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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2020-0684; Project Identifier AD-2020-01032-T; Amendment 39-21204; AD 2020-16-51]

RIN 2120-AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all The Boeing Company Model 737-300, -400, -500, -600, -700, -700C, -800, -900, and -900ER series airplanes. An emergency AD was sent to all known U.S. owners and operators of these airplanes. This AD requires inspections of the engine bleed air 5th stage check valve on each engine, and replacement of the engine bleed air 5th stage check valve if any inspection is not passed. This AD was prompted by four recent reports of single-engine shutdowns due to engine bleed air 5th stage check valves being stuck open. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective August 26, 2020 to all persons except those persons to whom it was made immediately effective by Emergency AD 2020-16-51, issued on July 23, 2020, which contained the requirements of this amendment.

The FAA must receive comments on this AD by September 25, 2020.

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

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Follow the instructions for submitting comments.

- *Fax:* 202-493-2251.

- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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-2020-0684; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: For Boeing Model 737-300, -400, and -500 series airplanes, for further information about this AD, contact Serj Harutunian, Aerospace Engineer, Propulsion Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712-4137; phone: 562-627-5254; fax: 562-627-5210; email: serj.harutunian@faa.gov.

For Boeing Model 737-600, -700, -700C, -800, -900, and -900ER series airplanes, for further information about this AD, contact Rajendran Mohanraj, Aerospace Engineer, Propulsion Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206-231-3621; email: rajendran.mohanraj@faa.gov.

SUPPLEMENTARY INFORMATION:

Discussion

On July 23, 2020, the FAA issued Emergency AD 2020-16-51, which applies to all The Boeing Company Model 737-300, -400, -500, -600, -700, -700C, -800, -900, and -900ER series airplanes, AD 2020-16-51 requires inspections of the engine bleed air 5th stage check valve on each engine, and replacement of the engine bleed air 5th stage check valve if any inspection is not passed. This emergency AD was sent to all known U.S. owners and operators of these airplanes. This action was prompted by four recent reports of single-engine shutdowns caused by

engine bleed air 5th stage check valves stuck in the open position. This condition, if not addressed, could result in compressor stalls and dual-engine power loss without the ability to restart, which could result in a forced off-airport landing.

FAA's Determination

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

AD Requirements

This AD requires inspections of the engine bleed air 5th stage check valve on each engine, and replacement of the engine bleed air 5th stage check valve if any inspection is not passed.

FAA's Justification and Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of Emergency AD 2020-16-51, issued on July 23, 2020, to all known U.S. owners and operators of these airplanes. The FAA found that the risk to the flying public justified waiving notice and comment prior to adoption of this rule because corrosion of the engine bleed air 5th stage check valves on both engines could result in a dual-engine power loss without the ability to restart, which could result in a forced off-airport landing. These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective to all persons. In addition, the compliance time for the required action is shorter than the time necessary for the public to comment and for publication of the final rule. Therefore, the FAA finds good cause that notice and opportunity for prior public comment are impracticable. In addition, for the reasons stated above, the FAA finds that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment. However, the FAA invites you to send any written data, views, or arguments

about this final rule. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number FAA–2020–0684 and Project Identifier AD–2020–01032–T at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should submit only one copy of the comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to <https://www.regulations.gov>, including any personal information you provide. The FAA will also post a report

summarizing each substantive verbal contact received about this final rule.

Confidential Business Information

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 AD 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 AD, 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 AD. Submissions containing CBI

should be sent to either person identified in the **FOR FURTHER INFORMATION CONTACT** section. Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Regulatory Flexibility Act (RFA)

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

Costs of Compliance

The FAA estimates that this AD affects 2,161 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspections	6 work-hours × \$85 per hour = \$510	\$0	\$510	\$1,102,110

The FAA has received no definitive data that would enable providing cost estimates for the on-condition actions specified in this AD.

Authority for This Rulemaking

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

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

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the

distribution of power and responsibilities among the various levels of government.

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

- (1) Is not a “significant regulatory action” under Executive Order 12866, and
- (2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2020–16–51 The Boeing Company:
Amendment 39–21204; Docket No. FAA–2020–0684; Project Identifier AD–2020–01032–T.

(a) Effective Date

This AD is effective August 26, 2020 to all persons except those persons to whom it was made immediately effective by Emergency AD 2020–16–51, issued on July 23, 2020, which contained the requirements of this amendment.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company Model 737–300, –400, –500, –600, –700, –700C, –800, –900, and –900ER series airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 36, Pneumatic.

(e) Unsafe Condition

This AD was prompted by four recent reports of single-engine shutdowns caused by engine bleed air 5th stage check valves stuck in the open position. The FAA is issuing this AD to address corrosion of the engine bleed air 5th stage check valves for both engines, which could result in compressor stalls and dual-engine power loss without the ability to restart, which could result in a forced off-airport landing.

(f) Compliance

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

(g) Definition

Any airplane that, for 7 or more consecutive days, has not been operated in flight is considered to be in “storage.”

(h) Inspections and Corrective Actions

(1) For any airplane that is in storage on or after the effective date of this AD, and any airplane that, as of the effective date of this AD, has been operated for 10 or fewer flight cycles since returning to service from the most recent period of storage: Before further flight, do the inspections specified in paragraphs (h)(1)(i) and (ii) of this AD on the engine bleed air 5th stage check valve on each engine. If any engine bleed air 5th stage check valve fails any inspection, replace that engine bleed air 5th stage check valve before further flight. For each engine bleed air 5th stage check valve that passes both inspections specified in paragraphs (h)(1)(i) and (ii) of this AD, do the actions specified in paragraph (h)(2) of this AD on that engine bleed air 5th stage check valve before further flight.

(i) Rotate the flapper plates by hand at least 3 times. If the flapper plate moves smoothly, without signs of binding or sticking, from the fully closed position to the stop tube using gravity force alone, the engine bleed air 5th stage check valve has passed this inspection.

(ii) Measure the clearance between the flapper bushings at both locations on each engine bleed air 5th stage check valve. If the clearance between the flapper bushings is a minimum of 0.004 inch (0.102 mm) at both locations, the engine bleed air 5th stage check valve at that location has passed this inspection.

(2) For each engine bleed air 5th stage check valve that passes the inspections specified in paragraphs (h)(1)(i) and (ii) of this AD, do the inspections specified in paragraphs (h)(2)(i) through (iii) of this AD before further flight on the engine bleed air 5th stage check valve on each engine. If any engine bleed air 5th stage check valve fails any of the inspections specified in paragraphs (h)(2)(i) through (iii) of this AD, replace that engine bleed air 5th stage check valve before further flight.

(i) Do a general visual inspection of the flapper bushings for signs of cracks, fractures, and missing bushing heads. If the flapper bushings do not show any signs of cracks, fractures, or missing bushing heads, the engine bleed air 5th stage check valve has passed this inspection. Signs of corrosion are not a cause for replacing the engine bleed air 5th stage check valve if the engine bleed air 5th stage check valve did not fail any of the inspections specified in paragraph (h)(1) of this AD.

(ii) Using only hand pressure, try to rotate the flapper bushings in the flapper plates. If the bushings do not rotate in the flapper plate, the engine bleed air 5th stage check valve has passed this inspection.

(iii) Do a general visual inspection of the check valve for signs of the flappers rubbing against the valve body. If the flappers do not show any signs of rubbing against the valve body, the engine bleed air 5th stage check valve has passed this inspection.

(i) Minimum Equipment List Relief for Certain Airplanes

For airplanes that have operated 10 or fewer flight cycles since the most recent period of storage prior to the effective date of this AD, as an alternative to compliance

with paragraph (h): If allowed by the operator's FAA-approved Minimum Equipment List, the airplane may be dispatched with one engine's engine bleed air high stage valve locked closed. Thereafter, within 5 additional flight cycles, inspect the engine bleed air 5th stage check valve on both engines as required by paragraph (h) of this AD.

