a pole on the grounds of the Mahwah, New Jersey data center that is used for wireless connectivity services that transport the market data of the Exchange and certain of its affiliates.

The Exchange proposes the following amendments to the Filing:

1. The Exchange proposes to amend the first paragraph in Item 1(a) on page 3 of the Filing:

The Exchange proposes to amend the first paragraph of Item 1(a) on page 3 of the Filing to add ''(a)'' before ''wireless connectivity services'' and add new text at the end of the paragraph to describe the proposed rule change, as follows (new text italicized):

> Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'') [1] and Rule 19b–4 thereunder,[2] New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') proposes to add *(a)* wireless connectivity services that transport the market data of the Exchange and certain affiliates to the schedule of Wireless Connectivity Fees and Charges (the ''Wireless Fee Schedule''); and *(b) a new rule to place restrictions on the use of a pole on the grounds of the Mahwah, New Jersey data center that is used for such wireless connectivity services.*

2. The Exchange proposes to amend the carryover paragraph on pages 3 and 4 of the Filing (second full paragraph on page 24 of the Exhibit 1):

The Exchange proposes to add amend the carryover paragraph on pages 3 and 4 of the Filing (second full paragraph on page 24 of the Exhibit 1) to add ''(a)'' before ''wireless connectivity services'' and add new text to describe the proposed rule change, as follows (new text italicized, deletion in [brackets]):

> The Exchange proposes to add *(a)* wireless connectivity services that transport market data of the Exchange and its affiliates NYSE Arca, Inc. (''NYSE Arca'') and NYSE National, Inc. (''NYSE National'') to the Wireless Fee Schedule[.],[3/4] *and (b) a new rule to place restrictions on the use of a pole on the grounds of the Mahwah, New Jersey data center that is used for such wireless connectivity services.*

3. The Exchange proposes to add a new section titled ''Proposed New Rule'' and accompanying footnotes after the first full paragraph on page 14 of the Filing (first full paragraph on page 39 of the Exhibit 1):

The Exchange proposes a new rule to place restrictions on the use of a pole on the grounds of the Mahwah, New Jersey data center that is used for wireless connectivity services. Accordingly, the Exchange proposes to add a new section titled ''*Proposed New Rule*'' and accompanying footnotes (subsequent footnotes would be renumbered in a conforming change) after the first full paragraph on page 14 of the Filing (first full paragraph on page 39 of the Exhibit 1), after the end of the section titled ''*The Proposed Service and Fees,*'' as follows (all text is new):

Proposed New Rule

Since 2016, IDS has had the use of a pole on the grounds of the Mahwah data center.[27/28] The data center pole is part of the network utilized for the Wireless Market Data Connections to the Carteret and Secaucus Third Party Data Centers.[28/29] At the data center pole, the wireless connection to the Third Party Data Centers converts to a fiber connection, and the fiber connection travels

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 88237 (February 19, 2020), 85 FR 10752 (February 25, 2020) (SR–NYSE–2020–11) (''Wireless II Notice''). *See also* Securities Exchange Act Release Nos. 88238 (February 19, 2020), 85 FR 10776 (February 25, 2020) (SR–NYSEAMER–2020–10); 88239 (February 19, 2020), 85 FR 10786 (February 25, 2020) (SR–NYSEArca–2020–15); 88240 (February 19, 2020), 85 FR 10795 (February 25, 2020) (SR–NYSECHX–2020–05); and 88241 (February 19, 2020), 85 FR 10738 (February 25, 2020) (SR–NYSENAT–2020–08).

[4] Comments received on the Wireless II Notice and the Exchange's response are available on the Commission's website at: *https://www.sec.gov/comments/sr-nyse-2020-11/srnyse202011.htm.*

[5] 15 U.S.C. 78s(b)(2).

[6] *See* Securities Exchange Act Release No. 88540 (April 1, 2020), 85 FR 19562 (April 7, 2020). The Commission designated May 25, 2020, as the date by which it should approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule changes.

[7] *See* Securities Exchange Act Release No. 88901 (May 18, 2020), 85 FR 31273 (May 22, 2020) in which the Commission instituted proceedings (''Order Instituting Proceedings'' or ''OIP'').

[8] Comments received on the Wireless II Notice following the OIP also are available on the Commission's website at: *https://www.sec.gov/comments/sr-nyse-2020-11/srnyse202011.htm.*

[9] The Commission has reformatted the Exchange's presentation of the footnotes.

[10] Partial Amendment No. 1 is also available on the Commission's website at: *https://www.sec.gov/comments/sr-nyse-2020-11/srnyse202011.htm.* The Commission also refers interested persons to Securities Exchange Act Release No. 88168 (February 11, 2020), 85 FR 8938 (February 18, 2020) (SR–NYSE–2020–05) (wherein the Exchange filed a proposed rule change to establish the Wireless Fee Schedule listing available wireless bandwidth connections between the Mahwah, New Jersey data center and other data centers (''Wireless I'') and concurrently proposes to partially amend Wireless I). Partial Amendment No. 1 to Wireless I is available on the Commission's website at: *https://www.sec.gov/comments/sr-nyse-2020-05/srnyse202005.htm.*

from the data center pole into the Mahwah data center.[29/30] The equipment on the data center pole belongs to IDS and Anova Technologies, LLC (''Anova''), the non-ICE entity that owns the wireless network used for the Wireless Market Data Connections to Secaucus and Carteret.[30/31]

Other third parties that offer wireless services utilize commercial poles located outside the grounds of the Mahwah, New Jersey data center for their wireless networks. A third party's wireless connections to the Third Party Data Center convert to fiber connections at the commercial pole, and the fiber connects the commercial pole to the Mahwah data center.

Several such third parties have objected to the use of the data center pole for the Wireless Market Data Connections. They argue that IDS has an advantage over its competitors because third parties are not allowed access to the data center pole,[31/32] and the data center pole is closer to the Mahwah data center than any commercial pole.[32/33] At least one third party has raised the additional concern that the Wireless Market Data Connections may benefit from ''less obvious and more discreet types of latency advantages'' due to infrastructure inside the Mahwah data center, noting that ''some connections may have a longer fiber route than others within a data center or may have to go through various equipment or meet me rooms that an affiliate or preferred provider of an exchange do not.'' [33/34]

The Exchange is proposing a new Rule 3.14 (Data Center Pole Latency Restrictions—Connectivity to Production of Exchange Market Data) that would require that the length of the connection from the data center pole to the point inside the Mahwah data center where Exchange market data is produced be no less than the length of the connection from the closest commercial pole to the same point. By requiring that the compared connections both extend to where Exchange market data is produced, the proposed rule would take distances within the Mahwah data center into account.

The proposed rule would include the following definitions:

- ''Commercial Pole'' would mean a pole (a) on which one or more third parties locate wireless equipment used to offer wireless connectivity to other third parties, and (b) from which a fiber connection extends from third party equipment on the pole to the Data Center.
- ''Data Center'' would mean the Mahwah, New Jersey data center where the Exchange's matching engine is located, or its successor.
- ''Data Center Pole'' would mean a pole that (a) holds wireless equipment, (b) is located within the grounds of the Data Center, and (c) cannot be used by third parties other than third parties with which the Exchange or an ICE Affiliate has an agreement to provide services in the name of the Exchange or an ICE Affiliate.
- ''ICE Affiliate'' would mean Intercontinental Exchange, Inc. (''ICE'') and any entity that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with ICE, where ''control'' means that one entity possesses, directly or indirectly, voting control of the other entity either through ownership of capital stock or other equity securities or through majority representation on the board of directors or other management body of such entity.

The proposed rule would require that:

the length of the connection between (a) the base of the Data Center Pole and (b) the point inside the Data Center where Exchange market data is produced shall be no less than the length of the connection between (x) the base of the closest Commercial Pole and (y) the point inside the Data Center where Exchange market data is produced.

27/28 *See* Securities Exchange Act Release No. 76748 (December 23, 3015), 80 FR 81609 (December 30, 2015) (SR–NYSE–2015–52) (order approving proposed rule change to the co-location services offered by the NYSE (the offering of a wireless connection to allow users to receive market data feeds from third party markets) and to reflect changes to the NYSE's price list related to these services).

28/29 The Wireless Market Data Connections with Markham, Canada do not use equipment on the data center pole.

29/30 The wireless network similarly converts to a fiber connection for its connection into the Third Party Data Centers.

30/31 Equipment for services Anova offers under its own name is not allowed on the data center pole.

31/32 IDS does not sell rights to third parties to operate wireless equipment on the data center pole due to space limitations, security concerns, and the interference that would arise between equipment placed too closely together.

32/33 *See* letter from Gregory Babyak, Global Head of Regulatory Affairs, Bloomberg L.P., to Ms. Vanessa Countryman, Secretary, Securities and Exchange Commission (''Commission''), dated June 12, 2020; letter from Stephen John Berger, Managing Director, Global Head of Government and Regulatory Policy, Citadel Securities, to Ms. Vanessa Countryman, Secretary, Commission, dated June 12, 2020; letter from Jim Considine, Chief Financial Officer, McKay Brothers LLC (''McKay Brothers''), to Ms. Vanessa Countryman, Secretary, Commission, dated June 12, 2020 (''McKay Letter''); and letter from Thomas M. Merritt, Deputy General Counsel, Virtu Financial, Inc. to Ms. Vanessa Countryman, Secretary, Commission, dated March 10, 2020.

33/34 McKay Letter, *supra* note 32/33, at 9.

4. The Exchange proposes to add new text after the first full paragraph on page 16 of the Filing (first full paragraph on page 41 of the Exhibit 1):

The Exchange proposes to amend the Filing to include additional analysis on the competitive environment for wireless connections. Accordingly, the Exchange proposes to add a paragraph and accompanying footnotes (subsequent footnotes would be renumbered in a conforming change) after the first full paragraph on page 16 of the Filing (first full paragraph on page 41 of the Exhibit 1), as follows (all text is new):

Such competitors can offer wireless connectivity to Selected Market Data or other Exchange market data in the Third Party Data Centers by obtaining the market data at the Mahwah data center and sending it over their wireless network to the Third Party Data Centers.[37/38] The Exchange believes that its competitors' wireless connections provide connectivity at the same or similar speed as the Wireless Market Data Connections, and at the same or similar cost. Indeed, the McKay Letter acknowledges that McKay Brothers has the fastest wireless network.[38/39]

37/38 A market participant in any of the Third Party Data Centers or the Mahwah data center also may create a proprietary wireless market data connection, connect through another market participant, or utilize fiber connections offered by the Exchange, ICE Affiliates, and other service providers and third party telecommunications providers.

38/39 McKay Letter, *supra* note 32/33, at 4.

5. The Exchange proposes to amend the Statutory Basis section of the Filing after the third full paragraph on page 18 of the Filing (second full paragraph on page 45 of the Exhibit 1):

The Exchange proposes to include information in the Filing regarding why it believes the proposed new rule is reasonable. The Exchange proposes to amend the Statutory Basis section of the Filing to add new paragraphs and accompanying footnotes (subsequent footnotes would be renumbered in a conforming change) after the third full paragraph on page 18 of the Filing (second full paragraph on page 45 of the Exhibit 1), at the end of the section titled ''*The Proposed Change is Reasonable,*'' as follows (all text is new):

The Exchange believes that the proposed new Rule 3.14 would be reasonable as, pursuant to the rule, the networks for the Wireless Market Data Connections, and future wireless connections that use a Data Center Pole, would ''operat[e] in the same manner as competitors do today without a latency subsidy or other advantage provided by the Exchanges. . . .'' [43/44] Accordingly, the proposed new rule would promote just and equitable principles of trade and, in general, protect investors and the public interest by ensuring that the subscribers to services using the IDS wireless network do not benefit from any physical proximity ''on the segment [of the network] closest to the Exchanges' data center that no competitor can replicate.'' [44/45] By ending both of the compared connections at the point inside the Data Center where Exchange market data is produced, the proposed rule would take distances within the Mahwah data center into account.[45/46]

The proposed new rule would not apply differently to distinct types or sizes of market participants. The Exchange would be

required to ensure that the length of the connection between (a) the base of the Data Center Pole and (b) the point inside the Data Center where Exchange market data is produced, would be no less than the length of the connection between (x) the base of the closest Commercial Pole and (y) the point inside the Data Center where Exchange market data is produced.

The Exchange believes that the proposed definition of ''Commercial Pole'' is reasonable and would promote just and equitable principles of trade because it would encompass any pole on which a third party locates its wireless equipment in order to offer wireless connectivity to customers. The Exchange believes that such third parties are the direct competitors for the Wireless Market Data Connections, as they also offer wireless connections to customers. If a third party used a pole for a proprietary wireless network and that pole does not have one or more third parties' wireless equipment used to offer wireless connectivity to other third parties, that pole would not fall within the scope of the definition of Commercial Pole.

The Exchange believes that the proposed definition of ''Data Center'' is reasonable and would promote just and equitable principles of trade because it would capture any data center to which the Exchange locates its matching engine.

The Exchange believes that the proposed definition of ''Data Center Pole'' is reasonable and would promote just and equitable principles of trade because it would encompass not just the current pole, but also any additional or successor pole on the grounds of the Data Center, so long as such pole could not be used by third parties other than third parties with which the Exchange or an ICE Affiliate had an agreement to provide services in the name of the Exchange or an ICE Affiliate, such as Anova.

The Exchange believes that the definition of ''ICE Affiliate'' is reasonable and would promote just and equitable principles of trade because the same definition is used in NYSE Rule 497 (Additional Requirements for Listed Securities Issued by Intercontinental Exchange, Inc. or its Affiliates),[46/47] and so using it would add transparency, clarity and internal consistency to Exchange rules.

[43/44] McKay Letter, *supra* note 32/33, at 7.

[44/45] *Id,* at note 33.

[45/46] Each of the Affiliate SROs is filing for a rule change that is substantially similar to the proposed Exchange rule. Assuming such filings are approved by the Commission, to the extent that the market data of an Affiliate SRO is produced separately from where the Exchange market data is produced, the wireless connection to that Affiliate SRO's market data would be captured by that Affiliate SRO's rule.

[46/47] The definition of ICE has been added to the text.

6. The Exchange proposes to amend the Statutory Basis section of the Filing after the carryover paragraph on pages 19 and 20 of the Filing (second full paragraph on page 47 of the Exhibit 1):

The Exchange proposes to include information in the Filing regarding why it believes the proposed new rule is not unfairly discriminatory. The Exchange proposes to amend the Statutory Basis section of the Filing to add new paragraphs and accompanying footnotes (subsequent footnotes would be renumbered in a conforming change) after the carryover paragraph on pages 19 and 20 of the Filing (second full paragraph on page 47 of the Exhibit 1), immediately prior to the last paragraph of the section titled ''*The Proposed Change is Not Unfairly Discriminatory,*'' as follows (all text is new):

The Exchange believes that the proposed new Rule 3.14 would not be unfairly discriminatory, as pursuant to the rule, the networks for the Wireless Market Data Connections, and future wireless connections that use the Data Center Pole, would ''operat[e] in the same manner as competitors do today without a latency subsidy or other advantage provided by the Exchanges. . . .'' [47/48] Accordingly, the proposed new rule would ensure that the IDS wireless network does not benefit from physical proximity ''on the segment [of the network] closest to the Exchanges' data center that no competitor can replicate.'' [48/49] By ending both of the compared connections at the point inside the Data Center where Exchange market data is produced, the proposed rule would take distances within the Mahwah data center into account.

The proposed new rule would not apply differently to distinct types or sizes of market participants. The Exchange would be required to ensure that the length of the connection between (a) the base of the Data Center Pole and (b) the point inside the Data Center where Exchange market data is produced, would be no less than the length of the connection between (x) the base of the closest Commercial Pole and (y) the point inside the Data Center where Exchange market data is produced.

The Exchange believes that the proposed definition of ''Commercial Pole'' would not be unfairly discriminatory because it would encompass any pole on which a third party locates its wireless equipment in order to offer wireless connectivity to customers. The Exchange believes that such third parties are the direct competitors for the Wireless Market Data Connections, as they also offer wireless connections to customers. If a third party used a pole for a proprietary wireless network and that pole does not have one or more third parties' wireless equipment used to offer wireless connectivity to other third parties, that pole would not fall within the scope of the definition of Commercial Pole. The Exchange believes that the proposed definition of ''Data Center'' would not be unfairly discriminatory because it would capture any data center to which the Exchange locates its matching engine.

The Exchange believes that the proposed definition of ''Data Center Pole'' would not be unfairly discriminatory because it would encompass not just the current pole, but also any additional or successor pole on the grounds of the Data Center, so long as such pole could not be used by third parties other than third parties with which the Exchange or an ICE Affiliate had an agreement to provide services in the name of the Exchange or an ICE Affiliate, such as Anova.

The Exchange believes that the definition of ''ICE Affiliate'' would not be unfairly discriminatory because the same definition is used in Rule 497 [49/50] and so using it would add transparency, clarity and internal consistency to Exchange rules.

[47/48] McKay Letter, *supra* note 32/33, at 7.

[48/49] *Id.,* at note 33.

[49/50] The definition of ICE has been added to the text.

7. The Exchange proposes to amend the section of the Filing titled ''Self-Regulatory Organization's Statement on Burden on Competition'' in the following two ways:

The Exchange proposes to include information in the Filing regarding why it believes the proposed new rule would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of Section 6(b)(8) of the Securities Exchange Act of 1934 (the ''Act'').[11] Accordingly, the Exchange proposes to amend the section of the Filing titled ''*Self-Regulatory Organization's Statement on Burden on Competition*'' in the following two ways. First, to set the new text apart from the previous discussion regarding the burden on competition, the Exchange proposes to add the heading ''*Wireless Market Data Connectivity*'' immediately before the first full paragraph under the heading on page 20 of the Filing (page 48 of the Exhibit 1). The new heading would apply to the current text of the Filing.

Second, after the first full paragraph on page 22 of the Filing (first full paragraph on page 51 of the Exhibit 1), the Exchange proposes to add the heading ''*Proposed New Rule*'' and new paragraphs and accompanying footnotes (subsequent footnotes would be renumbered in a conforming change), as follows (all text is new):

Proposed New Rule

The Exchange does not believe that the proposed new rule would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of Section 6(b)(8) of the Act.[52/53]

With the exception of Anova, third parties do not have access to the data center pole. Under the proposed rule, the Exchange would always be obligated to ensure that the length of the connection between (a) the base of the Data Center Pole and (b) the point inside the Data Center where Exchange market data is produced, would be no less than the length of the connection between (x) the base of the closest Commercial Pole and (y) the point inside the Data Center where Exchange market data is produced. IDS, not the Exchange, provides the Wireless Market

[11] 15 U.S.C. 78f(b)(8).

Data Connections to market participants, and so it would be IDS that would have to slow its connection down as required by the rule. Accordingly, the Exchange believes that the only burden on competition of the proposed change would be on IDS.

Nonetheless, the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate because the proposed change would ensure that the IDS wireless network did not benefit from physical proximity ''on the segment [of the network] closest to the Exchanges' data center that no competitor can replicate.'' [53/54] The networks for the Wireless Market Data Connections, and future wireless connections that use the Data Center Pole, would ''operat[e] in the same manner as competitors do today without a latency subsidy or other advantage provided by the Exchanges. . . .'' [54/55]

The proposed rule would not otherwise put a burden on competition. As noted above, access to the data center pole is not required for third parties to establish wireless networks that can compete with the Wireless Market Data Connections to the Carteret and Secaucus Third Party Data Centers, as evidenced by the existing wireless connections offered by third party competitors.[55/56] Such competitors can offer wireless connectivity to Selected Market Data or other Exchange market data in the Third Party Data Centers by obtaining the market data at the Mahwah data center and sending it over their wireless network to the Third Party Data Centers.[56/57] Indeed, the Exchange believes that its competitors' wireless connections provide connectivity at the same or similar speed as the Wireless Market Data Connections, and at the same or similar cost. The McKay Letter acknowledges that McKay Brothers has the fastest wireless network.[57/58]

The Exchange notes that proximity to a data center is not the only determinant of a wireless network's latency. Rather, the latency of a wireless network depends on several factors. Variables include the wireless equipment utilized; the route of, and number of towers or buildings in, the network; and the fiber equipment used at either end of the connection. Moreover, latency is not the only consideration that a customer may have in selecting a wireless network to connect to for market data. Other considerations may include the amount of network uptime; the equipment that the network uses; the cost of the connection; and the applicable contractual provisions.

The proposed change does not affect competition among national securities exchanges or among members of the Exchange, but rather between IDS and its commercial competitors.

[52/53] 15 U.S.C. 78f(b)(8).

[53/54] McKay Letter, *supra* note 32/33, at note 33.

[54/55] *Id.,* at 7.

[55/56] Based on the information available to it, the Exchange believes that a market participant in the Carteret or Secaucus Third Party Data Center may purchase a wireless connection to the NYSE and NYSE Arca Integrated Feed data feeds from at least two other providers of wireless connectivity.

[56/57] A market participant in any of the Third Party Data Centers or the Mahwah data center also may create a proprietary wireless market data connection, connect through another market participant, or utilize fiber connections offered by the Exchange, ICE Affiliates, and other service providers and third party telecommunications providers.

[57/58] *Id.,* at 4.

8. The Exchange proposes to add a list under ''Exhibit 5—Text of the Proposed Rule Change'' on page 22 of the Filing:

The Exchange proposes to add a new Exhibit 5B. Accordingly, the Exchange proposes to add a list under ''Exhibit 5—Text of Proposed Rule Change'' on page 22 of the Filing, as follows (new text italicized):

Exhibit 5—Text of the Proposed Rule Change

A. Text of the Proposed Schedule of Wireless Connectivity Fees and Charges

B. Text of the Proposed Rule

9. The Exchange proposes to add new text to the first full paragraph of Section I on page 23 of the Exhibit 1:

The Exchange proposes to add new text to the first full paragraph of Section I on page 23 of the Exhibit 1, as follows (new text italicized):

The Exchange proposes to add wireless connectivity services that transport the market data of the Exchange and certain affiliates to the schedule of Wireless Connectivity Fees and Charge (the ''Wireless Fee Schedule'') *and add a new rule to place restrictions on the use of a pole on the grounds of the Mahwah, New Jersey data center that is used for such wireless connectivity services.* The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

10. The Exchange proposes to amend ''Exhibit 5'' to ''Exhibit 5A'' on page 54 of the Exhibit 5:

To reflect the addition of a new Exhibit 5B, the Exchange proposes to add ''A'' to ''EXHIBIT 5'' on page 54 of the Exhibit 5, to make it ''EXHIBIT 5A''.

* * * * *

All other representations in the Filing remain as stated therein and no other changes are being made.

III. Date of Effectiveness of the Proposed Rule Change As Modified By Partial Amendment No. 1 and Timing for Commission Action

Within 180 days after the date of publication of the initial Notice of Filing in the **Federal Register** or within such longer period up to an additional 60 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 issue an order approving or disapproving such proposed rule change, as amended.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended by Partial Amendment No. 1, is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2020–11 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2020–11. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2020–11, and

should be submitted on or before August 28, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–17248 Filed 8–6–20; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89449; File No. SR–CboeEDGX–2020–038]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating To Amend Rule 4.5, Which Is Part of the Exchange's Compliance Rule (''Compliance Rule'') Regarding the National Market System Plan Governing the Consolidated Audit Trail (the ''CAT NMS Plan'' or ''Plan'') To Be Consistent With an Amendment to the CAT NMS Plan Recently Approved by the Securities and Exchange Commission (the ''Commission'')

August 3, 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 30, 2020, Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') 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

Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''Cboe EDGX'') proposes to amend Rule 4.5, which is part of the Exchange's compliance rule (''Compliance Rule'') regarding the National Market System Plan Governing the Consolidated Audit Trail (the ''CAT NMS Plan'' or ''Plan'')[3] to be consistent with an amendment to the CAT NMS Plan recently approved by the Securities and Exchange Commission (the ''Commission''). The text of the proposed rule change is provided below.

(additions are *italicized;* deletions are [bracketed])

* * * * *

Rules of Cboe EDGX Exchange, Inc.

* * * * *

Rule 4.5. Consolidated Audit Trail—Definitions

For purposes of Rules 4.5 through 4.16:

* * * * *

(r) ''Firm Designated ID'' means *(1)* a unique *and persistent* identifier for each trading account designated by Industry Members for purposes of providing data to the Central Repository, *provided, however, such identifier may not be the account number for such trading account if the trading account is not a proprietary account; (2) 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; or (3) 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,* where each such identifier is unique among all identifiers from any given Industry Member[for each business date].

* * * * *

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/options/regulation/rule_filings/edgx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to amend Chapter 7, Section B of the Rules, the Compliance Rule regarding the CAT NMS Plan, to be consistent with an amendment to the CAT NMS Plan recently approved by the Commission.[4] The Commission approved an amendment to the CAT NMS Plan to amend the requirements for Firm Designated IDs in four ways: (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 (the ''FDID Amendment''). As a result, the Exchange proposes to amend the definition of ''Firm Designated ID'' in Rule 4.5 to reflect the changes to the CAT NMS Plan regarding the requirements for Firm Designated IDs.

Rule 4.5(r) defines the term ''Firm Designated ID'' to mean ''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.''

(1) Prohibit Use of Account Numbers

The Exchange proposes to amend the definition of ''Firm Designated ID'' in Rule 4.5(r) to provide that Industry Members may not use account numbers as the Firm Designated ID for trading accounts that are not proprietary accounts. Specifically, the Exchange proposes to add the following to the definition of a Firm Designated ID: ''provided, however, such identifier may not be the account number for such trading account if the trading account is not a proprietary account.''

(2) Persistent Firm Designated ID

The Exchange also proposes to amend the definition of ''Firm Designated ID'' in Rule 4.5(r) to require a Firm Designated ID assigned by an Industry

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[12] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Unless otherwise specified, capitalized terms used in this rule filing are defined as set forth in the Compliance Rule.

[4] Securities Exchange Act Release No. 89397 (July 24, 2020) (**Federal Register** pending).

Member to a trading account to be persistent over time, not for each business day.[5] To effect this change, the Exchange proposes to amend the definition of ''Firm Designated ID'' in Rule 4.5(r) to add ''and persistent'' after ''unique'' and delete ''for each business date'' 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.

(3) Relationship Identifiers

The FDID Amendment also permits an Industry Member to provide a relationship identifier as the Firm Designated ID, rather than an identifier that represents a trading account, in certain scenarios in which an Industry Member does not have an account number available to its order handling and/or execution system at the time of order receipt (*e.g.,* certain institutional accounts, managed accounts, accounts for individuals). In such scenarios, the trading account structure may not be available when a new order is first received from a client and, instead, only an identifier representing the client's trading relationship is available. In these limited instances, the Industry Member may provide an identifier used by the Industry Member to represent the client's trading relationship with the Industry Member instead of an account number.

When a trading relationship is established at a broker-dealer for clients, the broker-dealer typically creates a parent account, under which additional subaccounts are created. However, in some cases, the broker-dealer establishes the parent relationship for a client using a relationship identifier as opposed to an actual parent account. The relationship identifier could be any of a variety of identifiers, such as a short name for a relevant individual or institution. This relationship identifier is established prior to any trading for the client. If a relationship identifier has been established rather than a parent account, and an order is placed on behalf of the client, any executed trades will be kept in a firm account (*e.g.,* a facilitation or average price account) until they are allocated to the proper subaccount(s), *i.e.,* the accounts associated with the parent relationship identifier connecting them to the client.

Relationship identifiers are used in circumstances in which the account structure is not available to the trading system at the time of order placement. The clients have established accounts prior to the trade that satisfy relevant regulatory obligations for opening accounts, such as Know Your Customer and other customer obligations. However, the order receipt workflows operate using relationship identifiers, not accounts.

For Firm Designated ID purposes, as with an identifier for a trading account, the relationship identifier must be persistent over time. The relationship identifier also must be unique among all identifiers from any given Industry Member. With these requirements, a single relationship could be tracked across time within a single Industry Member using the Firm Designated ID. In addition, the relationship identifier must be masked as the relationship identifier could be a name or otherwise provide an indication as to the identity of the relationship. The masking requirement would avoid potentially revealing the identity of the relationship.

An example of the use of a relationship identifier as a Firm Designated ID would be a follows: Suppose that Big Fund Manager is known in Industry Member A's systems as ''BFM1.'' When an order is placed by Big Fund Manager, the order is tagged to BFM1. Industry Member A could use a masked version of BFM1 in place of the Firm Designated ID representing a trading account when reporting a new order from Big Fund Manager instead of the account numbers to which executed shares/contracts will be allocated at a later time via a booking or other system. Similarly, another example of the use of a relationship identifier as a Firm Designated ID would involve an individual in place of the Big Fund Manager in the above example.

In accordance with the FDID Amendment, the Exchange proposes to amend the definition of a ''Firm Designated ID'' in Rule 4.5(r) to permit Industry Members to provide a relationship identifier as the Firm Designated ID as described above. Specifically, the Exchange proposes to amend the definition of ''Firm Designated ID'' in Rule 4.5(r) to state that a Firm Designated ID means, in relevant 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.''

(4) Entity Identifiers

The FDID Amendment also permits Industry Members to provide an entity identifier, rather than an identifier that represents a trading account, when an employee of the 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. An entity identifier is an identifier of the Industry Member that represents the firm discretionary relationship with the client rather than a firm trading account.

The scenarios in which a firm uses an entity identifier are comparable to when a firm uses a relationship identifier (as described above) except the entity identifier represents the Industry Member rather than a client. As with relationship identifiers, entity identifiers are used in circumstances in which the account structure is not available to the trading system at the time of order placement. In this workflow, the Industry Member's order handling and/execution system does not have an account number at the time of order origination. The 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. However, the order origination workflows operate using entity identifiers, not accounts.

For Firm Designated ID purposes, as with the identifier for a trading account or a relationship, the entity identifier must be persistent over time. The entity identifier also must be unique among all identifiers from any given Industry Member. Each Industry Member must make its own risk determination as to whether it believes it is necessary to mask the entity identifier when using an entity identifier to report the Firm Designated ID to CAT.

An example of the use of an entity identifier as a Firm Designated ID would be when Industry Member 1 has an employee that is a registered representative that has discretion over several client accounts held at Industry

[5] 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 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.

Member 1. The registered representative places an order that he will later allocate to individual client accounts. At the time the order is placed, the trading system only knows it involves a representative of Industry Member 1 and it does not have a specific trading account that could be used for Firm Designated ID reporting. Therefore, Industry Member 1 could report IM1, its entity identifier, as the FDID with the new order.

In accordance with the FDID Amendment, the Exchange proposes to amend the definition of ''Firm Designated ID'' in Rule 4.5(r) to permit the use of an entity identifier as a Firm Designated ID as described above. Specifically, the Exchange proposes to amend the definition of a ''Firm Designated ID'' in Rule 4.5(r) to state that a Firm Designated ID means, in relevant 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.''

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[6] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[7] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[8] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that this proposal is consistent with the Act because it is consistent with, and implements, a recent amendment to the CAT NMS Plan, and is designed to assist the Exchange and its Industry Members in meeting regulatory obligations pursuant to the Plan. In approving the Plan, the Commission noted that the Plan ''is necessary and appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanism of a national market system, or is otherwise in furtherance of the purposes of the Act.''[9] To the extent that this proposal implements the Plan, and applies specific requirements to Industry Members, the Exchange believes that this proposal furthers the objectives of the Plan, as identified by the Commission, and is therefore consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange notes that the proposed rule changes are consistent with a recent amendment to the CAT NMS Plan, and are designed to assist the Exchange in meeting its regulatory obligations pursuant to the Plan. The Exchange also notes that the FDID Amendment will apply equally to all Industry Members that trade NMS Securities and OTC Equity Securities. In addition, all national securities exchanges and FINRA are proposing this amendment to their Compliance Rules. Therefore, this is not a competitive rule filing, and, therefore, it does not impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[10] and Rule 19b–4(f)(6) thereunder.[11] Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[12] and Rule 19b–4(f)(6)(iii) thereunder.[13]

A proposed rule change filed under Rule 19b–4(f)(6)[14] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[15] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative by July 31, 2020. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest because it implements an amendment to the CAT NMS Plan approved by the Commission.[16] Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposal operative as of July 31, 2020.[17]

At any time within 60 days of the filing of this proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] *Id.*

[9] *See* Securities Exchange Act Release No. 79318 (November 15, 2016), 81 FR 84696, 84697 (November 23, 2016).

[10] 15 U.S.C. 78s(b)(3)(A)(iii).

[11] 17 CFR 240.19b–4(f)(6).

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[14] 17 CFR 240.19b–4(f)(6).

[15] 17 CFR 240.19b–4(f)(6)(iii).

[16] *See* Securities Exchange Act Release No. 89397 (July 24, 2020) (**Federal Register** publication pending).