(j) Special Flight Permit

Special flight permits may be issued in accordance with 14 CFR 21.197 and 21.199 to operate the airplane to a location where the airplane can be inspected, provided one engine's engine bleed air high stage valve has been locked closed. This option is only available if the operator's FAA-approved Minimum Equipment List allows dispatching the airplane with one engine's engine bleed air high stage valve locked closed.

(k) Alternative Methods of Compliance (AMOCs)

(1) For Boeing Model 737-300, -400, and -500 series airplanes, the Manager, Los Angeles ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (l)(1) of this AD. Information may be emailed to: 9-ANM-LAACO-AMOC-Requests@faa.gov.

(2) For Boeing Model 737-600, -700, -700C, -800, -900, and -900ER series airplanes, the Manager, Seattle ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (l)(2) of this AD. Information may be emailed to: 9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.

(3) 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.

(4) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by The Boeing Company Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(l) Related Information

(1) For Boeing Model 737-300, -400, and -500 series airplanes, for further information about this AD, contact Serj Harutunian, Aerospace Engineer, Propulsion Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712-

4137; phone: 562-627-5254; fax: 562-627-5210; email: serj.harutunian@faa.gov.

(2) For Boeing Model 737-600, -700, -700C, -800, -900, and -900ER series airplanes, for further information about this AD, contact Rajendran Mohanraj, Aerospace Engineer, Propulsion Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206-231-3621; email: rajendran.mohanraj@faa.gov.

(m) Material Incorporated by Reference

None.

Issued on July 30, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020-17469 Filed 8-10-20; 8:45 am]

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DEPARTMENT OF THE TREASURY**Internal Revenue Service****26 CFR Part 1**

[TD 9907]

RIN 1545-BP40

Treatment of Payments to Charitable Entities in Return for Consideration

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations under sections 162, 164, and 170 of the Internal Revenue Code (Code). First, the final regulations update the regulations under section 162 to reflect current law regarding the application of section 162 to taxpayers that make payments or transfers for business purposes to entities described in section 170(c). Second, the final regulations provide safe harbors under section 162 to provide certainty with respect to the treatment of payments made by business entities to entities described in section 170(c). Third, the final regulations provide a safe harbor under section 164 for payments made to an entity described in section 170(c) by individuals who itemize deductions and receive or expect to receive a State or local tax credit in return. Fourth, the final regulations update the regulations under section 170 to reflect past guidance and case law regarding the application of the *quid pro quo* principle under section 170 to a donor who receives or expects to receive benefits from a third party. These regulations affect taxpayers who make transfers to entities described in section 170(c) for business purposes, and taxpayers who receive State or local tax credits in exchange for transfers to such

entities or who receive other third-party benefits in exchange for transfers to such entities.

DATES:

Effective date: These regulations are effective August 11, 2020.

Applicability dates: For dates of applicability, see §§ 1.162–15(a)(4), 1.164–3(j)(7), and 1.170A–1(h)(4)(iii).

FOR FURTHER INFORMATION CONTACT:

Sarah Daya or Stephen Rothandler at (202) 317–4059 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

Section 170(a)(1) generally allows an itemized deduction for any “charitable contribution” paid within the taxable year. Section 170(c) defines “charitable contribution” as a “contribution or gift to or for the use of” any entity described in that section. Under section 170(c)(1), such an entity includes a State, a possession of the United States, or any political subdivision of the foregoing, or the District of Columbia. Entities described in section 170(c)(2) include certain corporations, trusts, or community chests, funds, or foundations, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or to foster national or international amateur sports competition, or for the prevention of cruelty to children or animals. Section 1.170A–1(c)(5) of the Income Tax Regulations provides that transfers of property to an organization described in section 170(c) that bear a direct relationship to the taxpayer’s trade or business and that are made with a reasonable expectation of financial return commensurate with the amount of the transfer may constitute allowable deductions as trade or business expenses rather than as charitable contributions.

Section 162(a) allows a deduction for all the ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business. Section 162(b) provides that no deduction shall be allowed under section 162(a) for any contribution or gift that would be allowable as a deduction under section 170 were it not for the percentage limitations, the dollar limitations, or the requirements as to the time of payment set forth in that section.

Section 1.162–15(a) applies to contributions to entities described in section 170(c). Prior to amendment by this final regulation, § 1.162–15(a)(1) provided that no deduction is allowable under section 162(a) for a contribution or gift by an individual or a corporation if any part thereof is deductible under

section 170. For example, if a taxpayer makes a contribution of \$5,000 and only \$4,000 of this amount is deductible under section 170(a) (whether because of the percentage limitation under either section 170(b)(1) or (2), the requirement as to time of payment, or both), no deduction is allowable under section 162(a) for the remaining \$1,000. Section 1.162–15(a)(2) clarified that the limitations provided in section 162(b) and § 1.162–15(a)(1) applied only to payments that are in fact contributions or gifts to organizations described in section 170. For example, payments by a transit company to a local hospital (which is a charitable organization within the meaning of section 170) in consideration of a binding obligation on the part of the hospital to provide hospital services and facilities for the company’s employees are not contributions or gifts within the meaning of section 170 and may be deductible under section 162(a) if the requirements of section 162(a) are otherwise satisfied.

Section 164(a) allows a deduction for the payment of certain taxes, including: (1) State and local, and foreign, real property taxes; (2) State and local personal property taxes; and (3) State and local, and foreign, income, war profits, and excess profits taxes. In addition, section 164 allows a deduction for taxes not described in the preceding sentence that are paid or accrued within the taxable year in carrying on a trade or business or an activity described in section 212. Moreover, under section 164(b)(5), taxpayers may elect to deduct State and local general sales taxes in lieu of State and local income taxes.

Section 164(b)(6), as added by section 11042(a) of Public Law 115–97, commonly referred to as the Tax Cuts and Jobs Act (TCJA), 131 Stat. 2054, 2085 (2017), provides, in the case of an individual, that deductions for foreign real property taxes are not allowable under section 164(a)(1), and that the deduction for the aggregate amount of the following State and local taxes paid during the calendar year is limited to \$10,000 (\$5,000 in the case of a married individual filing a separate return): (1) Real property taxes; (2) personal property taxes; (3) income, war profits, and excess profits taxes; and (4) general sales taxes. This limitation applies to taxable years beginning after December 31, 2017, and before January 1, 2026, and does not apply to foreign taxes described in section 164(a)(3) or to any taxes described in section 164(a)(1) and (2) that are paid or accrued in carrying on a trade or business or an activity described in section 212. In response to the limitation in section 164(b)(6), some

taxpayers have considered tax planning strategies to avoid or mitigate its effects. Some of these strategies rely on State and local tax credit programs under which states provide tax credits in return for contributions by taxpayers to entities described in section 170(c), and some State and local governments have created new programs intended to facilitate use of these strategies.

On June 11, 2018, the Department of the Treasury (Treasury Department) and the IRS announced their intention to propose regulations addressing the proper application of sections 164 and 170 to taxpayers who make contributions under State and local tax credit programs to entities described in section 170(c). See Notice 2018–54, 2018–24 I.R.B. 750. On August 27, 2018, proposed regulations (REG–112176–18) under sections 170 and 642(c) were published in the **Federal Register** (83 FR 43563) (2018 proposed regulations). The 2018 proposed regulations proposed amending § 1.170A–1(h)(3) to provide, in general, that if a taxpayer makes a payment or transfers property to or for the use of an entity described in section 170(c), and the taxpayer receives or expects to receive a State or local tax credit in return for such payment or transfer, the tax credit constitutes a return benefit to the taxpayer and reduces the taxpayer’s charitable contribution deduction. The 2018 proposed regulations also proposed amending regulations under section 642(c) to provide a similar rule for payments made by a trust or decedent’s estate.