[17] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

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–CboeEDGX–2020–038 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–CboeEDGX–2020–038. 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–CboeEDGX–2020–038 and should be submitted on or before August 28, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–17239 Filed 8–6–20; 8:45 am]

BILLING CODE 8011–01–P

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–155, OMB Control No. 3235–0123]

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:
Rule 17a–5

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''PRA''), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 17a–5 (17 CFR 240.17a–5), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 17a–5 is the basic financial reporting rule for brokers and dealers.[1] The rule requires the filing of Form X–17A–5, the Financial and Operational Combined Uniform Single Report (''FOCUS Report''), which was the result of years of study and comments by representatives of the securities industry through advisory committees and through the normal rule proposal methods. The FOCUS Report was designed to eliminate the overlapping regulatory reports required by various self-regulatory organizations and the Commission and to reduce reporting burdens as much as possible. The rule also requires the filing of an annual audited report of financial statements.

The FOCUS Report consists of: (1) Part I, which is a monthly report that must be filed by brokers or dealers that clear transactions or carry customer securities; (2) one of three alternative quarterly reports: Part II, which must be filed by brokers or dealers that clear transactions or carry customer securities; Part IIA, which must be filed by brokers or dealers that do not clear transactions or carry customer securities; and Part IIB, which must be filed by specialized broker-dealers registered with the Commission as OTC derivatives dealers;[2] (3) supplemental schedules, which must be filed annually; and (4) a facing page, which must be filed with the annual audited report of financial statements. Under the rule, a broker or dealer that computes certain of its capital charges in accordance with Appendix E to Exchange Act Rule 15c3–1 must file additional monthly, quarterly, and annual reports with the Commission.

The Commission estimates that the total hour burden under Rule 17a–5 is approximately 328,746 hours per year when annualized, and the total cost burden under Rule 17a–5 is approximately $35,287,127 per year.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to (i) >*MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov*< and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.*

Dated: August 3, 2020.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–17259 Filed 8–6–20; 8:45 am]

BILLING CODE 8011–01–P

[1] Rule 17a–5(c) requires a broker or dealer to furnish certain of its financial information to customers and is subject to a separate PRA filing (OMB Control Number 3235–0199).

[2] Part IIB of Form X–17A–5 must be filed by OTC derivatives dealers under Exchange Act Rule 17a–12 and is subject to a separate PRA filing (OMB control number 3235–0498).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89459; File No. SR–NYSEAMER–2020–10]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing of Partial Amendment No. 1 to Proposed Rule Change To Amend the Schedule of Wireless Connectivity Fees and Charges to Add Wireless Connectivity Services

August 3, 2020.

I. Introduction

On February 12, 2020, NYSE American LLC (''NYSE American'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act

of 1934 (''Exchange Act'' or ''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change (SR–NYSEAMER–2020–10) to amend the schedule of Wireless Connectivity Fees and Charges (''Wireless Fee Schedule'') to add wireless connectivity services that transport the market data of certain affiliates of the Exchange.

The Commission published the proposed rule change for public comment in the **Federal Register** on February 25, 2020.[3] The Commission received several comments on the proposed rule change, and a response from the Exchange.[4] On April 1, 2020, pursuant to Section 19(b)(2) of the Act,[5] the Commission designated a longer period within which to either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[6] On May 18, 2020, the Commission instituted proceedings to determine whether to approve or disapprove the proposed rule change.[7] The Commission received additional comments in response to the Order Instituting Proceedings.[8]

On July 27, 2020, the Exchange filed Partial Amendment No. 1 to the proposed rule change in response to certain comments on the proposed rule change. Partial Amendment No. 1 is described in Item II below, which has been substantially prepared by the Exchange.[9] The Commission is publishing this notice to solicit comments on Partial Amendment No. 1 from interested persons.[10]

II. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Amendment

NYSE American LLC (''NYSE American'' or the ''Exchange'') hereby submits this Partial Amendment No. 1 to the above-referenced filing (''Filing'') in connection with the proposed rule change to add wireless connectivity that transport the market data of certain affiliates of the Exchange to the schedule of Wireless Connectivity Fees and Charges (the ''Wireless Fee Schedule''). With this Partial Amendment No. 1, the Exchange proposes a new rule to place restrictions on the use of a pole on the grounds of the Mahwah, New Jersey data center that is used for wireless connectivity services that transport the market data of certain affiliates of the Exchange.

The Exchange proposes the following amendments to the Filing:

1. *The Exchange proposes to amend the first paragraph in Item 1(a) on page 3 of the Filing:*

The wireless connectivity services do not transport market data of the Exchange. Accordingly, the Exchange proposes to amend the first paragraph of Item 1(a) on page 3 of the Filing to reflect that fact and to add text to describe the proposed rule change. Specifically, it proposes to add ''(a)'' before ''wireless connectivity services''; delete ''the Exchange and''; add ''of the Exchange'' after ''certain affiliates''; and add new text at the end of the paragraph to describe the proposed rule change, as follows (new text italicized, deletions in [brackets]):

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'') [1] and Rule 19b–4 thereunder,[2] NYSE American LLC (''NYSE American'' or the ''Exchange'') proposes to add *(a)* wireless connectivity services that transport the market data of [the Exchange and] certain affiliates *of the Exchange* to the schedule of Wireless Connectivity Fees and Charges (the ''Wireless Fee Schedule''); and *(b) a new rule to place restrictions on the use of a pole on the grounds of the Mahwah, New Jersey data center that is used for such wireless connectivity services.*

2. *The Exchange proposes to amend the carryover paragraph on pages 3 and 4 of the Filing (second full paragraph on page 24 of the Exhibit 1):*

The Exchange proposes to add amend the carryover paragraph on pages 3 and 4 of the Filing (second full paragraph on page 24 of the Exhibit 1) to add ''(a)'' before ''wireless connectivity services'' and add new text to describe the proposed rule change, as follows (new text italicized, deletion in [brackets]):

The Exchange proposes to add *(a)* wireless connectivity services that transport market data of three Exchange affiliates, New York Stock Exchange LLC (''NYSE''), NYSE Arca, Inc. (''NYSE Arca'') and NYSE National, Inc. (''NYSE National'') to the Wireless Fee Schedule[.],[3/4] *and (b) a new rule to place restrictions on the use of a pole on the grounds of the Mahwah, New Jersey data center that is used for such wireless connectivity services.* A market participant is not able to use the wireless connectivity services to connect to Exchange market data.

3. *The Exchange proposes to add a new section titled ''Proposed New Rule'' and accompanying footnotes after the first full paragraph on page 14 of the Filing (carryover paragraph on pages 39 and 40 of the Exhibit 1):*

The Exchange proposes a new rule to place restrictions on the use of a pole on the grounds of the Mahwah, New Jersey data center that is used for wireless connectivity services. Accordingly, the Exchange proposes to add a new section titled ''*Proposed New Rule*'' and accompanying footnotes (subsequent footnotes would be renumbered in a conforming change) after the first full paragraph on page 14 of the Filing (carryover paragraph on pages 39 and 40 of the Exhibit 1), after the end of the section titled ''*The Proposed Service and Fees,*'' as follows (all text is new):

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 88238 (February 19, 2020), 85 FR 10776 (February 25, 2020) (SR–NYSEAMER–2020–10) (''Wireless II Notice''). *See also* Securities Exchange Act Release Nos. 88237 (February 19, 2020), 85 FR 10752 (February 25, 2020) (SR–NYSE–2020–11); 88239 (February 19, 2020), 85 FR 10786 (February 25, 2020) (SR–NYSEArca–2020–15); 88240 (February 19, 2020), 85 FR 10795 (February 25, 2020) (SR–NYSECHX–2020–05); and 88241 (February 19, 2020), 85 FR 10738 (February 25, 2020) (SR–NYSENAT–2020–08).

[4] Comments received on the Wireless II Notice and the Exchange's response are available on the Commission's website at: *https://www.sec.gov/comments/sr-nyseamer-2020-10/srnyseamer202010.htm.*

[5] 15 U.S.C. 78s(b)(2).

[6] *See* Securities Exchange Act Release No. 88540 (April 1, 2020), 85 FR 19562 (April 7, 2020). The Commission designated May 25, 2020, as the date by which it should approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule changes.

[7] *See* Securities Exchange Act Release No. 88901 (May 18, 2020), 85 FR 31273 (May 22, 2020) in which the Commission instituted proceedings (''Order Instituting Proceedings'' or ''OIP'').

[8] Comments received on the Wireless II Notice following the OIP also are available on the Commission's website at: *https://www.sec.gov/comments/sr-nyseamer-2020-10/srnyseamer202010.htm.*

[9] The Commission has reformatted the Exchange's presentation of the footnotes.

[10] Partial Amendment No. 1 is also available on the Commission's website at: *https://www.sec.gov/comments/sr-nyseamer-2020-10/srnyseamer202010.htm.* The Commission also refers interested persons to Securities Exchange Act Release No. 88169 (February 11, 2020), 85 FR 8946 (February 18, 2020) (SR–NYSEAMER–2020–05) (wherein the Exchange filed a proposed rule change to establish the Wireless Fee Schedule listing available wireless bandwidth connections between the Mahwah, New Jersey data center and other data centers (''Wireless I'') and concurrently proposes to partially amend Wireless I). Partial Amendment No. 1 to Wireless I is available on the Commission's website at: *https://www.sec.gov/comments/sr-nyseamer-2020-05/srnyseamer202005.htm.*

Proposed New Rule

Since 2016, IDS has had the use of a pole on the grounds of the Mahwah data center.[27/28] The data center pole is part of the network utilized for the Wireless Market Data Connections to the Carteret and Secaucus Third Party Data Centers.[28/29] At the data center pole, the wireless connection to the Third Party Data Centers converts to a fiber connection, and the fiber connection travels from the data center pole into the Mahwah data center.[29/30] The equipment on the data center pole belongs to IDS and Anova Technologies, LLC (''Anova''), the non-ICE entity that owns the wireless network used for the Wireless Market Data Connections to Secaucus and Carteret.[30/31]

Other third parties that offer wireless services utilize commercial poles located outside the grounds of the Mahwah, New Jersey data center for their wireless networks. A third party's wireless connections to the Third Party Data Center convert to fiber connections at the commercial pole, and the fiber connects the commercial pole to the Mahwah data center.

Several such third parties have objected to the use of the data center pole for the Wireless Market Data Connections. They argue that IDS has an advantage over its competitors because third parties are not allowed access to the data center pole,[31/32] and the data center pole is closer to the Mahwah data center than any commercial pole.[32/33] At least one third party has raised the additional concern that the Wireless Market Data Connections may benefit from ''less obvious and more discreet types of latency advantages'' due to infrastructure inside the Mahwah data center, noting that ''some connections may have a longer fiber route than others within a data center or may have to go through various equipment or meet me rooms that an affiliate or preferred provider of an exchange do not.'' [33/34]

The Exchange is proposing a new Rule 3.14E (Data Center Pole Latency Restrictions—Connectivity to Production of Exchange Market Data) that would require that the length of the connection from the data center pole to the point inside the Mahwah data center where Exchange market data is produced be no less than the length of the connection from the closest commercial pole to the same point. By requiring that the compared connections both extend to where Exchange market data is produced, the proposed rule would take distances within the Mahwah data center into account.

The proposed rule would include the following definitions:

- ''Commercial Pole'' would mean a pole (a) on which one or more third parties locate wireless equipment used to offer wireless connectivity to other third parties, and (b) from which a fiber connection extends from third party equipment on the pole to the Data Center.
- ''Data Center'' would mean the Mahwah, New Jersey data center where the Exchange's matching engine is located, or its successor.
- ''Data Center Pole'' would mean a pole that (a) holds wireless equipment, (b) is located within the grounds of the Data Center, and (c) cannot be used by third parties other than third parties with which the Exchange or an ICE Affiliate has an agreement to provide services in the name of the Exchange or an ICE Affiliate.
- ''ICE Affiliate'' would mean Intercontinental Exchange, Inc. (''ICE'') and any entity that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with ICE, where ''control'' means that one entity possesses, directly or indirectly, voting control of the other entity either through ownership of capital stock or other equity securities or through majority representation on the board of directors or other management body of such entity.

The proposed rule would require that:

the length of the connection between (a) the base of the Data Center Pole and (b) the point inside the Data Center where Exchange market data is produced shall be no less than the length of the connection between (x) the base of the closest Commercial Pole and (y) the point inside the Data Center where Exchange market data is produced.

[27/28] *See* Securities Exchange Act Release No. 76750 (December 23, 3015), 80 FR 81648 (December 30, 2015) (SR–NYSEMKT–2015–85) (Order Approving Proposed Rule Change to the Co-location Services Offered by the Exchange (the Offering of a Wireless Connection to Allow Users to Receive Market Data Feeds from Third Party Markets) and to Reflect Changes to the NYSE MKT Equities Price List and the NYSE Amex Options Fee Schedule Related to These Services).

[28/29] The Wireless Market Data Connections with Markham, Canada do not use equipment on the data center pole.

[29/30] The wireless network similarly converts to a fiber connection for its connection into the Third Party Data Centers.

[30/31] Equipment for services Anova offers under its own name is not allowed on the data center pole.

[31/32] IDS does not sell rights to third parties to operate wireless equipment on the data center pole due to space limitations, security concerns, and the interference that would arise between equipment placed too closely together.

[32/33] *See* letter from Gregory Babyak, Global Head of Regulatory Affairs, Bloomberg L.P., to Ms. Vanessa Countryman, Secretary, Securities and Exchange Commission (''Commission''), dated June 12, 2020; letter from Stephen John Berger, Managing Director, Global Head of Government and Regulatory Policy, Citadel Securities, to Ms. Vanessa Countryman, Secretary, Commission, dated June 12, 2020; letter from Jim Considine, Chief Financial Officer, McKay Brothers LLC (''McKay Brothers''), to Ms. Vanessa Countryman, Secretary, Commission, dated June 12, 2020 (''McKay Letter''); and letter from Thomas M. Merritt, Deputy General Counsel, Virtu Financial, Inc. to Ms. Vanessa Countryman, Secretary, Commission, dated March 10, 2020.

[33/34] McKay Letter, *supra* note 32/33, at 9.

4. *The Exchange proposes to add new text after the carryover paragraph on pages 15 and 16 of the Filing (carryover paragraph on pages 41 and 42 of the Exhibit 1):*

The Exchange proposes to amend the Filing to include additional analysis on the competitive environment for wireless connections. Accordingly, the Exchange proposes to add a paragraph and accompanying footnotes (subsequent footnotes would be renumbered in a conforming change) after the carryover paragraph on pages 15 and 16 of the Filing (carryover paragraph on pages 41 and 42 of the Exhibit 1), as follows (all text is new):

Such competitors can offer wireless connectivity to Selected Market Data or other Exchange market data in the Third Party Data Centers by obtaining the market data at the Mahwah data center and sending it over their wireless network to the Third Party Data Centers.[37/38] The Exchange believes that its competitors' wireless connections provide connectivity at the same or similar speed as the Wireless Market Data Connections, and at the same or similar cost. Indeed, the McKay Letter acknowledges that McKay Brothers has the fastest wireless network.[38/39]

[37/38] A market participant in any of the Third Party Data Centers or the Mahwah data center also may create a proprietary wireless market data connection, connect through another market participant, or utilize fiber connections offered by the Exchange, ICE Affiliates, and other service providers and third party telecommunications providers.

[38/39] McKay Letter, *supra* note [32/33], at 4.

5. *The Exchange proposes to amend the Statutory Basis section of the Filing after the second full paragraph on page 18 of the Filing (third full paragraph on page 45 of the Exhibit 1):*

The Exchange proposes to include information in the Filing regarding why it believes the proposed new rule is reasonable. The Exchange proposes to amend the Statutory Basis section of the Filing to add new paragraphs and accompanying footnotes (subsequent footnotes would be renumbered in a conforming change) after the second full paragraph on page 18 of the Filing (third full paragraph on page 45 of the Exhibit 1), at the end of the section titled ''*The Proposed Change is Reasonable,*'' as follows (all text is new):

The Exchange believes that the proposed new Rule 3.14E would be reasonable as, pursuant to the rule, the networks for the Wireless Market Data Connections, and future wireless connections that use a Data Center Pole, would ''operat[e] in the same manner as competitors do today without a latency subsidy or other advantage provided by the Exchanges. . . .'' [43/44] Accordingly, the proposed new rule would promote just and equitable principles of trade and, in general, protect investors and the public

interest by ensuring that the subscribers to services using the IDS wireless network do not benefit from any physical proximity ''on the segment [of the network] closest to the Exchanges' data center that no competitor can replicate.'' [44/45] By ending both of the compared connections at the point inside the Data Center where Exchange market data is produced, the proposed rule would take distances within the Mahwah data center into account. [45/46] The proposed new rule would not apply differently to distinct types or sizes of market participants. The Exchange would be required to ensure that the length of the connection between (a) the base of the Data Center Pole and (b) the point inside the Data Center where Exchange market data is produced, would be no less than the length of the connection between (x) the base of the closest Commercial Pole and (y) the point inside the Data Center where Exchange market data is produced.

The Exchange believes that the proposed definition of ''Commercial Pole'' is reasonable and would promote just and equitable principles of trade because it would encompass any pole on which a third party locates its wireless equipment in order to offer wireless connectivity to customers. The Exchange believes that such third parties are the direct competitors for the Wireless Market Data Connections, as they also offer wireless connections to customers. If a third party used a pole for a proprietary wireless network and that pole does not have one or more third parties' wireless equipment used to offer wireless connectivity to other third parties, that pole would not fall within the scope of the definition of Commercial Pole.

The Exchange believes that the proposed definition of ''Data Center'' is reasonable and would promote just and equitable principles of trade because it would capture any data center to which the Exchange locates its matching engine.

The Exchange believes that the proposed definition of ''Data Center Pole'' is reasonable and would promote just and equitable principles of trade because it would encompass not just the current pole, but also any additional or successor pole on the grounds of the Data Center, so long as such pole could not be used by third parties other than third parties with which the Exchange or an ICE Affiliate had an agreement to provide services in the name of the Exchange or an ICE Affiliate, such as Anova.

The Exchange believes that the definition of ''ICE Affiliate'' is reasonable and would promote just and equitable principles of trade because the same definition is used in Rule 497-Equities (Affiliation between Exchange and a Member Organization),[46/47] and so using it would add transparency, clarity and internal consistency to Exchange rules.

[43/44] McKay Letter, *supra* note 32/33, at 7.

[44/45] *Id,* at note 33.

[45/46] Each of the Affiliate SROs is filing for a rule change that is substantially similar to the proposed Exchange rule. Assuming such filings are approved by the Commission, to the extent that the market data of an Affiliate SRO is produced separately from where the Exchange market data is produced, the wireless connection to that Affiliate SRO's market data would be captured by that Affiliate SRO's rule.

[46/47] The definition of ICE has been added to the text.

6. *The Exchange proposes to amend the Statutory Basis section of the Filing after the fifth full paragraph on page 19 of the Filing (carryover paragraph on pages 47 and 48 of the Exhibit 1):*

The Exchange proposes to include information in the Filing regarding why it believes the proposed new rule is not unfairly discriminatory. The Exchange proposes to amend the Statutory Basis section of the Filing to add new paragraphs and accompanying footnotes (subsequent footnotes would be renumbered in a conforming change) after the fifth full paragraph on page 19 of the Filing (carryover paragraph on pages 47 and 48 of the Exhibit 1), immediately prior to the last paragraph of the section titled ''*The Proposed Change is Not Unfairly Discriminatory,*'' as follows (all text is new):

The Exchange believes that the proposed new Rule 3.14E would not be unfairly discriminatory, as pursuant to the rule, the networks for the Wireless Market Data Connections, and future wireless connections that use the Data Center Pole, would ''operat[e] in the same manner as competitors do today without a latency subsidy or other advantage provided by the Exchanges. . . .'' [47/48] Accordingly, the proposed new rule would ensure that the IDS wireless network does not benefit from physical proximity ''on the segment [of the network] closest to the Exchanges' data center that no competitor can replicate.'' [48/49] By ending both of the compared connections at the point inside the Data Center where Exchange market data is produced, the proposed rule would take distances within the Mahwah data center into account.

The proposed new rule would not apply differently to distinct types or sizes of market participants. The Exchange would be required to ensure that the length of the connection between (a) the base of the Data Center Pole and (b) the point inside the Data Center where Exchange market data is produced, would be no less than the length of the connection between (x) the base of the closest Commercial Pole and (y) the point inside the Data Center where Exchange market data is produced.

The Exchange believes that the proposed definition of ''Commercial Pole'' would not be unfairly discriminatory because it would encompass any pole on which a third party locates its wireless equipment in order to offer wireless connectivity to customers. The Exchange believes that such third parties are the direct competitors for the Wireless Market Data Connections, as they also offer wireless connections to customers. If a third party used a pole for a proprietary wireless network and that pole does not have one or more third parties' wireless equipment used to offer wireless connectivity to other third parties, that pole would not fall within the scope of the definition of Commercial Pole.

The Exchange believes that the proposed definition of ''Data Center'' would not be unfairly discriminatory because it would capture any data center to which the Exchange locates its matching engine.

The Exchange believes that the proposed definition of ''Data Center Pole'' would not be unfairly discriminatory because it would encompass not just the current pole, but also any additional or successor pole on the grounds of the Data Center, so long as such pole could not be used by third parties other than third parties with which the Exchange or an ICE Affiliate had an agreement to provide services in the name of the Exchange or an ICE Affiliate, such as Anova.

The Exchange believes that the definition of ''ICE Affiliate'' would not be unfairly discriminatory because the same definition is used in Rule 497-Equities [49/50] and so using it would add transparency, clarity and internal consistency to Exchange rules.

[47/48] McKay Letter, *supra* note 32/33, at 7.

[48/49] *Id.,* at note 33.

[49/50] The definition of ICE has been added to the text.

7. *The Exchange proposes to amend the section of the Filing titled ''Self-Regulatory Organization's Statement on Burden on Competition'' in the following two ways:*

The Exchange proposes to include information in the Filing regarding why it believes the proposed new rule would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of Section 6(b)(8) of the Securities Exchange Act of 1934 (the ''Act'').[11] Accordingly, the Exchange proposes to amend the section of the Filing titled ''*Self-Regulatory Organization's Statement on Burden on Competition*'' in the following two ways.

First, to set the new text apart from the previous discussion regarding the burden on competition, the Exchange proposes to add the heading ''*Wireless Market Data Connectivity*'' immediately before the first full paragraph under the heading on page 20 of the Filing (page 48 of the Exhibit 1). The new heading would apply to the current text of the Filing.

Second, after the third full paragraph on page 22 of the Filing (first full paragraph on page 51 of the Exhibit 1), the Exchange proposes to add the heading ''*Proposed New Rule*'' and new paragraphs and accompanying footnotes (subsequent footnotes would be renumbered in a conforming change), as follows (all text is new):

Proposed New Rule

The Exchange does not believe that the proposed new rule would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of Section 6(b)(8) of the Act.[52/53]

[11] 15 U.S.C. 78f(b)(8).

With the exception of Anova, third parties do not have access to the data center pole. Under the proposed rule, the Exchange would always be obligated to ensure that the length of the connection between (a) the base of the Data Center Pole and (b) the point inside the Data Center where Exchange market data is produced, would be no less than the length of the connection between (x) the base of the closest Commercial Pole and (y) the point inside the Data Center where Exchange market data is produced.

IDS, not the Exchange, provides the Wireless Market Data Connections to market participants, and so it would be IDS that would have to slow its connection down as required by the rule. Accordingly, the Exchange believes that the only burden on competition of the proposed change would be on IDS.

Nonetheless, the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate because the proposed change would ensure that the IDS wireless network did not benefit from physical proximity ''on the segment [of the network] closest to the Exchanges' data center that no competitor can replicate.'' [53/54] The networks for the Wireless Market Data Connections, and future wireless connections that use the Data Center Pole, would ''operat[e] in the same manner as competitors do today without a latency subsidy or other advantage provided by the Exchanges. . . .'' [54/55]

The proposed rule would not otherwise put a burden on competition. As noted above, access to the data center pole is not required for third parties to establish wireless networks that can compete with the Wireless Market Data Connections to the Carteret and Secaucus Third Party Data Centers, as evidenced by the existing wireless connections offered by third party competitors.[55/56] Such competitors can offer wireless connectivity to Selected Market Data or other Exchange market data in the Third Party Data Centers by obtaining the market data at the Mahwah data center and sending it over their wireless network to the Third Party Data Centers.[56/57] Indeed, the Exchange believes that its competitors' wireless connections provide connectivity at the same or similar speed as the Wireless Market Data Connections, and at the same or similar cost. The McKay Letter acknowledges that McKay Brothers has the fastest wireless network.[57/58]

The Exchange notes that proximity to a data center is not the only determinant of a wireless network's latency. Rather, the latency of a wireless network depends on several factors. Variables include the wireless equipment utilized; the route of, and number of towers or buildings in, the network; and the fiber equipment used at either end of the connection. Moreover, latency is not the only consideration that a customer may have in selecting a wireless network to connect to for market data. Other considerations may include the amount of network uptime; the equipment that the network uses; the cost of the connection; and the applicable contractual provisions.

The proposed change does not affect competition among national securities exchanges or among members of the Exchange, but rather between IDS and its commercial competitors.

52/53 15 U.S.C. 78f(b)(8).

53/54 McKay Letter, *supra* note 32/33, at note 33.

54/55 *Id.,* at 7.

55/56 Based on the information available to it, the Exchange believes that a market participant in the Carteret or Secaucus Third Party Data Center may purchase a wireless connection to the NYSE and NYSE Arca Integrated Feed data feeds from at least two other providers of wireless connectivity.

56/57 A market participant in any of the Third Party Data Centers or the Mahwah data center also may create a proprietary wireless market data connection, connect through another market participant, or utilize fiber connections offered by the Exchange, ICE Affiliates, and other service providers and third party telecommunications providers.

57/58 *Id.,* at 4.

8. *The Exchange proposes to add a list under ''Exhibit 5—Text of the Proposed Rule Change'' on page 22 of the Filing:*

The Exchange proposes to add a new Exhibit 5B. Accordingly, the Exchange proposes to add a list under ''Exhibit 5—Text of Proposed Rule Change'' on page 22 of the Filing, as follows (new text italicized):

Exhibit 5—Text of the Proposed Rule Change

A. Text of the Proposed Schedule of Wireless Connectivity Fees and Charges

B. Text of the Proposed Rule

9. *The Exchange proposes to add new text to the first full paragraph of Section I on page 23 of the Exhibit 1:*

The Exchange proposes to add new text to the first full paragraph of Section I on page 23 of the Exhibit 1, as follows (new text italicized):

The Exchange proposes to add wireless connectivity services that transport the market data certain affiliates of the Exchange to the schedule of Wireless Connectivity Fees and Charge (the ''Wireless Fee Schedule'') *and add a new rule to place restrictions on the use of a pole on the grounds of the Mahwah, New Jersey data center that is used for such wireless connectivity services.* The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

10. *The Exchange proposes to amend ''Exhibit 5'' to ''Exhibit 5A'' on page 54 of the Exhibit 5:*

To reflect the addition of a new Exhibit 5B, the Exchange proposes to add ''A'' to ''EXHIBIT 5'' on page 54 of the Exhibit 5, to make it ''EXHIBIT 5A''.

* * * * *

All other representations in the Filing remain as stated therein and no other changes are being made.

III. Date of Effectiveness of the Proposed Rule Change As Modified By Partial Amendment No. 1 and Timing for Commission Action

Within 180 days after the date of publication of the initial Notice of Filing in the **Federal Register** or within such longer period up to an additional 60 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 issue an order approving or disapproving such proposed rule change, as amended.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended by Partial Amendment No. 1, is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEAMER–2020–10 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEAMER–2020–10. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the

filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEAMER–2020–10, and should be submitted on or before August 28, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–17249 Filed 8–6–20; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF STATE

[Public Notice:11174]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: ''Dora Maar'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the exhibition ''Dora Maar'' at The J. Paul Getty Museum at the Getty Center, Los Angeles, California, and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**. This notice supersedes the **Federal Register** notice that was published on March 5, 2020, on page 12957 (volume 85, number 44).

FOR FURTHER INFORMATION CONTACT: Chi D. Tran, Program Administrator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000.

Marie Therese Porter Royce,

Assistant Secretary, Educational and Cultural Affairs, Department of State.

[FR Doc. 2020–17290 Filed 8–6–20; 8:45 am]

BILLING CODE 4710–05–P

[12] 17 CFR 200.30–3(a)(12).

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36421]

Cathcart Rail, LLC—Continuance in Control Exemption—Belpre Industrial Parkersburg Railroad, LLC

Cathcart Rail, LLC (CRL), a noncarrier holding company, has filed a verified notice of exemption under 49 CFR 1180.2(d)(2) to continue in control of Belpre Industrial Parkersburg Railroad, LLC (BIP), upon BIP's becoming a Class III rail carrier.[1]

This transaction is related to a verified notice of exemption filed in Docket No. FD 36388, where the Board authorized BIP to lease and operate approximately 46.9 miles of rail lines (the Lines) and yard property owned by CSX Transportation, Inc. *See Belpre Indus. Parkersburg R.R.—Lease & Operation Exemption—CSX Transp., Inc.,* FD 36388 (STB served Apr. 3, 2020).[2]

The verified notice states that: (1) The Lines to be operated by BIP do not connect with those of BIR; (2) the transaction is not part of a series of anticipated transactions that would connect the Lines to any of the tracks of BIR; and (3) the transaction does not involve a Class I rail carrier. The proposed transaction is therefore exempt from the prior approval requirements of 49 U.S.C. 11323. *See* 49 CFR 1180.2(d)(2).

The earliest this transaction may be consummated is August 22,2020, the effective date of the exemption (30 days after the verified notice was filed).[3]

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. However, 49 U.S.C. 11326(c) does not provide for labor protection for transactions under 49 U.S.C. 11324 and 11325 that involve only Class III rail carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions to stay must be filed no later than August 14, 2020 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36421, must be filed with the Surface Transportation Board either via e-filing or in writing addressed to 395 E Street SW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on CRL's representative, David F. Rifkind, Stinson LLP, 1775 Pennsylvania Avenue NW, Suite 800, Washington, DC 20006.

According to the verified notice, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic preservation reporting requirements under 49 CFR 1105.8(b)(1).

Board decisions and notices are available at *www.stb.gov.*

Decided: August 3, 2020.

By the Board, Allison C. Davis, Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2020–17265 Filed 8–6–20; 8:45 am]

BILLING CODE 4915–01–P

[1] According to the verified notice, CRL currently controls Bucyrus Industrial Railroad, LLC (BIR). *See also Bucyrus Indus. R.R.—Operation Exemption—Bucyrus Railcar Repair, LLC,* FD 36329, slip op. at 1 n.1 (STB served July 25, 2019).

[2] CRL states that, due to an unintentional oversight, it failed to file this verified notice of exemption concurrently with the verified notice of exemption in Docket No. FD 36388.

[3] CRL requests that the exemption be effective retroactive to the date BIP's lease and operation exemption became effective in Docket No. FD 36388. However, the class exemption invoked by CRL does not provide for retroactive effectiveness.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket Number: FAA 2020–0752]

Service Difficulty Report; Agency Information Collection Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: 49 U.S.C. 44701/Service Difficulty Report

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

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA

invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The collection involves operators or repair stations report any malfunctions and defects to the Administrator. The information collected allows the FAA to evaluate its certification standards, maintenance programs, and regulatory requirements. It is also the basis for issuance of Airworthiness Directives designed to prevent unsafe conditions and accidents.

DATES: Written comments should be submitted by October 6, 2020.

ADDRESSES: Please send written comments:

By Electronic Docket: www.regulations.gov (Enter docket number into search field).

By mail: Federal Aviation Administration, Attn: Aviation Data Systems Branch, AFS–620 (SDRS/MorD), P.O. Box 25082, Oklahoma City, OK 73125–0082.

By fax: (405) 954–4655.

FOR FURTHER INFORMATION CONTACT: Graciela S. Robino by email at: *graciela.s.robino@faa.gov;* phone: (336) 369–3915.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA 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.

OMB Control Number: 2120–0663.

Title: Service Difficulty Report.

Form Numbers:
FAA Form 8070–1
FAA Form 8010–4

Type of Review: Renewal of an information collection.

Background: This collection affects certificate holders operating under 14 CFR part 121, 125, 135, and 145 who are required to report service difficulties and malfunction or defect reports. The data collected identifies mechanical failures, malfunctions, and defects that may be a hazard to the operation of an aircraft. The FAA uses this data to identify trends that may facilitate the early detection of airworthiness problems. When defects are reported which are likely to exist on other products of the same or similar design, the FAA may disseminate safety information to a particular section of the aviation community.

Respondents: Approximately 60,000 respondents.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 15 minutes.

Estimated Total Annual Burden: 15,000.

Issued in Greensboro, NC, on July 29, 2020.

Graciela S. Robino,

SDR Program Manager, Regulatory Support Division, Flight Standards Service, Office of Aviation Safety, AFS–620.

[FR Doc. 2020–17269 Filed 8–6–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Safety Oversight and Certification Advisory Committee; Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Safety Oversight and Certification Advisory Committee (SOCAC) meeting.

SUMMARY: This notice announces a meeting of the SOCAC.

DATES: The meeting will be held on September 16, 2020, from 1:00 p.m. to 4:00 p.m. Eastern Daylight Time.

Requests to attend the meeting must be received by August 30, 2020.

Requests for accommodations to a disability must be received by August 30, 2020.

Requests to submit written materials to be reviewed during the meeting must be received no later than August 30, 2020.