In response to the 2018 proposed regulations, commenters raised concerns regarding the treatment of business entity payments to entities described in section 170(c). The Treasury Department and the IRS considered these concerns and issued Rev. Proc. 2019–12, 2019–04 I.R.B. 401, on December 28, 2018, providing a safe harbor under section 162 for payments made by a C corporation or specified passthrough entity to or for the use of an organization described in section 170(c) if the C corporation or specified passthrough entity receives or expects to receive State or local tax credits in return. Commenters also raised a concern regarding the treatment of payments by individuals who itemize deductions for Federal income tax purposes and who have total State and local tax liabilities that are less than or equal to the section 164(b)(6) limitation. The Treasury Department and the IRS addressed this concern by issuing Notice 2019–12, 2019–27 I.R.B. 57, on June 11, 2019, providing a safe harbor under section 164 for individuals who

make payments to section 170(c) entities in return for State or local tax credits.

On June 13, 2019, the Treasury Department and the IRS published final regulations in the **Federal Register** (T.D. 9864, 84 FR 27513) (2019 final regulations) addressing the proper application of sections 164 and 170 to taxpayers who make contributions under State and local tax credit programs to entities described in section 170(c). The 2019 final regulations provided the general rule that, if a taxpayer makes a payment or transfers property to or for the use of an entity described in section 170(c), and the taxpayer receives or expects to receive a State or local tax credit in return for such transfer, the tax credit constitutes a return benefit to the taxpayer, or *quid pro quo*, reducing the taxpayer's charitable contribution deduction. See § 1.170A-1(h)(3). The 2019 final regulations also amended regulations under section 642(c) to provide a similar rule for payments made by a trust or decedent's estate.

On December 17, 2019, the Treasury Department and the IRS issued proposed regulations under sections 162, 164, and 170 (REG-107431-19, 84 FR 68833) to include the safe harbors provided under Rev. Proc. 2019-12 and Notice 2019-12, to update regulations under section 162 to reflect current law regarding the application of section 162 to a taxpayer that makes a payment or transfer to an entity described in section 170(c) for a business purpose, and to clarify the application of the *quid pro quo* principle under section 170 to benefits received or expected to be received from third parties.

The Treasury Department and the IRS received over 40 comments responding to the proposed regulations and five requests to speak at the public hearing, which was held on February 20, 2020. Copies of written comments received and the list of speakers at the public hearing are available for public inspection at www.regulations.gov or upon request.

Explanation of Provisions and Summary of Comments

Explanation of Provisions

The Treasury Department and the IRS adopt the proposed regulations with clarifications in response to the written comments received and testimony provided. First, the final regulations retain the proposed amendments to § 1.162-15(a). The final regulations continue to clarify that a taxpayer's payment or transfer to a section 170(c) entity may constitute an allowable deduction as a trade or business

expense under section 162, rather than a charitable contribution under section 170. The final regulations also retain the examples demonstrating the application of this rule with minor clarifying changes.

Second, the final regulations retain the safe harbors under section 162 to provide certainty with respect to the treatment of payments made by business entities to an entity described in section 170(c). The final regulations provide safe harbors under section 162 for payments made by a business entity that is a C corporation or specified passthrough entity to or for the use of an organization described in section 170(c) if the C corporation or specified passthrough entity receives or expects to receive State or local tax credits in return. To the extent that a C corporation or specified passthrough entity receives or expects to receive a State or local tax credit in return for a payment to an organization described in section 170(c), it is reasonable to conclude that there is a direct benefit and a reasonable expectation of commensurate financial return to the C corporation's or specified passthrough entity's business in the form of a reduction in the State or local taxes that the entity would otherwise be required to pay. Thus, the final regulations provide safe harbors that allow a C corporation or specified passthrough entity engaged in a trade or business to treat the portion of the payment that is equal to the amount of the credit received or expected to be received as meeting the requirements of an ordinary and necessary business expense under section 162. The safe harbors for C corporations and specified passthrough entities apply only to payments of cash and cash equivalents. The safe harbor for specified passthrough entities does not apply if the credit received or expected to be received reduces a State or local income tax.

Third, the final regulations retain the safe harbor under section 164 for payments made to an entity described in section 170(c) by individuals who itemize deductions and receive or expect to receive a State or local tax credit in return. The final regulations provide that an individual who itemizes deductions and who makes a payment to a section 170(c) entity in exchange for a State or local tax credit may treat as a payment of State or local tax for purposes of section 164 the portion of such payment for which a charitable contribution deduction under section 170 is or will be disallowed under § 1.170A-1(h)(3). This treatment is allowed in the taxable year in which the payment is made, but only to the extent

that the resulting credit is applied pursuant to applicable State or local law to offset the individual's State or local tax liability for such taxable year or the preceding taxable year. Any unused credit permitted to be carried forward may be treated as a payment of State or local tax under section 164 in the taxable year or years for which the carryover credit is applied in accordance with State or local law. The safe harbor for individuals applies only to payments of cash and cash equivalents.

The final regulations are not intended to permit a taxpayer to avoid the limitation of section 164(b)(6). Therefore, the final regulations provide that any payment treated as a State or local tax under section 164, pursuant to the safe harbor provided in § 1.164-3(j) of the final regulations, is subject to the limitation on deductions in section 164(b)(6). Furthermore, the final regulations are not intended to permit deductions of the same payments under more than one provision. Thus, the final regulations provide that an individual who relies on the safe harbor in § 1.164-3(j) to deduct qualifying payments under section 164 may not also deduct the same payments under any other section of the Code.

Lastly, the final regulations retain the amendments to the regulations under section 170 to reflect past guidance and case law regarding the application of the *quid pro quo* principle under section 170 to a donor who receives or expects to receive benefits from a third party. The final regulations clarify that the *quid pro quo* principle applies regardless of whether the party providing the *quid pro quo* is the donee or a third party. To reflect existing law, the final regulations amend the rules in § 1.170A-1(h) that address a donor's payments in exchange for consideration. Specifically, the final regulations revise § 1.170A-1(h)(4) to provide definitions of "in consideration for" and "goods and services" for purposes of applying the rules in § 1.170A-1(h). Under the final regulations, a taxpayer will be treated as receiving goods and services in consideration for a taxpayer's payment or transfer to an entity described in section 170(c) if, at the time the taxpayer makes the payment or transfer, the taxpayer receives or expects to receive goods or services in return.

For additional clarity, the final regulations amend the language in § 1.170A-1(h)(2)(i)(B) to state that the fair market value of goods and services includes the value of goods and services provided by parties other than the donee. Also, the final regulations add a definition of "goods and services" that

is the same as the definition in § 1.170A–13(f)(5). Finally, the final regulations revise the cross-references defining “in consideration for” and “goods and services” in § 1.170A–1(h)(1) and (h)(3)(iii) to be consistent with the definitions provided in paragraph § 1.170A–1(h)(4).

Summary of Comments

1. General Comments

As discussed previously in this preamble, the Treasury Department and the IRS received over 40 comments responding to the proposed regulations and five requests to speak at the public hearing. Approximately half of the commenters expressed support for the proposed regulations and recommended that the Treasury Department and the IRS finalize the proposed regulations. Many of these commenters expressed support for the clarification of the regulations under section 162 regarding business payments to section 170(c) entities and the incorporation of safe harbors previously provided in Rev. Proc. 2019–12 and Notice 2019–12. However, some of these commenters expressed concerns about the impact of the 2019 final regulations on State and local programs granting tax credits for contributions by individuals and businesses to scholarship granting organizations (SGOs). SGOs are entities described in section 170(c) that receive contributions from individuals and businesses and then disburse these funds as scholarships to enable eligible students to attend qualified private schools. Additional commenters were concerned that, even with the clarifications in the proposed regulations, the 2019 final regulations have resulted in and will continue to result in decreased contributions to SGOs and other section 170(c) entities.