ADDRESSES: The meeting will be held virtually. Members of the public who wish to observe the meeting must RSVP by emailing *9-awa-arm-socac@faa.gov.* Information on the committee and copies of the meeting minutes will be available on the FAA Committee website at *https://www.faa.gov/regulations_policies/rulemaking/committees/documents/.*

FOR FURTHER INFORMATION CONTACT: Thuy H. Cooper, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, telephone (202) 267–4715; fax (202) 267–5075; email *9-awa-arm-socac@faa.gov.* Any committee related request should be sent to the person listed in this section.

SUPPLEMENTARY INFORMATION:

I. Background

The SOCAC was created under the Federal Advisory Committee Act (FACA), in accordance with the FAA Reauthorization Act of 2018, Public Law 115–254, to provide advice to the Secretary on policy-level issues facing the aviation community that are related to FAA safety oversight and certification programs and activities.

II. Agenda

At the meeting, the agenda will cover the following topics:

- Review and Acceptance of November 2019 Minutes
- Governance
- Aviation Rulemaking Committee Activities
- Certification Process Review Briefings

Additional information will be posted on the committee's website listed in the **ADDRESSES** section at least one week in advance of the meeting.

III. Public Participation

The meeting will be open to the public on a first-come, first served basis, as space is limited. Please confirm your attendance with the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Please provide the following information: full legal name, country of citizenship, and name of your industry association or applicable affiliation. Anyone that has registered to attend the meeting will be notified in a timely manner prior to the meeting.

The U.S. Department of Transportation is committed to providing equal access to this meeting for all participants. If you need alternative formats or services because of a disability, such as sign language, interpretation, or other ancillary aids, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

The FAA is not accepting oral presentations at this meeting due to time constraints. Any member of the public may present a written statement to the committee at any time by providing a copy to the Designated Federal Officer via the email listed in the **FOR FURTHER INFORMATION CONTACT** section.

Issued in Washington, DC, on August 3, 2020.

Brandon Roberts,

Executive Director, Office of Rulemaking.

[FR Doc. 2020–17237 Filed 8–6–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Buy America Waiver Notification

AGENCY: Federal Highway Administration (FHWA), Transportation (DOT).

ACTION: Notice.

SUMMARY: This notice provides information regarding FHWA's finding that it is appropriate to grant a Buy America waiver to the Alaska Department of Transportation and Public Facilities (Alaska DOT&PF) for procurement of foreign iron and steel components for the lift systems in the Gustavus Ferry Terminal improvement project in Gustavus, Alaska, specifically including wire rope assemblies.

DATES: The effective date of the waiver is August 10, 2020.

FOR FURTHER INFORMATION CONTACT: For questions about this notice, please contact Mr. Gerald Yakowenko, FHWA Office of Program Administration, (202) 366–1562, or via email at *Gerald.Yakowenko@dot.gov*. For legal questions, please contact Mr. Patrick C. Smith, FHWA Office of the Chief Counsel, 202–366–1345, or via email at *Patrick.C.Smith@dot.gov*. Office hours for FHWA are from 8:00 a.m. to 4:30 p.m., E.T., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this document may be downloaded from the **Federal Register**'s home page at: *http://www.archives.gov* and the Government Publishing Office's database at: *http://www.access.gpo.gov/nara.*

Background

FHWA's Buy America regulation in 23 CFR 635.410 requires a domestic manufacturing process for any steel or iron products (including protective coatings) that are permanently incorporated in a Federal-aid construction project. The regulation also provides for a waiver of the Buy America requirements when the application would be inconsistent with the public interest or when satisfactory quality domestic steel and iron products are not produced in the United States in sufficient and reasonably available quantities. This notice provides information regarding FHWA's finding that it is appropriate to grant Alaska DOT&PF a Buy America waiver for procurement of foreign iron and steel components for the lift systems in the Gustavus Ferry Terminal improvement project in Gustavus, Alaska, specifically including wire rope assemblies.

Background on the Gustavus Ferry Terminal: Gustavus is a town in Southeast Alaska with a population of approximately 554. It is located on the north shore of the Icy Strait, which separates Chichagof Island to the south and the Alaska mainland to the north. Although Gustavus is located on the mainland, it sits on a peninsula surrounded by the mountains and icefields of Glacier Bay National Park on three sides and the Icy Strait on the fourth. Given its location, Gustavus is not connected to any highway system and can only be reached by boat or plane. Thus, the Gustavus Ferry Terminal and Gustavus Airport provide the only access between Gustavus and elsewhere.

The Gustavus Ferry Terminal is a multiple-use facility that provides public transportation via the Alaska Marine Highway System (AMHS) ferry service plus freight and fuel transfer operations through private carriers. The terminal consists of an approach trestle, a movable transfer bridge, mooring and fendering structures, and a freight dock. The terminal improvements project will realign a portion of the approach leading to the transfer bridge and modify the bridge substructure by replacing the existing pontoon float with a hoist-operated lift system, for which the wire rope assembly is needed.

The AMHS ferries, which operate out of the Gustavus Ferry Terminal, provide a vital link for Gustavus residents and visitors to reach other Southeast Alaska communities. The AMHS ferries transport both passengers and vehicles and furnish access to healthcare, supplies, and vital services that are not available locally. In addition, passengers brought to Gustavus from the mainland support the town's tourism industry. Gustavus receives ferry service from Juneau, Alaska, two days per week most of the year. By ferry, Juneau is about four-and-a-half hours away from Gustavus.

Considering the lack of access to Gustavus by road or bridge, the AMHS system is the only reliable and affordable mode of transportation for many users. As the only available means for owner-occupied vehicles to access Gustavus, the AMHS system is more critical to the community than most Federal-aid-supported ferry systems. Although Gustavus may also be accessed by air, the AMHS system provides a less costly alternative that is essential to many of its users (including lower-income users who cannot afford alternative modes). It also provides transportation security on days when weather prevents travel by air.

Construction of the terminal improvements project at the Gustavus Ferry Terminal is currently underway. The community anticipates that AMHS ferry service will resume in the summer of 2020 following construction. The wire rope assembly that is the subject of this waiver request is critical to maintain the schedule of ongoing construction and restore AMHS ferry service to Gustavus. Delaying project completion will cause continued loss of AMHS ferry service to Gustavus and its residents.

Waiver Request and Supporting Information: The Alaska DOT&PF originally submitted a Buy America waiver request to FHWA for the wire rope assemblies and certain other parts, including hoists, sheaves, hanger rod clamps, and bridge control components, on February 2, 2017. Prior to submitting its waiver request, Alaska DOT&PF sought but failed to identify domestic manufacturers for these products.

In accordance with the Consolidated Appropriations Act of 2017 (Pub. L. 115–31), FHWA published a notice seeking comment on whether a waiver was appropriate on its website, *https://www.fhwa.dot.gov/construction/contracts/waivers.cfm?id=142,* on March 9, 2017. The FHWA received one comment in response to the publication. That comment did not offer any information on the availability of compliant products, nor did it suggest specific, additional actions that Alaska DOT&PF could take to maximize its use of goods, products, and materials produced in the United States. Thus, Alaska DOT&PF did not receive any new information indicating that the subject parts could be produced by domestic manufacturers.

Following publication of the notice, the President issued Executive Order 13788 on April 18, 2017. Consistent with Executive Order 13788, FHWA evaluated Alaska DOT&PF's request to determine whether it had sought to maximize the use of goods, products, and materials produced in the U.S. on the project.

Over the next three years, Alaska DOT&PF successfully found Buy America compliant parts or alternatives for most of the other items in its original request. Although Alaska DOT&POF initially believed it also found domestic alternatives for the wire rope assemblies, it learned in early 2020 that the alternatives it previously identified were not suitable for use. To establish that Alaska DOT&PF made adequate efforts to find domestic alternatives or maximize domestic content for the wire

rope assemblies, Alaska DOT&PF responded to several iterations of follow-up questions from FHWA explaining and providing documentation of Alaska DOT&PF's efforts.

Although Alaska DOT&PF did not identify compliant wire rope assemblies, it provided information to FHWA supporting its waiver request, including:

- Information describing the domestic content characteristics of the manufactured products needed, including the sources and assembly locations of those products;
- Information supporting the technical necessity of these specific products for the project's hoist-operated lift system and demonstrating that alternative designs were infeasible;
- Information documenting efforts to locate compliant manufactured products, including correspondence with potential domestic manufacturers;
- Information documenting efforts to maximize domestic content even if full compliance was not possible, including efforts to have foreign manufacturers incorporate domestic steel; and
- Information describing the effects of denying the request.

The following sections summarize relevant information from Alaska DOT&PF.

Alaska DOT&PF's Efforts to Identify Compliant Products and Maximize Domestic Content. After first requesting the waiver, Alaska DOT&PF initially believed it found a domestic supplier for the wire rope assemblies in August 2017. Pearlson Shiplift Corporation, the manufacturer of the hoists for the terminal's lift system, notified Alaska DOT&PF that it could supply compliant wire rope assemblies, which Alaska believed eliminated the need for a waiver for this part. Thus, the State let the contract believing that a domestic source for the rope was available. In May 2019, the terminal improvements project was awarded to Western Marine Construction for $9,053,100 with the completion date set for July 1, 2020.

In January 2020, after assessing the strength demand for the higher capacity hoists [1] used in the project, Pearlson Shiplift Corporation notified Alaska DOT&PF that it was unable to provide Buy America compliant wire rope assemblies. Pearlson determined that only foreign-sourced assemblies were adequate. In response, the project's contractor, Western Marine Construction, proposed to use Buy-America-compliant wire rope assemblies that had been salvaged from a previous ferry terminal project. However, in February 2020, Western Marine Construction's salvaged wire rope failed quality assurance testing and, because the strength of the salvaged wire rope was inadequate, Pearlson Shiplift Corporation would not permit its use. Pearlson Shiplift Corporation was unable to furnish Buy-America-compliant wire rope assemblies and, in March 2020, provided foreign-sourced assemblies to the contractor instead. The foreign-sourced wire rope assemblies cost approximately $14,000.

In April 2020, Pearlson Shiplift Corporation again confirmed to Alaska DOT&PF that Buy-America-compliant wire rope assemblies are not available meeting the needed specifications for the higher capacity hoists being used on the project. The compliant ropes that are available are not suitable and will not serve the functions required for the hoists.

The wire rope assemblies needed for the project must provide superior strength, corrosion resistance, and durability. More specifically, they must have properties including: (i) Very high tensile strength and compactness, providing a 7-to-1 factor of safety, larger than the 5-to-1 factor commonly used for rigging; (ii) great corrosion resistance to withstand the corrosive seawater environment, which is provided by galvanizing each wire before weaving them into strands; and (iii) more flexibility and fatigue resistance or durability than standard ropes. Pearlson Shiplift Corporation will permit only ropes meeting these specifications to be used with its hoist systems. Pearlson Shiplift Corporation has developed a specialized rope meeting these specifications in partnership with Bridon-Bekaert-UK. Pearlson reports that, although it believes that shiplift wire rope assemblies were produced by manufacturers in the United States approximately 15 years ago, ropes meeting its specialized requirements are now produced exclusively at Bridon-Bekaert's facility in England. Alaska DOT&PF provided documentation of correspondence with domestic manufacturers supporting Pearlson's statements.

Although ultimately unsuccessful, Alaska DOT&PF made substantial efforts to find suitable Buy America compliant wire rope assemblies. In addition to the efforts described above, Alaska DOT&PF also contacted another domestic manufacturer of shiplift hoists and major domestic suppliers of wire ropes. Because shiplift hoists are specialized systems, Alaska DOT&PF was able to locate only one other domestic manufacturer, Worthington Industries, in Cleveland, Ohio. When contacted, Worthington Industries reported it does not have a domestic supplier of the wire rope assemblies. It uses the same foreign vendor as Pearlson Shiplift Corporation, Bridon-Bekaert-UK.

Bridon-Bekaert USA (BBRG) and WireCo WorldGroup are the major domestic suppliers of wire ropes. They both reported to Alaska DOT&PF that they do not have the capacity in the United States to produce a Buy-America-compliant wire rope to meet or exceed the Pearlson design specifications.

The BBRG reported to Alaska DOT&PF that it does not have the capability to draw galvanized wire at its domestic facility, which is a requirement of the specifications. For BBRG to produce a Buy-America-compliant wire rope meeting the specifications, it would need to source the galvanized wires from others. Domestic demand for galvanized wire ropes of this type is low, leaving few options that are compliant. Moreover, a finished wire rope is composed of multiple wire diameters and tensile grades. Not all the wires required to make the finished rope are available domestically. The very low demand for shiplift ropes and domestic non-availability of certain required wires precludes any possibility of sourcing a potential ''special run'' at this time.

WireCo WorldGroup reported that it cannot achieve the strength requirements using standard steel wire produced domestically. The project would require a specialty drawing rod from a domestic supplier. This would take a significant amount of time and is not achievable without causing significant project delay.

Timing and Need for a Waiver. Given the developments between January and March 2020 discussed above, Alaska DOT&PF maintains that approval of a Buy America waiver for the wire rope assemblies is now critical to maintain the schedule of ongoing construction and restore AMHS ferry service to Gustavus. Alaska DOT&PF believes it has exhausted its options for domestic alternatives and has returned to its original waiver request to procure foreign-sourced components provided by Pearlson. The request has become urgent due to the construction schedule and the developments described in the preceding paragraphs. Delaying project completion will cause continued loss of AMHS ferry service to and from Gustavus.

[1] In January 2019, Alaska DOT&PF determined that the State-furnished hoists were structurally inadequate for the project. Accordingly, Pearlson Shiplift Corporation provided hoists meeting the higher load capacity requirements.

The impacts of loss of AMHS ferry service to Gustavus during the summer months would be significant. The economy in Gustavus relies heavily on summer tourism. Because of the large number of tourists who arrive by boat or plane in the area, Gustavus is considered the gateway to Glacier Bay National Park. Between 3,000 and 4,000 passengers visit Gustavus by ferry annually, with about half of that traffic in just three months between June and August. All of this traffic goes through the Gustavus Ferry Terminal. Thus, ongoing loss of AMHS ferry service to Gustavus during the summer months would have a devastating impact on the economy of the town.

Lack of ferry service also increases costs and economic stress related to supply deliveries, especially on small businesses. Although landing craft and fishing vessels may be used for freight deliveries while ferry service is suspended, many of the small businesses in Gustavus ordinarily rely heavily on the AMHS ferry service to obtain supplies. For example, small business owners often travel by ferry in their vehicles to Juneau, load their vehicles with needed supplies, and subsequently return to Gustavus by ferry. For these reasons, timely restoration of the ferry service to Gustavus is an economic necessity for the town.

Finding and Request for Comments

Based on all the information available to the Agency, FHWA concludes that there are no domestic manufacturers of the wire rope assemblies needed for the lift systems in the Gustavus Ferry Terminal Improvement project. This finding is only for the procurement of non-domestic iron and steel components for procurement of the wire rope assemblies for the project. This finding does not apply to other parts in the original waiver request, including hoists, sheave assemblies, hanger rod clamps, and bridge control components.

Alaska DOT&PF and its contractors and subcontractors involved in the procurement of the wire rope assemblies are reminded of the need to comply with the Cargo Preference Act in 46 CFR part 38, if applicable.

In accordance with the provisions of Section 117 of the SAFETEA–LU Technical Corrections Act of 2008 (Pub. L. 110–244, 122 Stat. 1572), FHWA is providing this notice as its finding that a waiver of Buy America requirements is appropriate. The FHWA invites public comment on this finding for an additional 5 days following the effective date of the finding. Comments may be submitted to FHWA's website via the link provided to the waiver page noted above.

Authority: 23 U.S.C. 313; Pub. L. 110–161; 23 CFR 635.410.

Nicole R. Nason,

Administrator, Federal Highway Administration.

[FR Doc. 2020–17220 Filed 8–6–20; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2013–0445; FMCSA–2018–0052]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for three individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates provided below.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov/docket?D=FMCSA-2013-0445* or *http://www.regulations.gov/docket?D=FMCSA-2018-0052* and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting the Docket Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Docket Operations.

B. Privacy Act

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 *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.transportation.gov/privacy.*

II. Background

On June 5, 2020, FMCSA published a notice announcing its decision to renew exemptions for three individuals from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8) to operate a CMV in interstate commerce and requested comments from the public (85 FR 34715). The public comment period ended on July 6, 2020, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with § 391.41(b)(8).

The physical qualification standard for drivers regarding epilepsy found in § 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria [1] to assist medical examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce.

[1] These criteria may be found in APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. *Epilepsy:* § 391.41(b)(8), paragraphs 3, 4, and 5, which is available on the internet at *https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf.*

III. Discussion of Comments

FMCSA received no comments in this preceding.

IV. Conclusion

Based on its evaluation of the three renewal exemption applications, FMCSA announces its decision to exempt the following drivers from the epilepsy and seizure disorders prohibition in § 391.41(b)(8).

In accordance with 49 U.S.C. 31136(e) and 31315(b), the following groups of drivers received renewed exemptions in the month of July and are discussed below. As of July 1, 2020, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following two individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers (85 FR 34715):

Jesse Hansen (MN) and Nicholas Ramirez (AL).

The drivers were included in docket number FMCSA–2018–0052. Their exemptions are applicable as of July 1, 2020, and will expire on July 1, 2022.

As of July 14, 2020, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following individual has satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers:

Ronald Blount (GA).

The driver was included in docket number FMCSA–2013–0445. His exemption is applicable as of July 14, 2020, and will expire on July 14, 2022.

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2020–17284 Filed 8–6–20; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2020–0008]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt five individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. They are unable to meet the vision requirement in one eye for various reasons. The exemptions enable these individuals to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

DATES: The exemptions were applicable on June 30, 2020. The exemptions expire on June 30, 2022.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov/docket?D=FMCSA-2020-0008* and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting the Docket Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Docket Operations.

B. Privacy Act

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 *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.transportation.gov/privacy.*

II. Background

On May 29, 2020, FMCSA published a notice announcing receipt of applications from five individuals requesting an exemption from vision requirement in 49 CFR 391.41(b)(10) and requested comments from the public (85 FR 32438). The public comment period ended on June 29, 2020, and one comment was received.

FMCSA has evaluated the eligibility of these applicants and determined that granting the exemptions to these individuals would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with § 391.41(b)(10).

The physical qualification standard for drivers regarding vision found in § 391.41(b)(10) states that a person is physically qualified to drive a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

III. Discussion of Comments

FMCSA received one comment in this proceeding. Kyle Hoadley submitted a comment in support of the Agency's decision to grant the exemptions.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statute also allows the Agency to renew exemptions at the end of the 5-year period. FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

The Agency's decision regarding these exemption applications is based on medical reports about the applicants' vision, as well as their driving records and experience driving with the vision

deficiency. The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the May 29, 2020, **Federal Register** notice (85 FR 32438) and will not be repeated here.

FMCSA recognizes that some drivers do not meet the vision requirement but have adapted their driving to accommodate their limitation and demonstrated their ability to drive safely. The five exemption applicants listed in this notice are in this category. They are unable to meet the vision requirement in one eye for various reasons, including amblyopia, coloboma, complete loss of vision, and retinal detachment. In most cases, their eye conditions did not develop recently. Two of the applicants were either born with their vision impairments or have had them since childhood. The three individuals that developed their vision conditions as adults have had them for a range of 5 to 9 years. Although each applicant has one eye that does not meet the vision requirement in § 391.41(b)(10), each has at least 20/40 corrected vision in the other eye, and, in a doctor's opinion, has sufficient vision to perform all the tasks necessary to operate a CMV.

Doctors' opinions are supported by the applicants' possession of a valid license to operate a CMV. By meeting State licensing requirements, the applicants demonstrated their ability to operate a CMV with their limited vision in intrastate commerce, even though their vision disqualified them from driving in interstate commerce. We believe that the applicants' intrastate driving experience and history provide an adequate basis for predicting their ability to drive safely in interstate commerce. Intrastate driving, like interstate operations, involves substantial driving on highways on the interstate system and on other roads built to interstate standards. Moreover, driving in congested urban areas exposes the driver to more pedestrian and vehicular traffic than exists on interstate highways. Faster reaction to traffic and traffic signals is generally required because distances between them are more compact. These conditions tax visual capacity and driver response just as intensely as interstate driving conditions.

The applicants in this notice have driven CMVs with their limited vision in careers ranging for 10 to 24 years. In the past 3 years, no drivers were involved in crashes, and no drivers were convicted of moving violations in CMVs. All the applicants achieved a record of safety while driving with their vision impairment that demonstrates the likelihood that they have adapted their driving skills to accommodate their condition. As the applicants' ample driving histories with their vision deficiencies are good predictors of future performance, FMCSA concludes their ability to drive safely can be projected into the future.

Consequently, FMCSA finds that in each case exempting these applicants from the vision requirement in § 391.41(b)(10) is likely to achieve a level of safety equal to that existing without the exemption.

V. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and includes the following: (1) Each driver must be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in § 391.41(b)(10) and (b) by a certified medical examiner (ME) who attests that the individual is otherwise physically qualified under § 391.41; (2) each driver must provide a copy of the ophthalmologist's or optometrist's report to the ME at the time of the annual medical examination; and (3) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VII. Conclusion

Based upon its evaluation of the five exemption applications, FMCSA exempts the following drivers from the vision requirement, § 391.41(b)(10), subject to the requirements cited above:

Thomas M. Bakeberg (SD)
Jacob T. Johnson (IA)
Michael E. McClain, Jr. (PA)
Corey A. Rand (NH)
Paul L. Simmons (NC)

In accordance with 49 U.S.C. 31136(e) and 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) the person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

Larry W. Minor,
Associate Administrator for Policy.

[FR Doc. 2020–17280 Filed 8–6–20; 8:45 am]
BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2020–0049]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from five individuals for an exemption from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to control a commercial motor vehicle (CMV) to drive in interstate commerce. If granted, the exemptions would enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs in interstate commerce.

DATES: Comments must be received on or before September 8, 2020.

ADDRESSES: You may submit comments identified by the Federal Docket Management System (FDMS) Docket No. FMCSA–2020–0049 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/docket?D=FMCSA-2020-0049.* Follow the online instructions for submitting comments.
- *Mail:* Docket Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.
- *Fax:* (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the

''Public Participation'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA–2020–0049), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov/docket?D=FMCSA-2020-0049.* Click on the ''Comment Now!'' button and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period.

B. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov/docket?D=FMCSA-2020-0049* and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting the Docket Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Docket Operations.

C. Privacy Act

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 *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.transportation.gov/privacy.*

II. Background

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statute also allows the Agency to renew exemptions at the end of the 5-year period. FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

The five individuals listed in this notice have requested an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

The physical qualification standard for drivers regarding epilepsy found in § 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria [1] to assist medical examiners (MEs) in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce.

The criteria states that if an individual has had a sudden episode of a non-epileptic seizure or loss of consciousness of unknown cause that did not require anti-seizure medication, the decision whether that person's condition is likely to cause the loss of consciousness or loss of ability to control a CMV should be made on an individual basis by the ME in consultation with the treating physician. Before certification is considered, it is suggested that a 6-month waiting period elapse from the time of the episode. Following the waiting period, it is suggested that the individual have a complete neurological examination. If the results of the examination are negative and anti-seizure medication is not required, then the driver may be qualified.

In those individual cases where a driver has had a seizure or an episode of loss of consciousness that resulted from a known medical condition (*e.g.,* drug reaction, high temperature, acute infectious disease, dehydration, or acute metabolic disturbance), certification should be deferred until the driver has recovered fully from that condition, has no existing residual complications, and is not taking anti-seizure medication.

Drivers who have a history of epilepsy/seizures, off anti-seizure medication and seizure-free for 10 years, may be qualified to operate a CMV in interstate commerce. Interstate drivers with a history of a single unprovoked seizure may be qualified to drive a CMV in interstate commerce if seizure-free and off anti-seizure medication for a 5-year period or more.

As a result of MEs misinterpreting advisory criteria as regulation, numerous drivers have been prohibited from operating a CMV in interstate commerce based on the fact that they have had one or more seizures and are taking anti-seizure medication, rather than an individual analysis of their circumstances by a qualified ME based on the physical qualification standards and medical best practices.

On January 15, 2013, FMCSA announced in a Notice of Final Disposition titled, ''Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders,'' (78 FR 3069), its decision to grant requests from 22 individuals for exemptions from the regulatory requirement that interstate CMV drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' Since that time, the Agency has

[1] These criteria may be found in APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. *Epilepsy:* § 391.41(b)(8), paragraphs 3, 4, and 5, which is available on the internet at *https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf.*

published additional notices granting requests from individuals for exemptions from the regulatory requirement regarding epilepsy found in § 391.41(b)(8).

To be considered for an exemption from the epilepsy and seizure disorders prohibition in § 391.41(b)(8), applicants must meet the criteria in the 2007 recommendations of the Agency's Medical Expert Panel (78 FR 3069).

III. Qualifications of Applicants

Diego Dasilva

Mr. Dasilva is a 28-year-old class D license holder in Massachusetts. He has a history of seizure disorder, and has been seizure free since 2011. He takes anti-seizure medication with the dosage and frequency remaining the same since August 2011. His physician states that he is supportive of Mr. Dasilva receiving an exemption.

Brian Duncan

Mr. Duncan is a 38-year-old class D license holder in Illinois. He has a history of seizures and has been seizure free since 1997. He takes anti-seizure medication with the dosage and frequency remaining the same since 1997. His physician states that he is supportive of Mr. Duncan receiving an exemption.

Clint Honea

Mr. Honea is a 46-year-old class D license holder in Alabama. He has a history of epilepsy and has been seizure free since 1985. He has not taken anti-seizure medication since 1987. His physician states that he is supportive of Mr. Honea receiving an exemption.

Daryl James

Mr. James is a 45-year-old class D license holder in New York State. He has a history of seizures and has been seizure free since 2005. He has not taken anti-seizure medication since 2005. His physician states that he is supportive of Mr. James receiving an exemption.

Michael Shorty

Mr. Shorty is a 33-year-old class D license holder in New Mexico. He has a history of an unprovoked seizure and has been seizure free since 2009. He has not taken anti-seizure medication since 2010. His physician states that she is supportive of Mr. Shorty receiving an exemption.

IV. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315(b), FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated under the **DATES** section of the notice.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2020–17283 Filed 8–6–20; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2020–0026]

Qualification of Drivers; Exemption Applications; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from 11 individuals for an exemption from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. If granted, the exemptions would enable these hard of hearing and deaf individuals to operate CMVs in interstate commerce.

DATES: Comments must be received on or before September 8, 2020.

ADDRESSES: You may submit comments identified by the Federal Docket Management System (FDMS) Docket No. FMCSA–2020–0026 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/docket?D=FMCSA-2020-0026.* Follow the online instructions for submitting comments.
- *Mail:* Docket Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.
- *Fax:* (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the ''Public Participation'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA–2020–0026), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov/docket?D=FMCSA-2020-0026.* Click on the ''Comment Now!'' button and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period.

B. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov/docket?D=FMCSA-2020-0026* and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting the Docket Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Docket Operations.

C. Privacy Act

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 *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.transportation.gov/privacy.*

II. Background

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statute also allows the Agency to renew exemptions at the end of the 5-year period. FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

The 11 individuals listed in this notice have requested an exemption from the hearing requirement in 49 CFR 391.41(b)(11). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

The physical qualification standard for drivers regarding hearing found in § 391.41(b)(11) states that a person is physically qualified to drive a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5—1951.

This standard was adopted in 1970 and was revised in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, 35 FR 6458, 6463 (April 22, 1970) and 36 FR 12857 (July 3, 1971).

On February 1, 2013, FMCSA announced in a Notice of Final Disposition titled, ''Qualification of Drivers; Application for Exemptions; National Association of the Deaf,'' (78 FR 7479), its decision to grant requests from 40 individuals for exemptions from the Agency's physical qualification standard concerning hearing for interstate CMV drivers. Since that time the Agency has published additional notices granting requests from hard of hearing and deaf individuals for exemptions from the Agency's physical qualification standard concerning hearing for interstate CMV drivers.

III. Qualifications of Applicants

Ymarc Anthony Ancheta

Mr. Ancheta, 25, holds a class D license in Connecticut.

Victor Contreras

Mr. Contreras, 37, holds a class D license in Illinois.

Chauncey Crawford

Mr. Crawford, 38, holds a class A license in Ohio.

Jonathan Kelly

Mr. Kelly, 37, holds a class C license in Texas.

Robert King

Mr. King, 44, holds a class CA CDL in Michigan.

Steven Levine

Mr. Levine, 44, holds a D license in Minnesota.

Eddie Martinez

Mr. Martinez, 45, holds a class C license in Texas.

Willie Miller

Mr. Miller, 43, holds a class A CDL in Iowa.

John Racine

Mr. Racine, 55, holds a class C license in North Carolina.

Mark Slieter

Mr. Slieter, 71, holds a class A license in Kansas.

Keith Soch

Mr. Soch, 54, holds a class C license in Texas.

IV. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315(b), FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated under the **DATES** section of the notice.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2020–17279 Filed 8–6–20; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2020–0010]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of denials.

SUMMARY: FMCSA announces its decision to deny applications from 35 individuals who requested an exemption from the vision standard in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a CMV in interstate commerce.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing materials in the docket, contact Docket Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov/docket?D=FMCSA-2020-0010* and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting the Docket Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Docket Operations.

B. Privacy Act

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 *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.transportation.gov/privacy.*

II. Background

FMCSA received applications from 35 individuals who requested an exemption from the vision standard in the FMCSRs.

FMCSA has evaluated the eligibility of these applicants and concluded that granting these exemptions would not provide a level of safety that would be equivalent to, or greater than, the level of safety that would be obtained by complying with § 391.41(b)(10).

III. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. FMCSA grants exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

The Agency's decision regarding these exemption applications is based on medical reports about the applicants' vision, as well as their driving records and experience driving with the vision deficiency.

IV. Conclusion

The Agency has determined that these applicants do not satisfy the eligibility criteria or meet the terms and conditions of the Federal exemption and granting these exemptions would not provide a level of safety that would be equivalent to, or greater than, the level of safety that would be obtained by complying with § 391.41(b)(10). Therefore, the 35 applicants in this notice have been denied exemptions from the physical qualification standards in § 391.41(b)(10).

Each applicant has, prior to this notice, received a letter of final disposition regarding his/her exemption request. Those decision letters fully outlined the basis for the denial and constitute final action by the Agency. This notice summarizes the Agency's recent denials as required under 49 U.S.C. 31315(b)(4) by periodically publishing names and reasons for denial.

The following 23 applicants had no experience operating a CMV:

Asa A. Ames (ID)
Brooks A. Browder (TN)
Victoria A. Chappell (GA)
Charles P. Donovan (IN)
Marc S. Fadding (MA)
Timothy W. Finley (NE)
Leslie T. Howell (MO)
Faizul A. Jumarally (DE)
Jerome W. Koon (ND)
Alexander M. Lopez (Al)
Christopher R. Manoff (OR)
Robin L. Merica (MD)
Richard R. Moreira Aguilar (NJ)
Kevin J. Murray (NH)
Alexander D. Olson (MN)
Mahindra S. Ramnarine (PA)
Laurie A. Rossi (MD)
Anthony J. Sikora (IL)
Shaun C. Sundstrom (NJ)
Joy Tobias (NC)
Kayvan Varyani (NM)
Ronal V. Warsinger (CA)
Scot J. Yacino (MA)

The following four applicants did not have 3 years of experience driving a CMV on public highways with their vision deficiencies:

Larry M. Christiansen (IN)
Abanobb S. Gadelkarim (TX)
Jimmy J. Holcombe (AZ)
Scot J. Schwartz (KS)

The following applicant did not have 3 years of recent experience driving a CMV on public highways with the vision deficiency:

Bruce P. Friedland (MD)

The following applicant did not have an optometrist or ophthalmologist willing to make a statement that they are able to operate a commercial vehicle from a vision standpoint:

Robert D. Tagaloni (WY)

The following three applicants were denied for multiple reasons:

John F. Finn (MO); Thomas M. Henry (MD); and James M. Hughes (IL)

The following three applicants drove interstate while restricted to intrastate driving:

Robert C. Hill (OH); Robert L. King (AR); and Martin Rosado (CA)

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2020–17285 Filed 8–6–20; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2020–0047]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 10 individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on July 21, 2020. The exemptions expire on June 21, 2022.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov/docket?D=FMCSA-2020-0047* and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting the Docket Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Docket Operations.

B. Privacy Act

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 *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

II. Background

On May 19, 2020, FMCSA published a notice announcing receipt of applications from 10 individuals requesting an exemption from the epilepsy and seizure disorders

prohibition in 49 CFR 391.41(b)(8) and requested comments from the public (85 FR 30007). The public comment period ended on June 18, 2020, and one comment was received.

FMCSA has evaluated the eligibility of these applicants and determined that granting exemptions to these individuals would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with § 391.41(b)(8).

The physical qualification standard for drivers regarding epilepsy found in § 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria [1] to assist medical examiners (MEs) in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce.