2. Payments by Business Entities in Exchange for State or Local Tax Credits

Multiple commenters expressed concern that passthrough entity owners may circumvent the section 164(b)(6) limitation by recharacterizing the portion of the payment that is not deductible under section 170 as a business expense deductible under section 162. One commenter requested clarification regarding whether a business entity may deduct payments to SGOs under section 162 as ordinary and necessary business expenses incurred in carrying on a trade or business. A few commenters expressed concern that the regulations may incentivize payments to education programs that discriminate against students with disabilities or that divert tax dollars from public schools to

private schools. One commenter opined that State and local programs providing tax credits to businesses that donate to certain charitable organizations run counter to the concept of charity because donors should expect nothing in return for a donation.

Several commenters suggested revising Example 2 in § 1.162–15(a)(2)(ii) to clarify that individuals are not allowed to generate partnership tax deductions under section 162 in addition to State or local tax credits that flow through to partners. Some commenters asserted that Example 2 is inconsistent with the safe harbor provided for passthrough entities in § 1.162–15(a)(3), which expressly excludes situations in which passthrough entities receive State or local income tax credits. A commenter suggested including a general rule stating that in any case where a State or local tax credit has the effect of reducing an otherwise nondeductible State or local tax liability, the payment giving rise to the State or local tax credit cannot itself be deductible.

While the Treasury Department and the IRS acknowledge these concerns, the regulations retain the clarifications to § 1.162–15(a)(1) and (a)(2) regarding section 162 deductions for business payments to section 170(c) entities, as well as examples illustrating the rule. Section 1.162–15(a)(1) mirrors the language of § 1.170A–1(c)(5), which has been in effect since 1970. Section 1.170A–1(c)(5) provided that if the taxpayer’s payment or transfer bears a direct relationship to its trade or business, and the payment is made with a reasonable expectation of commensurate financial return, the payment or transfer may constitute an allowable deduction as a trade or business expense under section 162, rather than a charitable contribution under section 170. See also *Marquis v. Commissioner*, 49 T.C. 695 (1968). Section 1.162–15(a)(1) applies the same standard. Thus, a passthrough entity may deduct a payment under § 1.162–15(a)(1) only if the entity can demonstrate that the payment satisfies these requirements, which limits the possibility of abuse.

Moreover, the revisions to § 1.162–15(a)(1) are not inconsistent with the safe harbor provided for passthrough entities under § 1.162–15(a)(3), which expressly excludes situations in which passthrough entities receive State or local income tax credits. The scope of § 1.162–15(a)(3) is more limited because it provides safe harbor relief for taxpayers that receive a State or local tax credit in return for a payment to charity, rather than an application of the

law. As a safe harbor, this section sets forth a simplified analysis of a passthrough entity’s expenditure—requiring merely the receipt or expectation of receipt of a State or local business tax credit. In contrast, § 1.162–15(a)(1) reiterates the current law, which requires more than the receipt of a credit against a business-related tax. Section 1.162–15(a)(1) requires a direct business relationship to the trade or business and a reasonable expectation of commensurate financial return. If a passthrough entity meets these requirements, then the payment or transfer to the section 170(c) entity may be properly treated as a business expense under section 162.

Another commenter also expressed concern that the examples under § 1.162–15(a)(2) create confusion about deductions for institutional or “good will” advertising under § 1.162–20(a)(2) because both examples contain facts that could describe advertising addressed in § 1.162–20(a)(2). The commenter suggested that the examples be moved from § 1.162–15(a)(2) to § 1.162–20(a)(2). In addition, the commenter suggested that the Treasury Department and the IRS revise the examples to clarify the relationship between § 1.162–15(a)(2) and § 1.162–20(a)(2) and address the requirement under § 1.162–20(a)(2) that deductible institutional and good will advertising expenditures must relate to patronage that the taxpayer might reasonably expect in the future. This commenter also requested that the cross-reference to § 1.162–20 in § 1.162–15(d) of the existing regulations be modified to provide additional explanation.

The Treasury Department and the IRS considered these comments but have determined that changes to § 1.162–15(a)(1) and (2) to clarify the distinctions between § 1.162–15 and § 1.162–20 are beyond the scope of these final regulations. Section 1.162–20(a)(2) provides rules for deducting expenditures for institutional or good will advertising that keeps the taxpayer’s name before the public, including by encouraging actions or presenting views on various subjects. For example, § 1.162–20(a)(2) refers to the costs of advertising that encourages contributions to organizations such as the Red Cross, encourages the purchase of savings bonds, encourages participation in similar causes, or presents views on subjects of a general nature.

In contrast, § 1.162–15(a) addresses only payments made to entities described in section 170(c). Section 1.162–15(a)(1) provides that payments to section 170(c) entities may be

deducted under section 162 if they bear a direct relationship to the taxpayer's trade or business and are made with a reasonable expectation of financial return commensurate with the amount paid. The examples in § 1.162–15(a)(2) of the final regulations are not intended to demonstrate the application of § 1.162–20(a)(2), which serves a different purpose.

The final regulations revise Example 1 under § 1.162–15(a)(2)(i) to refer to “supporters,” rather than “sponsors,” to avoid any potential confusion with the rules governing qualified sponsorship payments under section 513. In addition, the final regulations revise the cross-reference in § 1.162–15(d) to specify that the deductibility of expenditures for institutional and good will advertising is addressed in § 1.162–20(a)(2).

3. Quid Pro Quo Provided by a Third Party

Some commenters expressed a belief that under current law a *quid pro quo* received or expected to be received by a taxpayer does not reduce the taxpayer's charitable contribution deduction if the *quid pro quo* comes from a party that is not the donee. The commenters emphasized that the use of State or local tax credits in exchange for donations to SGOs is not intended to subvert federal tax law. These commenters concluded that a tax credit from a State or local government should not reduce the charitable contribution deduction for a payment to a section 170(c)(2) entity. The commenters suggested that the *quid pro quo* principle should be applied only to contributions to entities described in section 170(c)(1). One commenter recommended that if a contribution is made to section 170(c)(2) entities in exchange for a State or local tax credit, the credit should be treated as income to the donor.

The Treasury Department and the IRS considered these comments, but did not adopt the suggested changes because the established tax law does not support them. As discussed in the preamble to the proposed regulations, both the courts and the IRS have concluded that the *quid pro quo* principle is equally applicable, regardless of whether the donor expects to receive the benefit from the donee or from a third party. *See, e.g., Singer v. United States*, 449 F.2d 413 (Ct. Cl. 1971) (rejecting the taxpayer's argument that an expected benefit should be ignored because it would be received from a third party); Rev. Rul. 67–246, 1967–2 C.B. 104 (concluding that the donor's charitable contribution deduction must be reduced

by the value of a transistor radio provided by a local store). Moreover, the courts have concluded that a taxpayer's expectation of a substantial benefit in return, from any source, reflects a lack of requisite charitable intent on the part of the donor. *See, e.g., Ottawa Silica Co. v. United States*, 699 F.2d 1124 (Fed. Cir. 1983) (denying a charitable contribution deduction for the value of land donated for the construction of a school, where the taxpayer had reason to believe such construction would ultimately increase the value of its land). Thus, the source of the consideration is immaterial in determining whether a donor has received or expects to receive a return benefit that reduces its charitable contribution deduction.

4. Concerns About Reduced Charitable Giving

Several commenters expressed concerns about the impact of the regulations on donations to SGOs and other section 170(c)(2) entities that provide education opportunities for impoverished and special needs children in grades K–12. These commenters expressed concern that the 2019 final regulations have resulted in a decrease in donations to SGOs. Several commenters noted that these organizations improve the lives of students and criticized the proposed regulations as undermining the policy goals of school choice.