III. Discussion of Comments

FMCSA received one comment in this proceeding from the Minnesota State Driver's Licensing Agency stating they have no objections to FMCSA issuing an exemption to Mr. Sonny Chase.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statute also allows the Agency to renew exemptions at the end of the 5-year period. FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

The Agency's decision regarding these exemption applications is based on the 2007 recommendations of the Agency's Medical Expert Panel. The Agency conducted an individualized assessment of each applicant's medical information, including the root cause of the respective seizure(s) and medical information about the applicant's seizure history, the length of time that has elapsed since the individual's last seizure, the stability of each individual's treatment regimen and the duration of time on or off of anti-seizure medication. In addition, the Agency reviewed the treating clinician's medical opinion related to the ability of the driver to safely operate a CMV with a history of seizure and each applicant's driving record found in the Commercial Driver's License Information System for commercial driver's license (CDL) holders, and interstate and intrastate inspections recorded in the Motor Carrier Management Information System. For non-CDL holders, the Agency reviewed the driving records from the State Driver's Licensing Agency (SDLA). A summary of each applicant's seizure history was discussed in the May 19, 2020, **Federal Register** notice (85 FR 30007) and will not be repeated in this notice.

These 10 applicants have been seizure-free over a range of 8 to 29 years while taking anti-seizure medication and maintained a stable medication treatment regimen for the last 2 years. In each case, the applicant's treating physician verified his or her seizure history and supports the ability to drive commercially.

The Agency acknowledges the potential consequences of a driver experiencing a seizure while operating a CMV. However, the Agency believes the drivers granted this exemption have demonstrated that they are unlikely to have a seizure and their medical condition does not pose a risk to public safety.

Consequently, FMCSA finds that in each case exempting these applicants from the epilepsy and seizure disorder prohibition in § 391.41(b)(8) is likely to achieve a level of safety equal to that existing without the exemption.

V. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and includes the following: (1) Each driver must remain seizure-free and maintain a stable treatment during the 2-year exemption period; (2) each driver must submit annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free; (3) each driver must undergo an annual medical examination by a certified ME, as defined by § 390.5; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy of his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VII. Conclusion

Based upon its evaluation of the 10 exemption applications, FMCSA exempts the following drivers from the epilepsy and seizure disorder prohibition, § 391.41(b)(8), subject to the requirements cited above:

Joseph Bellamy (MD)

Brian Bommer (OH)

Allen Bradley (AL)

Sonny Chase (MN)

Stephen Claphan (MI)

Robert King (NH)

Jason Miller (NE)

Michael Morris (OR)

Daryl Schuetz (CO)

Thomas Smutnik (PA)

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2020–17281 Filed 8–6–20; 8:45 am]

BILLING CODE 4910–EX–P

[1] These criteria may be found in APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. Epilepsy: § 391.41(b)(8), paragraphs 3, 4, and 5, which is available on the internet at *https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf.*

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–1999–6156; FMCSA–1999–6480; FMCSA–2004–17195; FMCSA–2005–22194; FMCSA–2006–23773; FMCSA–2006–24015; FMCSA–2006–24783; FMCSA–2007–0071; FMCSA–2007–27897; FMCSA–2008–0021; FMCSA–2009–0011; FMCSA–2010–0050; FMCSA–2010–0082; FMCSA–2011–0366; FMCSA–2011–0379; FMCSA–2012–0104; FMCSA–2012–0106; FMCSA–2013–0029; FMCSA–2013–0165; FMCSA–2013–0166; FMCSA–2013–0167; FMCSA–2013–0169; FMCSA–2013–0174; FMCSA–2014–0002; FMCSA–2014–0003; FMCSA–2014–0004; FMCSA–2014–0005; FMCSA–2014–0006; FMCSA–2015–0056; FMCSA–2015–0347; FMCSA–2015–0348; FMCSA–2015–0351; FMCSA–2016–0024; FMCSA–2016–0028; FMCSA–2016–0029; FMCSA–2017–0017; FMCSA–2017–0024; FMCSA–2018–0012]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 72 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates provided below.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov.* Insert the docket number, FMCSA–1999–6156; FMCSA–1999–6480; FMCSA–2004–17195; FMCSA–2005–22194; FMCSA–2006–23773; FMCSA–2006–24015; FMCSA–2006–24783; FMCSA–2007–0071; FMCSA–2007–27897; FMCSA–2008–0021; FMCSA–2009–0011; FMCSA–2010–0050; FMCSA–2010–0082; FMCSA–2011–0366; FMCSA–2011–0379; FMCSA–2012–0104; FMCSA–2012–0106; FMCSA–2013–0029; FMCSA–2013–0165; FMCSA–2013–0166; FMCSA–2013–0167; FMCSA–2013–0169; FMCSA–2013–0174; FMCSA–2014–0002; FMCSA–2014–0003; FMCSA–2014–0004; FMCSA–2014–0005; FMCSA–2014–0006; FMCSA–2015–0056; FMCSA–2015–0347; FMCSA–2015–0348; FMCSA–2015–0351; FMCSA–2016–0024; FMCSA–2016–0028; FMCSA–2016–0029; FMCSA–2017–0017; FMCSA–2017–0024; FMCSA–2018–0012, in the keyword box, and click ''Search.'' Next, click the ''Open Docket Folder'' button and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting the Docket Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays.

B. Privacy Act

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 *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.transportation.gov/privacy.*

II. Background

On June 5, 2020, FMCSA published a notice announcing its decision to renew exemptions for 72 individuals from the vision requirement in 49 CFR 391.41(b)(10) to operate a CMV in interstate commerce and requested comments from the public (85 FR 34719). The public comment period ended on July 6, 2020, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with the current regulation § 391.41(b)(10).

The physical qualification standard for drivers regarding vision found in § 391.41(b)(10) states that a person is physically qualified to drive a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Conclusion

Based on its evaluation of the 72 renewal exemption applications and comments received, FMCSA confirms its decision to exempt the following drivers from the vision requirement in § 391.41(b)(10).

As of July 8, 2020, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 46 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (64 FR 68195; 65 FR 20251; 67 FR 38311; 69 FR 17263; 69 FR 26921; 69 FR 31447; 70 FR 57353; 70 FR 72689; 71 FR 6826; 71 FR 14566; 71 FR 19602; 71 FR 27033; 71 FR 30227; 72 FR 39879; 72 FR 52419; 73 FR 6242; 73 FR 11989; 73 FR 15567; 73 FR 16950; 73 FR 27014; 73 FR 27015; 73 FR 28186; 74 FR 41971; 75 FR 9477; 75 FR 9480; 75 FR 13653; 75 FR 14656; 75 FR 19674; 75 FR 22176; 75 FR 27622; 75 FR 27623; 75 FR 28682; 76 FR 54530; 77 FR 5874; 77 FR 13689; 77 FR 15184; 77 FR 17107; 77 FR 17108; 77 FR 17117; 77 FR 23797; 77 FR 26816; 77 FR 27847; 77 FR 27850; 77 FR 29447; 77 FR 38386; 78 FR 34143; 78 FR 47818; 78 FR 52602; 78 FR 62935; 78 FR 63307; 78 FR 64271; 78 FR 64274; 78 FR 76395; 78 FR 77778; 78 FR 78477; 79 FR 1908; 79 FR 2748; 79 FR 10611; 79 FR 13085; 79 FR 14331; 79 FR 14333; 79 FR 14571; 79 FR 18391; 79 FR 18392; 79 FR 21996; 79 FR 22003; 79 FR 23797; 79 FR 27043; 79 FR 27681; 79 FR 28588; 79 FR 29495; 79 FR 29498; 79 FR 38649; 80 FR 59225; 80 FR 59230; 81 FR 1284; 81 FR 1474; 81 FR 6573; 81 FR 15401; 81 FR 17237; 81 FR 20433; 81 FR 20435; 81 FR 21655; 81 FR 28136; 81 FR 28138; 81 FR 48493; 81 FR 52516; 81 FR 66718; 81 FR 91239; 81 FR 96196; 82 FR 20962; 82 FR 37499; 82 FR 58262; 83 FR 6919; 83 FR 6922; 83 FR 6925; 83 FR 15195; 83 FR 15232; 83 FR 24146; 83 FR 28325; 83 FR 28332):

Larry Adams, Jr. (FL)
Dean R. Allen (OR)
Scott E. Ames (ME)
Alphonso A. Barco (SC)
Craig J. Belles (NY)

Dwight A. Bennett (MD)
Kolby Blackner (UT)
Bobby R. Brooks (GA)
Levi A. Brown (MT)
William Bucaria, Jr. (FL)
Edwin L. Bupp (PA)
Estra Cadet (FL)
Michael B. Canedy (MN)
Freddie A. Carrasquillo (TX)
William C. Christy (FL)
Steven W. Day (MO)
Johnny Dillard (SC)
Ryan C. Dugan (NY)
Paul W. Fettig (SD)
Brian R. Gallagher (TX)
Brian W. Gillund (MN)
Horace N. Goss (TX)
James B. Grega (PA)
Daniel W. Henderson (TN)
John C. Henricks (OH)
Michael T. Huso (MN)
William D. Jackson (MN)
Danny J. Johnson (MN)
Thomas M. Kaley (PA)
James M. Knef (NJ)
Ty N. Mason (PA)
Richard J. McKenzie, Jr. (MD)
Christopher J. Meerten (OR)
Elmore Nicholson, Jr. (AL)
Thomas G. Ohlson (NY)
John L. Ratayczak (WI)
LeRoy W. Scharkey (MN)
James S. Seeno (NV)
Thomas W. Smith (PA)
Steven S. Smith, Jr. (PA)
Russell J. Soland (MN)
Michael J. Tisher (AK)
Peter A. Troyan (MI)
Willard H. Weerts (IL)
Marvin L. Wernimont (IA)
Richard W. Wylie (CT)

The drivers were included in docket numbers FMCSA–1999–6480; FMCSA–2004–17195; FMCSA–2005–22194; FMCSA–2006–23773; FMCSA–2006–24015; FMCSA–2007–0071; FMCSA–2007–27897; FMCSA–2008–0021; FMCSA–2009–0011; FMCSA–2010–0050; FMCSA–2011–0366; FMCSA–2011–0379; FMCSA–2012–0104; FMCSA–2013–0029; FMCSA–2013–0165; FMCSA–2013–0166; FMCSA–2013–0167; FMCSA–2013–0169; FMCSA–2013–0174; FMCSA–2014–0002; FMCSA–2014–0003; FMCSA–2014–0004; FMCSA–2014–0005; FMCSA–2015–0056; FMCSA–2015–0347; FMCSA–2015–0348; FMCSA–2015–0351; FMCSA–2016–0024; FMCSA–2017–0017; and FMCSA–2017–0024. Their exemptions are applicable as of July 8, 2020, and will expire on July 8, 2022.

As of July 12, 2020, and in accordance with 49 U.S.C. 31136(e) and 31315, the following individual has satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (75 FR 25917; 75 FR 39729; 77 FR 36338; 79 FR 35220; 81 FR 81230; 83 FR 28325):

Clare H. Buxton (MI)

The driver was included in docket number FMCSA–2010–0082. The exemption is applicable as of July 12, 2020, and will expire on July 12, 2022.

As of July 19, 2020, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 12 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (81 FR 39320; 81 FR 66720; 83 FR 28320; 83 FR 28325; 83 FR 45749):

Louis D. Faw (NC)
Ryan N. Goyne (AR)
Bradley C. Helsel (OR)
Kenneth B. Julian (OK)
Keith Kebschull (IL)
Jeffrey N. Lake (IL)
James K. Matthey (PA)
J. B. Rodriguez Mata (TX)
Corey L. Spring (AR)
Travis D. Summerville (IL)
Lora D. Swindall (AL)
Francis J. Toth (PA)

The drivers were included in docket numbers FMCSA–2016–0028; and FMCSA–2018–0012. Their exemptions are applicable as of July 19, 2020, and will expire on July 19, 2022.

As of July 20, 2020, and in accordance with 49 U.S.C. 31136(e) and 31315, the following three individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (64 FR 54948; 65 FR 159; 67 FR 10475; 69 FR 8260; 71 FR 6824; 71 FR 32183; 71 FR 41310; 73 FR 11989; 73 FR 36955; 75 FR 36778; 75 FR 36779; 77 FR 38384; 79 FR 35218; 81 FR 90050; 81 FR 96196; 83 FR 28325):

Daniel R. Franks (OH); Larry L. Jarvis (VA); and Charles E. Johnston (MO)

The drivers were included in docket numbers FMCSA–1999–6156; and FMCSA–2006–24783. Their exemptions are applicable as of July 20, 2020, and will expire on July 20, 2022.

As of July 22, 2020, and in accordance with 49 U.S.C. 31136(e) and 31315, the following five individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (79 FR 35212; 79 FR 47175; 81 FR 96196; 83 FR 28325):

Abdulahi Abukar (KY)
Gregory K. Banister (SC)
Amanuel W. Behon (WA)
Bradley C. Hansell (OR)
Seth D. Sweeten (ID)

The drivers were included in docket number FMCSA–2014–0006. Their exemptions are applicable as of July 22, 2020, and will expire on July 22, 2022.

As of July 29, 2020, and in accordance with 49 U.S.C. 31136(e) and 31315, the following three individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (81 FR 42054; 81 FR 66722; 83 FR 28325):

David L. Evers (MN); Michael E. Jones (IL); and Noel V. Munoz (NM)

The drivers were included in docket number FMCSA–2016–0029. Their exemptions are applicable as of July 29, 2020, and will expire on July 29, 2022.

As of July 30, 2020, and in accordance with 49 U.S.C. 31136(e) and 31315, the following two individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (77 FR 33017; 77 FR 44708; 79 FR 38661; 81 FR 96196; 83 FR 28325):

Damon G. Gallardo (CA) and Gregory A. Reinert (MN)

The drivers were included in docket number FMCSA–2012–0106. Their exemptions are applicable as of July 30, 2020, and will expire on July 30, 2022.

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2020–17282 Filed 8–6–20; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2019–0094]

Deepwater Port License Application: Bluewater Texas Terminal LLC; Project Scope Changes; Request for Comments

AGENCY: Maritime Administration, U.S. Department of Transportation.

ACTION: Notice and request for comments.

SUMMARY: The Maritime Administration (MARAD) and the U.S. Coast Guard (USCG) announce the receipt and

availability of project scope changes for the Bluewater Deepwater Port License Application submitted by Bluewater Texas Terminal LLC (Bluewater) on May 4, 2020. The purpose of this notice is to summarize the project scope changes between the original application, submitted on May 30, 2019, and the recent changes submitted on May 4, 2020. This notice also seeks public comment regarding the proposed project scope changes. Please note, MARAD and USCG have determined that this notice is sufficient for satisfying National Environmental Policy Act (NEPA) requirements for public scoping and seeking public comment on an agency action.

DATES: Comments must be received on or before September 11, 2020.

ADDRESSES: The public docket for the Bluewater Texas Terminal LLC Deepwater Port License Application is maintained by the U.S. Department of Transportation, Docket Management Facility, West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. The license application is available for viewing at the *Regulations.gov* website: *http://www.regulations.gov* under docket number MARAD–2019–0094.

We encourage you to submit comments electronically to the public docket online at *http://www.regulations.gov.* If you submit your comments electronically, it is not necessary to also submit a hard copy. If you cannot submit material using *http://www.regulations.gov,* please contact either Mr. Roddy Bachman, USCG or Ms. Yvette M. Fields, MARAD, as listed in the following **FOR FURTHER INFORMATION CONTACT** section of this document. This section provides alternate instructions for submitting written comments. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted. Anonymous comments will be accepted. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. The Federal Docket Management Facility's telephone number is 202–366–9317 or 202–366–9826, the fax number is 202–493–2251.

FOR FURTHER INFORMATION CONTACT: Mr. Roddy Bachman, U.S. Coast Guard, telephone: 202–372–1451, email: *Roddy.C.Bachman@uscg.mil,* or Ms. Yvette M. Fields, Maritime Administration, telephone: 202–366–0926, email: *Yvette.Fields@dot.gov.* For questions regarding viewing the Docket, call Docket Operations, telephone: 202–366–9317 or 202–366–9826.

SUPPLEMENTARY INFORMATION

Summary of the Revised Project Description

Bluewater is proposing to construct, own, and operate a deepwater port terminal in the Gulf of Mexico (GOM) to export domestically produced crude oil. The proposed project scope changes that are discussed in this notice involve the design, engineering, and construction of a deepwater port, approximately 56.18 miles of pipeline infrastructure, and an Operations facility.

Onshore Components

Onshore components associated with the proposed Bluewater project are those components on the landward side of the western Redfish Bay Mean High Tide (MHT) line located in San Patricio and Aransas Counties, Texas. Under the original project scope, the onshore components included an area that was approximately 22.20 miles of two (2) new parallel 30-inch-diameter crude oil pipelines extending from a planned multi-use terminal located south of the City of Taft in San Patricio County, Texas. The planned multi-use terminal consisted of multiple inbound and outbound crude oil pipelines. Two of those outbound pipelines composed the proposed pipeline infrastructure that would extend to the inshore pipeline, which would connect to the proposed Harbor Island Booster Station (Booster Station) described below.

Under the revised project scope, the onshore components now proposed will include an area that is approximately 22.13 miles of two (2) new parallel 30-inch-diameter crude oil pipelines extending from a planned multi-use terminal located south of the City of Taft in San Patricio County, Texas. The planned Multi-Use Terminal will connect to multiple inbound and outbound crude oil pipelines. Two of those outbound pipelines are the proposed pipeline infrastructure that will extend to the inshore pipeline, which will connect to the proposed operation facility located on Harbor Island described below. One water tank will be constructed at the Multi-Use Terminal to flush the offshore pipelines running to the SMPs described below.

Inshore Components

Inshore components associated with the proposed Bluewater project are those components located between the western Redfish Bay MHT line and the MHT line located at the interface of San Jose Island and the GOM. Under the original project scope, the inshore components included an area that was approximately 7.15 miles of two (2) new 30-inch-diameter crude oil pipelines connecting to the onshore facility, an approximately 19-acre booster station and a connection to the offshore pipeline. The onshore pipeline would have been located within San Patricio County, Texas and Nueces County, Texas, and the Booster Station would have been located on Harbor Island in Nueces County, Texas.

Under the revised project scope, the inshore components now proposed will include an area that is approximately 7.29 miles of two (2) new 30-inch-diameter crude oil pipelines connecting to the onshore facility, an approximately 12-acre operations station and a connection to the offshore pipeline. The onshore pipeline will be located within San Patricio County, Texas and Nueces County, Texas, and a proposed operations facility will be located on Harbor Island in Nueces County, Texas.

The Booster Station will include approximately 19 acres of land with two (2) above ground crude oil storage tanks, each with a total storage capacity of 181,000 barrels and two (2) 181,000-barrel water storage tanks. The purpose of water tanks is to allow for the clearing of the pipeline infrastructure. During clearing operations, water from the water storage tanks will be pumped through the pipelines and back to the Booster Station. The displaced crude oil will be placed in the two crude oil storage tanks.

Additionally, the Booster Station will contain equipment and piping to provide interconnectivity with the crude oil supply network for the Bluewater project. This will include the installation of four (4) 5,500 horsepower electrically powered motors in a series electronically locked into operation as two booster pumping systems delivering approximately 11,000 horsepower to each of the two (2) 30-inch diameter pipelines. Further, the Booster Station will house the necessary infrastructure to support the transport of crude oil through the proposed pipeline infrastructure to the deepwater port for the loading of moored vessels to include a fire water tank, firewater pumps, storm water runoff treatment plant and pumps, emergency generator, foam and water monitors and an operations office.

The operations facility located on Harbor Island will include approximately 12 acres of land and house the necessary infrastructure to support the transport of crude oil through the proposed pipeline infrastructure to the deepwater port for the loading of moored vessels. The facility will consist of pig launchers/

receivers, meters and valves, operations building, and communications facility.

Offshore Components

Offshore components associated with the proposed Bluewater project are those components located seaward of the MHT line located at the interface of San Jose Island and the GOM. Under the original project scope, the offshore components included an area that was approximately 27.13 miles of two (2) new 30-inch-diameter crude oil pipelines extending from the shoreline crossing at the interface of San Jose Island to the offshore Bluewater deepwater port for crude oil delivery to Single Point Mooring (SPM) buoys.

Under the revised project scope, the offshore components now proposed include:

- An area that is approximately 26.76 miles of two (2) new 30-inch-diameter crude oil pipelines extending from the shoreline crossing at the interface of San Jose Island to the offshore Bluewater deepwater port for crude oil delivery to Single Point Mooring (SPM) buoys.
- Two (2) SPMs in Outer Continental Shelf Matagorda Island Area TX4 lease blocks 698 and 699, approximately 15 nautical miles (17.26 statute miles) off the coast of San Patricio County, Texas in a water depth of approximately 89 feet.
- A catenary anchor leg mooring (CALM) system for each SPM buoy connected to a pipeline end manifold (PLEM) system, mooring hawsers, floating hoses, and submarine hoses to allow for the loading of crude oil to vessels moored at the proposed deepwater port. The SPM buoy system will be permanently moored with a symmetrically arranged six-leg anchor dual chain configuration extending to twelve (12) 72-inch-diameter pile anchors installed on the seafloor.
- Each of the proposed SPM buoy systems will consist of inner and outer cylindrical shells subdivided into twelve equal-sized watertight radial compartments. A rotating table will be affixed to the SPM buoy and allow for the connection of moored vessels to the SPM buoy system via mooring hawsers. Two floating hoses equipped with marine break-away couplings will be utilized for the transfer of crude oil from the SPM buoy systems to the moored vessel. Floating hoses will be equipped with strobe lights at 15-foot intervals for detection at night and low-light conditions.

Privacy Act

The electronic form of all comments received into the Federal Docket Management System can be searched by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). The DOT Privacy Act Statement can be viewed in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70, pages 19477–78) or by visiting *http://www.regulations.gov.*

(Authority: 33 U.S.C. 1501, *et seq.;* 49 CFR 1.93(h))

Dated: August 4, 2020.

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2020–17327 Filed 8–6–20; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF THE TREASURY

United States Mint

Prices of First Spouse and End of World War II 75th Anniversary Gold Coins on the 2020 Pricing of Numismatic Gold, Commemorative Gold, Platinum, and Palladium Products Grid

AGENCY: United States Mint, Department of the Treasury.

ACTION: Notice.

SUMMARY: The United States Mint announces pricing for the First Spouse and End of World War II 75th Anniversary Gold Coins on the 2020 Pricing of Numismatic Gold, Commemorative Gold, Platinum, and Palladium Products Grid.

FOR FURTHER INFORMATION CONTACT: Cathy Olson; Sales and Marketing Directorate; United States Mint; 801 9th Street NW; Washington, DC 20220; or call 202–354–7500 or *colson@usmint.treas.gov.*

SUPPLEMENTARY INFORMATION: An excerpt of the grid, including a recent price range for the First Spouse and End of World War II 75th Anniversary Gold Coins, appears below:

2020 Pricing of Numismatic Gold, Commemorative Gold, Platinum, and Palladium Products

*Does not reflect $5 discount during introductory period

Average Price per Ounce	Size	American Eagle Gold Proof	American Eagle Gold Uncirculated	American Buffalo 24K Gold Proof	American Eagle Platinum Proof	American Eagle Palladium (Numismatic Versions)	American Liberty 24K Gold	First Spouse Gold Proof Coin	First Spouse Gold Uncirculated Coin	End of World War II 75th Anniversary 22K Gold Coin	End of World War II 75th Anniversary 24K Gold Coin	Commemorative Gold Proof*	Commemorative Gold Uncirculated*
$1700.00 to $1749.99	1 oz	$2,375.00	$2,340.00	$2,415.00	$2,295.00	$2,400.00	$2,440.00			$2,400.00			
	1/2 oz	$1,205.00						$1,235.00	$1,215.00		$1,235.00		
	1/4 oz	$ 615.00											
	1/10 oz	$ 260.00					$ 290.00						
	4-coin set	$4,410.00											
	commemorative gold											$ 549.50	$ 639.50
	commemorative 3-coin set											$ 715.00	

The complete 2020 Pricing of Numismatic Gold, Commemorative Gold, Platinum, and Palladium Products Grid will be available online at *https://catalog.usmint.gov/coin-programs/american-eagle-coins.*

Pricing can vary weekly dependent upon the London Bullion Market Association gold, platinum, and palladium prices weekly average. The pricing for all United States Mint numismatic gold, platinum, and palladium products is evaluated every Wednesday and modified as necessary.

Authority: 31 U.S.C. 5111, 5112, and 9701, P.L. 116–112

Eric Anderson,

Executive Secretary, United States Mint.

[FR Doc. 2020–17226 Filed 8–6–20; 8:45 am]

BILLING CODE P

UNIFIED CARRIER REGISTRATION PLAN

Sunshine Act Meeting Notice; Unified Carrier Registration Plan Board of Directors Meeting

TIME AND DATE: August 13, 2020, from Noon to 3:00 p.m., Eastern time.

PLACE: This meeting will be accessible via conference call and screen sharing. Any interested person may call 877–

853–5247 (US toll free), 888–788–0099 (US toll free), +1 929–205–6099 (US toll), or +1 669–900–6833 (US toll), Conference ID 996 1775 0976, to participate in the meeting.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED: The Unified Carrier Registration Plan Board of Directors (the ''Board'') will continue its work in developing and implementing the Unified Carrier Registration Plan and Agreement. The subject matter of the meeting will include:

Agenda

I. Welcome and Call to Order—UCR Board Chair

The UCR Board Chair will welcome attendees, call the meeting to order, call roll for the Board, and facilitate self-introductions.

II. Verification of Meeting Notice—UCR Executive Director

The UCR Executive Director will verify publication of the meeting notice on the UCR website and distribution to the UCR contact list via email followed by subsequent publication of the notice in the **Federal Register**.

III. Review and Approval of Board Agenda—UCR Board Chair

For Discussion and Possible Action

Agenda will be reviewed and the Board will consider adoption.

Ground Rules

➢ Board actions taken only in designated areas on agenda

IV. Approval of Minutes of the June 9, 2020 UCR Board Meeting—UCR Board Chair

For Discussion and Possible Action

Minutes of the June 9, 2020 UCR Board meeting will be reviewed. The Board will consider action to approve.

V. Discussion of COVID–19 Impact on UCR—UCR Board Chair

The UCR Board Chair will lead a discussion on the impact of the COVID–19 pandemic on industry, state operations, and UCR collections.

VI. Report of FMCSA—FMCSA Representative

The Federal Motor Carrier Safety Administration (FMCSA) will provide a report on any relevant activity.

VII. Updates Concerning UCR Legislation—UCR Board Chair

The UCR Board Chair will call for any updates regarding UCR legislation since the last Board meeting.

VIII. Chief Legal Officer Report—UCR Chief Legal Officer

The UCR Chief Legal Officer will provide an update on the status of the March 2019 data event and the Twelve Percent Logistics litigation.

IX. Subcommittee Reports

Audit Subcommittee—UCR Audit Subcommittee Chair

A. Current Status of the 2019 State Audit Reports—UCR Audit Subcommittee Chair

For Discussion and Possible Action

The current results of the 2019 State Audit Reports will be presented to the Board. Information presented will include states performance regarding the Focused Anomaly Reviews (FARs), the MCS–150 Retreats, and the compliance registration statistics. The Board may consider taking action against those states that are not in compliance with the annual audit standards.

B. Addition of State Compliance Percentages to the State Annual Audit Criteria—UCR Audit Subcommittee Chair

For Discussion and Possible Action

The UCR Audit Subcommittee Chair will discuss the benefits of potentially adding compliance registration statistics as a third evaluation tool for the annual state audit reports presented to the Board. The Board may consider action to approve registration statistics as a third evaluation tool for state annual audits.

C. Requirement to Continue Audits for 2019 Through December 31, 2020—UCR Audit Subcommittee Chair

The UCR Audit Subcommittee Chair will remind state auditors to continue to monitor FARs and the MCS–150 audit list for newly assigned audits. New FARs and MCS–150 audits will continue to be assigned through September 30, 2020 and must be completed by December 31, 2020.

D. Update on the 2020 New Entrant and Unregistered Solicitation Campaigns—Seikosoft

Seikosoft will provide an updated report on new entrant motor carrier campaigns managed by the National Registration System (NRS), new entrant motor carrier campaigns managed by the states, unregistered motor carrier campaigns managed by the NRS, and unregistered motor carrier campaigns managed by the states.

E. Update on the Non-Universe Motor Carrier Solicitation Campaigns—Seikosoft

Seikosoft will provide an updated report on the solicitation campaign targeting motor carriers identified through roadside inspections to be operating in interstate commerce but identified in MCMIS as either intrastate or inactive.

F. Unregistered Carrier List for 2019 Potentially Containing Private Passenger and Intrastate Motor Carriers—Seikosoft/UCR Audit Subcommittee Chair

Seikosoft will provide an update on the potential for the 2019 Unregistered List to contain private passenger and intrastate motor carriers that changed their carrier status to Interstate during 2020.

G. Pending Payment Policy—UCR Audit Subcommittee Chair/DSL Transportation/Seikosoft

For Discussion and Possible Action

The UCR Audit Subcommittee Chair, DSL Transportation, and Seikosoft will lead a discussion concerning a possible modification to the current Pending Payment Policy. The Board may consider action to approve the proposed modifications to the current Pending Payment Policy.

H. Unregistered Brokers—UCR Audit Subcommittee Chair

The UCR Audit Subcommittee Chair will discuss the challenges that unregistered brokers present to UCR enforcement. The discussion will regard jurisdiction and other challenges, and may also include dialogue regarding successes and ideas for addressing broker registration enforcement.

Finance Subcommittee—UCR Finance Subcommittee Chair

A. Proposed Policy for UCR Board Fee Recommendations—UCR Depository Manager

For Discussion and Possible Action

The UCR Depository Manager will present a draft of a proposed policy regarding recommendations by the Board to the Secretary of the United States Department of Transportation regarding possible UCR fee changes that the Board may recommend from time-to-time as conditions warrant. The policy will include a general-purpose description, guidelines for interacting with the FMCSA, timelines regarding submission of fee change recommendations, and the methodology that will be used to quantify proposed

fee changes. The UCR Finance Subcommittee recommends that the Board adopt the policy. The Board may take action to adopt this proposed policy pertaining to UCR board fee recommendations.

B. Proposed Amendment to Refunds Procedure—UCR Depository Manager

For Discussion and Possible Action

The UCR Depository Manager will present a draft of a proposed amendment to the UCR Refunds Procedure regarding the issuance of refunds, especially when related to refunding permitting services that register motor carriers without express consent. The UCR Finance Subcommittee recommends the Board adopt the proposed amendment. The Board may take action to adopt a proposed amendment to this UCR Refunds Procedure.

C. Certificates of Deposit—UCR Depository Manager

For Discussion and Possible Action

The UCR Depository Manager will provide a report on activities required to redeem one certificate of deposit at the Bank of North Dakota that matured on August 5, 2020 as well as discuss the need to reinvest proceeds from the matured CD. The Board may take action to adopt the recommended CD reinvestment proposal.

D. Board Insurance—UCR Depository Manager/UCR Chief Legal Officer

For Discussion and Possible Action

The UCR Depository Manager and the UCR Chief Legal Officer will provide an update on efforts to provide cybersecurity, as well as directors and officers liability insurance for the UCR Board. The Board may take action to authorize the UCR Board Chair to procure one or both of these insurance policies.

E. Review 2020 Administrative Expenses Through June 30, 2020—UCR Depository Manager

The UCR Depository Manager will present the administrative costs incurred for the period of January 1, 2020 through June 30, 2020, compared to the budget for the same time-period, and discuss all significant variances.

F. Update on Current Financial Reserve Funds—UCR Depository Manager

The UCR Depository Manager will discuss the two financial reserves authorized by the Board, compare them to current bank account balances, and address any over/under-funding of the accounts including plans to address funding differences.

Education and Training Subcommittee—UCR Education and Training Subcommittee Chair

Update on Plans to Launch Training Modules—UCR Education and Training Subcommittee Chair

The UCR Education and Training Subcommittee Chair will provide an update on plans to launch another wave of training modules.

X. Contractor Reports—UCR Executive Director

- UCR Executive Director

The UCR Executive Director will provide a report covering recent activity for the UCR Plan.

- DSL Transportation Services, Inc.

DSL will report on the latest data on state collections based on reporting from the FARs program.

- Seikosoft

Seikosoft will provide an update on recent/new activity related to the NRS.

- UCR Administrator Report (Kellen)—UCR Operations and Depository Managers

The UCR Administrator will provide its management report covering recent activity for the Depository, Operations, and Communications.

XI. Other Business—UCR Board Chair

The UCR Board Chair will call for any business, old or new, from the floor.

XII. Adjournment—UCR Board Chair

The UCR Board Chair will adjourn the meeting.

This agenda will be available no later than 5:00 p.m. Eastern time, August 5, 2020 at: *https://plan.ucr.gov.*

CONTACT PERSON FOR MORE INFORMATION: Elizabeth Leaman, Chair, Unified Carrier Registration Plan Board of Directors, (617) 305–3783, *eleaman@board.ucr.gov.*

Alex B. Leath,

Chief Legal Officer, Unified Carrier Registration Plan.

[FR Doc. 2020–17446 Filed 8–5–20; 4:15 pm]

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