Some commenters stated that individual taxpayers should be able to claim a charitable contribution deduction for all payments made pursuant to a charitable State tax credit program. Other commenters suggested exempting payments and transfers to charitable entities if the payments and transfers are made pursuant to tax credit programs that were established before the enactment of the TCJA. Many commenters suggested providing an exception for State or local tax credits provided in exchange for payments to only non-governmental entities described under section 170(c). A few commenters suggested revoking the 2019 final regulations or developing a more narrowly targeted approach.

As noted in the preamble to the 2019 final regulations, the Treasury Department and the IRS recognize the importance of the federal charitable contribution deduction, as well as State and local tax credit programs, in encouraging charitable giving. However, the concerns expressed by these commenters relate more directly to the 2019 final regulations, and the statutory limitation on individuals' deductions of State and local taxes under section 164,

than to the amendments that are the subject of this rulemaking. The 2019 final regulations continue to allow a charitable contribution deduction for the portion of a taxpayer's contribution that is a gratuitous transfer, and do not affect the ability of states or localities to provide State or local tax incentives. In addition, the final regulations provide additional clarity to businesses that make payments or transfers to or for the use of SGOs and other entities described in section 170(c). Similarly, the safe harbor provided under § 1.164–3(j) of the final regulations for individuals who itemize deductions will ensure equitable treatment for taxpayers whose deductions for State and local tax payments would not have exceeded the section 164(b)(6) limitation.

In addition, for the reasons cited in the preamble to the 2019 final regulations, those regulations do not distinguish between taxpayers who make payments or transfers to State and local tax credit programs established after enactment of the TCJA and those who make payments or transfers to credit programs established prior to the enactment of the TCJA. Similarly, these final regulations apply the *quid pro quo* principle under section 170 equally to all State and local tax credit programs, and the final regulations do not adopt commenter recommendations to create exceptions for various types of State tax credit programs.

Applicability Dates

The amendments to § 1.162–15 apply to payments or transfers made on or after December 17, 2019. However, taxpayers may choose to apply the amendments to payments or transfers made on or after January 1, 2018.

Section 1.164–3(j) applies to payments made to section 170(c) entities on or after June 11, 2019. However, taxpayers may choose to apply paragraph (j) to payments made to section 170(c) entities after August 27, 2018.

The definitions provided in § 1.170A–1(h)(4) are applicable to amounts paid or property transferred on or after December 17, 2019.

Special Analyses

Executive Orders 13563 and 12866 direct agencies to assess costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of

quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. The Administrator of the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget, has waived review of this rule in accordance with section 6(a)(3)(A) of Executive Order 12866.

Pursuant to the Regulatory Flexibility Act (5 U.S.C. chapter 6), it is hereby certified that this rule will not have a significant economic impact on a substantial number of small entities. Although data are not readily available for the IRS and the Treasury Department to assess the number of small entities that are likely to be directly affected by the regulations, the economic impact is unlikely to be significant.

As discussed elsewhere in this preamble, the rule largely updates the regulations to reflect existing law and policy. The amendments update the section 162 and section 170 regulations to reflect current law. In addition, the amendments add to the regulations safe harbors under section 162 and section 164, regarding deductions when payments are made to entities described in section 170(c) and the donor receives or expects to receive a State or local tax credit in return; these safe harbors were provided previously in Internal Revenue Bulletin guidance. These regulations are expected to provide some additional certainty to taxpayers but are not expected to result in any noticeable change in taxpayer behavior. The increased certainty, and in particular the provision of safe harbors, is expected to reduce compliance burdens. Accordingly, the Treasury Department and the IRS certify that the rule will not have a significant economic impact on a substantial number of small entities. Pursuant to section 7805(f) of the Code, the notice of proposed rulemaking preceding this regulation was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business, and no comments were received.

Statement of Availability of IRS Documents

IRS Revenue Procedures, Revenue Rulings, Notices, and other guidance cited in this document are published in the Internal Revenue Bulletin (or Cumulative Bulletin) and are available from the Superintendent of Documents, U.S. Government Publishing Office, Washington, DC 20402, or by visiting the IRS website at <http://www.irs.gov>.

Drafting Information

The principal author of these regulations is the Office of the Associate Chief Counsel (Income Tax and Accounting). However, other personnel from the IRS and the Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

PART 1—INCOME TAXES

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

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

■ **Par. 2.** Section 1.162–15 is amended by revising paragraphs (a) and (d) to read as follows:

§ 1.162–15 Contributions, dues, etc.

(a) *Payments and transfers to entities described in section 170(c)*—(1) *In general.* A payment or transfer to or for the use of an entity described in section 170(c) that bears a direct relationship to the taxpayer's trade or business and that is made with a reasonable expectation of financial return commensurate with the amount of the payment or transfer may constitute an allowable deduction as a trade or business expense rather than a charitable contribution deduction under section 170. For payments or transfers in excess of the amount deductible under section 162(a), see § 1.170A–1(h).

(2) *Examples.* The following examples illustrate the rules of paragraph (a)(1) of this section:

(i) *Example 1.* A, an individual, is a sole proprietor who manufactures musical instruments and sells them through a website. A makes a \$1,000 payment to a local church (which is a charitable organization described in section 170(c)) for a half-page advertisement in the church's program for a concert. In the program, the church thanks its concert supporters, including A. A's advertisement includes the URL for the website through which A sells its instruments. A reasonably expects that the advertisement will attract new customers to A's website and will help A to sell more musical instruments. A may treat the \$1,000 payment as an expense of carrying on a trade or business under section 162.

(ii) *Example 2.* P, a partnership, operates a chain of supermarkets, some

of which are located in State N. P operates a promotional program in which it sets aside the proceeds from one percent of its sales each year, which it pays to one or more charities described in section 170(c). The funds are earmarked for use in projects that improve conditions in State N. P makes the final determination on which charities receive payments. P advertises the program. P reasonably believes the program will generate a significant degree of name recognition and goodwill in the communities where it operates and thereby increase its revenue. As part of the program, P makes a \$1,000 payment to a charity described in section 170(c). P may treat the \$1,000 payment as an expense of carrying on a trade or business under section 162. This result is unchanged if, under State N's tax credit program, P expects to receive a \$1,000 income tax credit on account of P's payment, and under State N law, the credit can be passed through to P's partners.

(3) *Safe harbors for C corporations and specified passthrough entities making payments in exchange for State or local tax credits*—(i) *Safe harbor for C corporations.* If a C corporation makes a payment to or for the use of an entity described in section 170(c) and receives or expects to receive in return a State or local tax credit that reduces a State or local tax imposed on the C corporation, the C corporation may treat such payment as meeting the requirements of an ordinary and necessary business expense for purposes of section 162(a) to the extent of the amount of the credit received or expected to be received.

(ii) *Safe harbor for specified passthrough entities*—(A) *Definition of specified passthrough entity.* For purposes of this paragraph (a)(3)(ii), an entity is a specified passthrough entity if each of the following requirements is satisfied—

(1) The entity is a business entity other than a C corporation and is regarded for all Federal income tax purposes as separate from its owners under § 301.7701–3 of this chapter;

(2) The entity operates a trade or business within the meaning of section 162;

(3) The entity is subject to a State or local tax incurred in carrying on its trade or business that is imposed directly on the entity; and

(4) In return for a payment to an entity described in section 170(c), the entity described in paragraph (a)(3)(ii)(A)(1) of this section receives or expects to receive a State or local tax credit that the entity applies or expects to apply to offset a State or local tax described in paragraph (a)(3)(ii)(A)(3) of this section.

(B) *Safe harbor.* Except as provided in paragraph (a)(3)(ii)(C) of this section, if a specified passthrough entity makes a payment to or for the use of an entity described in section 170(c), and receives or expects to receive in return a State or local tax credit that reduces a State or local tax described in paragraph (a)(3)(ii)(A)(3) of this section, the specified passthrough entity may treat such payment as an ordinary and necessary business expense for purposes of section 162(a) to the extent of the amount of credit received or expected to be received.

(C) *Exception.* The safe harbor described in this paragraph (a)(3)(ii) does not apply if the credit received or expected to be received reduces a State or local income tax.

(iii) *Definition of payment.* For purposes of this paragraph (a)(3), payment is defined as a payment of cash or cash equivalent.

(iv) *Examples.* The following examples illustrate the rules of paragraph (a)(3) of this section.

(A) *Example 1. C corporation that receives or expects to receive dollar-for-dollar State or local tax credit.* A, a C corporation engaged in a trade or business, makes a payment of \$1,000 to an entity described in section 170(c). In return for the payment, A expects to receive a dollar-for-dollar State tax credit to be applied to A's State corporate income tax liability. Under paragraph (a)(3)(i) of this section, A may treat the \$1,000 payment as an expense of carrying on a trade or business under section 162.

(B) *Example 2. C corporation that receives or expects to receive percentage-based State or local tax credit.* B, a C corporation engaged in a trade or business, makes a payment of \$1,000 to an entity described in section 170(c). In return for the payment, B expects to receive a local tax credit equal to 80 percent of the amount of this payment (\$800) to be applied to B's local real property tax liability. Under paragraph (a)(3)(i) of this section, B may treat \$800 as an expense of carrying on a trade or business under section 162. The treatment of the remaining \$200 will depend upon the facts and circumstances and is not affected by paragraph (a)(3)(i) of this section.

(C) *Example 3. Partnership that receives or expects to receive dollar-for-dollar State or local tax credit.* P is a limited liability company classified as a partnership for Federal income tax purposes under § 301.7701-3 of this chapter. P is engaged in a trade or business and makes a payment of \$1,000 to an entity described in section 170(c). In return for the payment, P expects to

receive a dollar-for-dollar State tax credit to be applied to P's State excise tax liability incurred by P in carrying on its trade or business. Under applicable State law, the State's excise tax is imposed at the entity level (not the owner level). Under paragraph (a)(3)(ii) of this section, P may treat the \$1,000 as an expense of carrying on a trade or business under section 162.

(D) *Example 4. S corporation that receives or expects to receive percentage-based State or local tax credit.* S is an S corporation engaged in a trade or business and is owned by individuals C and D. S makes a payment of \$1,000 to an entity described in section 170(c). In return for the payment, S expects to receive a local tax credit equal to 80 percent of the amount of this payment (\$800) to be applied to S's local real property tax liability incurred by S in carrying on its trade or business. Under applicable local law, the real property tax is imposed at the entity level (not the owner level). Under paragraph (a)(3)(ii) of this section, S may treat \$800 of the payment as an expense of carrying on a trade or business under section 162. The treatment of the remaining \$200 will depend upon the facts and circumstances and is not affected by paragraph (a)(3)(ii) of this section.

(v) *Applicability of section 170 to payments in exchange for State or local tax benefits.* For rules regarding the availability of a charitable contribution deduction under section 170 where a taxpayer makes a payment or transfers property to or for the use of an entity described in section 170(c) and receives or expects to receive a State or local tax benefit in return for such payment, see § 1.170A-1(h)(3).

(4) *Applicability dates.* Paragraphs (a)(1) and (2) of this section, regarding the application of section 162 to taxpayers making payments or transfers to entities described in section 170(c), apply to payments or transfers made on or after December 17, 2019. Section 1.162-15(a), as it appeared in the April 1, 2020 edition of 26 CFR part 1, generally applies to payments or transfers made prior to December 17, 2019. However, taxpayers may choose to apply paragraphs (a)(1) and (2) of this section to payments and transfers made on or after January 1, 2018. Paragraph (a)(3) of this section, regarding the safe harbors for C corporations and specified passthrough entities making payments to section 170(c) entities in exchange for State or local tax credits, applies to payments made by these entities on or after December 17, 2019. However, taxpayers may choose to apply the safe

harbors of paragraph (a)(3) to payments made on or after January 1, 2018.

* * * * *

(d) *Cross reference.*—For provisions dealing with expenditures for institutional or “good will” advertising, see § 1.162-20(a)(2).

■ **Par. 3.** Section 1.164-3 is amended by adding paragraph (j) to read as follows:

§ 1.164-3 Definitions and special rules.

* * * * *

(j) *Safe harbor for payments made by individuals in exchange for State or local tax credits*—(1) *In general.* An individual who itemizes deductions and who makes a payment to or for the use of an entity described in section 170(c) in consideration for a State or local tax credit may treat as a payment of State or local tax for purposes of section 164 the portion of such payment for which a charitable contribution deduction under section 170 is disallowed under § 1.170A-1(h)(3). This treatment as payment of a State or local tax is allowed in the taxable year in which the payment is made to the extent that the resulting credit is applied, consistent with applicable State or local law, to offset the individual's State or local tax liability for such taxable year or the preceding taxable year.

(2) *Credits carried forward.* To the extent that a State or local tax credit described in paragraph (j)(1) of this section is not applied to offset the individual's applicable State or local tax liability for the taxable year of the payment or the preceding taxable year, any excess State or local tax credit permitted to be carried forward may be treated as a payment of State or local tax under section 164(a) in the taxable year or years for which the carryover credit is applied in accordance with State or local law.

(3) *Limitation on individual deductions.* Nothing in this paragraph (j) may be construed as permitting a taxpayer who applies this safe harbor to avoid the limitation of section 164(b)(6) for any amount paid as a tax or treated under this paragraph (j) as a payment of tax.

(4) *No safe harbor for transfers of property.* The safe harbor provided in this paragraph (j) applies only to a payment of cash or cash equivalent.

(5) *Coordination with other deductions.* An individual who deducts a payment under section 164 may not also deduct the same payment under any other Code section.

(6) *Examples.* In the following examples, the taxpayer is an individual who itemizes deductions for Federal income tax purposes.

(i) *Example 1.* In year 1, Taxpayer A makes a payment of \$500 to an entity described in section 170(c). In return for the payment, A receives a dollar-for-dollar State income tax credit. Prior to application of the credit, A's State income tax liability for year 1 was more than \$500. A applies the \$500 credit to A's year 1 State income tax liability. Under paragraph (j)(1) of this section, A treats the \$500 payment as a payment of State income tax in year 1. To determine A's deduction amount, A must apply the provisions of section 164 applicable to payments of State and local taxes, including the limitation in section 164(b)(6). See paragraph (j)(3) of this section.

(ii) *Example 2.* In year 1, Taxpayer B makes a payment of \$7,000 to an entity described in section 170(c). In return for the payment, B receives a dollar-for-dollar State income tax credit, which under State law may be carried forward for three taxable years. Prior to application of the credit, B's State income tax liability for year 1 was \$5,000; B applies \$5,000 of the \$7,000 credit to B's year 1 State income tax liability. Under paragraph (j)(1) of this section, B treats \$5,000 of the \$7,000 payment as a payment of State income tax in year 1. Prior to application of the remaining credit, B's State income tax liability for year 2 exceeds \$2,000. B applies the excess credit of \$2,000 to B's year 2 State income tax liability. For year 2, under paragraph (j)(2) of this section, B treats the \$2,000 as a payment of State income tax under section 164. To determine B's deduction amounts in years 1 and 2, B must apply the provisions of section 164 applicable to payments of State and local taxes, including the limitation under section 164(b)(6). See paragraph (j)(3) of this section.

(iii) *Example 3.* In year 1, Taxpayer C makes a payment of \$7,000 to an entity described in section 170(c). In return for the payment, C receives a local real property tax credit equal to 25 percent of the amount of this payment (\$1,750). Prior to application of the credit, C's local real property tax liability in year 1 was more than \$1,750. C applies the \$1,750 credit to C's year 1 local real property tax liability. Under paragraph (j)(1) of this section, for year 1, C treats \$1,750 of the \$7,000 payment as a payment of local real property tax for purposes of section 164. To determine C's deduction amount, C must apply the provisions of section 164 applicable to payments of State and local taxes, including the limitation under section 164(b)(6). See paragraph (j)(3) of this section.

(7) *Applicability date.* This paragraph (j) applies to payments made to section 170(c) entities on or after June 11, 2019. However, a taxpayer may choose to apply this paragraph (j) to payments made to section 170(c) entities after August 27, 2018.

■ **Par. 4.** Section 1.170A-1 is amended as follows:

■ 1. Paragraph (c)(5) is revised.

■ 2. In paragraph (h)(1) introductory text, remove the cross-references to “§ 1.170A-13(f)(6)” and “§ 1.170A-13(f)(5)” and add in their places “paragraph (h)(4)(i) of this section” and “paragraph (h)(4)(ii) of this section”, respectively.

■ 3. Paragraphs (h)(2)(i)(B) and (h)(3)(iii) are revised.

■ 4. Paragraph (h)(3)(viii) is redesignated as paragraph (h)(3)(x).

■ 5. New paragraph (h)(3)(viii) and paragraph (h)(3)(ix) are added.

■ 6. Paragraphs (h)(4) through (6) are redesignated as paragraphs (h)(5) through (7).

■ 7. New paragraph (h)(4) is added.

The revisions and additions read as follows:

§ 1.170A-1 Charitable, etc., contributions and gifts; allowance of deduction.

* * * * *

(c) * * *

(5) For payments or transfers to an entity described in section 170(c) by a taxpayer carrying on a trade or business, see § 1.162-15(a).

* * * * *

(h) * * *

(2) * * *

(i) * * *

(B) The fair market value of the goods or services received or expected to be received in return.

* * * * *

(3) * * *

(iii) *In consideration for.* For purposes of paragraph (h) of this section, the term *in consideration for* has the meaning set forth in paragraph (h)(4)(i) of this section.

* * * * *

(viii) *Safe harbor for payments by C corporations and specified passthrough entities.* For payments by a C corporation or by a specified passthrough entity to an entity described in section 170(c), where the C corporation or specified passthrough entity receives or expects to receive a State or local tax credit that reduces the charitable contribution deduction for such payments under paragraph (h)(3) of this section, see § 1.162-15(a)(3) (providing safe harbors under section 162(a) to the extent of that reduction).

(ix) *Safe harbor for individuals.* Under certain circumstances, an individual

who itemizes deductions and makes a payment to an entity described in section 170(c) in consideration for a State or local tax credit may treat the portion of such payment for which a charitable contribution deduction is disallowed under paragraph (h)(3) of this section as a payment of State or local taxes under section 164. See § 1.164-3(j), providing a safe harbor for certain payments by individuals in exchange for State or local tax credits.

* * * * *

(4) *Definitions.* For purposes of this paragraph (h), the following definitions apply:

(i) *In consideration for.* A taxpayer receives goods or services in consideration for a taxpayer's payment or transfer to an entity described in section 170(c) if, at the time the taxpayer makes the payment to such entity, the taxpayer receives or expects to receive goods or services from that entity or any other party in return.

(ii) *Goods or services.* Goods or services means cash, property, services, benefits, and privileges.

(iii) *Applicability date.* The definitions provided in this paragraph (h)(4) are applicable to amounts paid or property transferred on or after December 17, 2019.

* * * * *

§ 1.170A-13 [Amended]

■ **Par. 5.** Section 1.170A-13 is amended in paragraph (f)(7) by removing the cross-reference “§ 1.170A-1(h)(5)” and adding in its place “§ 1.170A-1(h)(6)”.

Sunita Lough,

Deputy Commissioner for Services and Enforcement.

Approved: July 27, 2020.

David J. Kautter,

Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. 2020-17393 Filed 8-7-20; 4:15 pm]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 501

Adjustment of Applicable Schedule Amount

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is issuing this final rule to make technical amendments to the

definition of “applicable schedule amount” in its regulations. In recent years, OFAC has adjusted its civil monetary penalties (CMPs) as required by the Federal Civil Penalties Inflation Adjustment Act, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015. While OFAC’s “applicable schedule amount” values are not civil monetary penalties that are required to be adjusted pursuant to such statute, OFAC is making technical changes to this definition to ensure the applicable schedule amount values continue to correspond appropriately to OFAC’s CMPs.

DATES: This rule is effective August 11, 2020.

FOR FURTHER INFORMATION CONTACT:

OFAC: Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

This document and additional information concerning OFAC are available on OFAC’s website (www.treasury.gov/ofac).

Background

On September 8, 2008, OFAC issued as an interim final rule the “Economic Sanctions Enforcement Guidelines” (Enforcement Guidelines) as appendix A to the Reporting, Procedures and Penalties Regulations at 31 CFR part 501 (73 FR 51933, September 8, 2008). On November 9, 2009, OFAC re-issued as a final rule the Enforcement Guidelines (74 FR 57593, November 9, 2009). OFAC’s Enforcement Guidelines provide a general framework for the enforcement of all economic sanctions programs administered by OFAC. Section V.B.2.a.ii. of the Enforcement Guidelines states that the base amount of a proposed civil penalty in a Pre-Penalty Notice shall be the “applicable schedule amount,” subject to certain caps noted in that section, where the case is deemed non-egregious and the apparent violation has come to OFAC’s attention by means other than a voluntary self-disclosure. Section I.B. of the Enforcement Guidelines provides a definition of “applicable schedule amount.”

Separately, as required by the Federal Civil Penalties Inflation Adjustment Act (1990 Pub. L. 101–410, 104 Stat. 890; 28 U.S.C. 2461 note), as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of

2015 (Pub. L. 114–74, 129 Stat. 599, 28 U.S.C. 2461 note) (collectively, the FCPIA Act), OFAC has adjusted its CMPs five times since the Federal Civil Penalties Inflation Adjustment Act Improvements Act went into effect on November 2, 2015: An initial catch-up adjustment on August 1, 2016 (81 FR 43070, July 1, 2016), and annual adjustments on February 10, 2017 (82 FR 10434, February 10, 2017), March 19, 2018 (83 FR 11876, March 19, 2018), June 14, 2019 (84 FR 27714, June 14, 2019), and April 9, 2020 (85 FR 19884, April 9, 2020).

OFAC’s applicable schedule amount values in the Enforcement Guidelines, while not required to be adjusted pursuant to the FCPIA Act, correspond in certain ways with OFAC’s CMPs. As a result, to correspond with OFAC’s recent CMP adjustments required by the FCPIA Act, OFAC is now amending the definition of “applicable schedule amount” in section I.B. of appendix A to 31 CFR part 501, to adjust applicable schedule amount values for transactions valued at \$100,000 or more. Specifically, OFAC is amending sections I.B.6. and I.B.7., such that in the case of transactions valued at \$100,000 or more but less than \$200,000, the applicable schedule amount is now \$200,000, and in the case of transactions valued at \$200,000 or more, the applicable schedule amount is now \$307,922, which corresponds with the current maximum CMP amount for a violation of the International Emergency Economic Powers Act (50 U.S.C. 1701–1706, at 1705). These changes are not required pursuant to the FCPIA; however, OFAC is making these changes to ensure the applicable schedule amount values continue to correspond appropriately to OFAC’s CMPs as the CMPs are adjusted pursuant to the FCPIA annually. Additionally, OFAC is amending the authorities section of 31 CFR part 501 to shorten citations to conform to **Federal Register** guidance.

Public Participation

Because this final rule imposes no obligations on any person, but only amends OFAC’s enforcement policy and procedures based on existing substantive rules, provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable. Further, this final rule is not a significant regulatory action for purposes of Executive Order 12866. Accordingly, the provisions of Executive Order 13771 are inapplicable. Because no notice of proposed

rulemaking is required for this rule, the Regulatory Flexibility Act (5 U.S.C. 601–612) does not apply.

Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this rule does not impose information collection requirements that would require the approval of the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

List of Subjects in 31 CFR Part 501

Administrative practice and procedure, Banks, banking, Blocking of assets, Exports, Foreign trade, Licensing, Penalties, Sanctions.

For the reasons set forth in the preamble, the Department of the Treasury’s Office of Foreign Assets Control amends 31 CFR part 501 as follows:

PART 501—REPORTING, PROCEDURES AND PENALTIES REGULATIONS

■ 1. The authority citation for part 501 is revised to read as follows:

Authority: 8 U.S.C. 1189; 18 U.S.C. 2332d, 2339B; 19 U.S.C. 3901–3913; 21 U.S.C. 1901–1908; 22 U.S.C. 287c; 22 U.S.C. 2370(a), 6009, 6032, 7205; 28 U.S.C. 2461 note; 31 U.S.C. 321(b); 50 U.S.C. 1701–1706; 50 U.S.C. 4301–4341; 22 U.S.C. 8501–8551.

Appendix A to Part 501 [Amended]

■ 2. Amend appendix A to part 501 as follows:

■ a. In section I.B.6., remove “\$170,000” in both places it appears and add in its place “\$200,000” in both places.

■ b. In section I.B.7., remove “\$250,000” and add in its place “\$307,922”, and remove “\$170,000” and add in its place “\$200,000”.

Dated: August 5, 2020.

Andrea Gacki,

Director, Office of Foreign Assets Control.

[FR Doc. 2020–17424 Filed 8–10–20; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 251

RIN 0596–AD36

Land Uses; Special Uses; Procedures for Operating Plans and Agreements for Powerline Facility Maintenance and Vegetation Management Within and Abutting the Linear Boundary of a Special Use Authorization for a Powerline Facility; Correction

AGENCY: Forest Service, USDA.

ACTION: Final rule; correction.

SUMMARY: The U.S. Department of Agriculture is correcting a final rule that appeared in the **Federal Register** on July 10, 2020. The final rule amends existing special use regulations to implement section 512 of the Federal Land Policy and Management Act, as added by section 211 of division O, Consolidated Appropriations Act, 2018 (hereinafter “section 512”). Section 512 governs the development and approval of operating plans and agreements for maintenance and vegetation management of electric transmission and distribution line facilities (powerline facilities) on National Forest System (NFS) lands inside the linear boundary of special use authorizations for powerline facilities and on abutting NFS lands to remove or prune hazard trees.

DATES: Effective August 10, 2020.

FOR FURTHER INFORMATION CONTACT: Reggie Woodruff, Energy Program Manager, Lands and Realty Management, 202–205–1196 or reginal.woodruff@usda.gov.

SUPPLEMENTARY INFORMATION: In FR doc. 2020–13999 appearing on pages 41387–41394 in the **Federal Register** of Friday, July 10, 2020, the following corrections are made:

§ 251.51 [Corrected]

■ 1. On page 41392, in the first column, in § 251.51, in amendment 2, the instruction is corrected to read as follows:

■ 2. Amend § 251.51 by:

- a. Adding in alphabetical order the definition of “Hazard tree”;
- b. Revising the definition of “Linear right-of-way”; and
- c. Adding in alphabetical order the definitions of “Maintenance,” “Maximum operating sag,” “Minimum vegetation clearance distance,” “Operating plan or agreement for a powerline facility,” “Owner or operator,” “Powerline facility,” and “Vegetation Management”.

The additions and revision read as follows:

■ 2. On page 41392, in the second column, in § 251.51, the definition for “Linear right-of-way” is corrected to read as follows:

Linear right-of-way—an authorized right-of-way for a linear facility, such as a road, trail, pipeline, powerline facility, fence, water transmission facility, or fiber optic cable, whose linear boundary is delineated by its legal description.

■ 3. On page 41394, in the first column, in § 251.56, paragraph (h)(5)(viii)(B) is corrected to read as follows:

§ 251.56 [Corrected]

- (h) * * *
- (5) * * *
- (viii) * * *

(B) *Emergency vegetation management.* Emergency vegetation management does not require prior written approval from the authorized officer. The owner or operator shall notify the authorized officer in writing of the location and quantity of the emergency vegetation management within 24 hours of initiating the response;

James E. Hubbard,

Under Secretary, Natural Resources and Environment.

[FR Doc. 2020–17462 Filed 8–7–20; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

RTID 0648–XA339

Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfers From NC to MA and VA to RI

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

ACTION: Notification of quota transfer.

SUMMARY: NMFS announces that the State of North Carolina is transferring a portion of its 2020 commercial summer flounder quota to the Commonwealth of Massachusetts. The Commonwealth of Virginia is also transferring a portion of its 2020 summer flounder quota to the State of Rhode Island. These quota adjustments are necessary to comply with the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan quota transfer provisions. This announcement informs the public of the revised commercial quotas for North Carolina, Massachusetts, Virginia, and Rhode Island.

DATES: Effective August 10, 2020, through December 31, 2020.

FOR FURTHER INFORMATION CONTACT: Laura Hansen, Fishery Management Specialist, (978) 281–9225.

SUPPLEMENTARY INFORMATION: Regulations governing the summer flounder fishery are found in 50 CFR 648.100 through 648.110. These regulations require annual specification of a commercial quota that is

apportioned among the coastal states from Maine through North Carolina. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.102 and final 2020 allocations were published on October 9, 2019 (84 FR 54041).

The final rule implementing Amendment 5 to the Summer Flounder Fishery Management Plan (FMP), as published in the **Federal Register** on December 17, 1993 (58 FR 65936), provided a mechanism for transferring summer flounder commercial quota from one state to another. Two or more states, under mutual agreement and with the concurrence of the NMFS Greater Atlantic Regional Administrator, can transfer or combine summer flounder commercial quota under § 648.102(c)(2). The Regional Administrator is required to consider three criteria in the evaluation of requests for quota transfers or combinations: The transfer or combinations would preclude the overall annual quota from being fully harvested, the transfer addresses an unforeseen variation or contingency in the fishery, and the transfer is consistent with the objectives of the FMP and the Magnuson-Stevens Act.

North Carolina is transferring 6,965 pounds (lb) (3,519 kilograms (kg)) to Massachusetts. Virginia is transferring 6,417 lb (2,911 kg) to Rhode Island. These transfers are occurring through mutual agreement of the states. These transfers were requested to repay landings made by out-of-state permitted vessels under safe harbor agreements. The revised summer flounder quotas for fishing year 2020 are now: North Carolina, 3,134,764 lb (1,421,905 kg); Massachusetts 793,364 lb (359,864 kg); Rhode Island, 1,814,665 lb (823,118 kg); and Virginia, 2,474,181 lb (1,122,269 kg).

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

Dated: August 6, 2020.

Jennifer M. Wallace,

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

[FR Doc. 2020–17524 Filed 8–10–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 648**

[Docket No. 200623–0167; RTID 0648–XA337]

Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfer From NJ to NY

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

ACTION: Notification of quota transfer.

SUMMARY: NMFS announces that the State of New Jersey is transferring a portion of its 2020 commercial bluefish quota to the State of New York. This quota adjustment is necessary to comply with the Atlantic Bluefish Fishery Management Plan quota transfer provisions. This announcement informs the public of the revised commercial bluefish quotas for New Jersey and New York.

DATES: Effective August 10, 2020, through December 31, 2020.

FOR FURTHER INFORMATION CONTACT: Laura Hansen, Fishery Management Specialist, (978) 281–9225.

SUPPLEMENTARY INFORMATION: Regulations governing the Atlantic bluefish fishery are found in 50 CFR 648.160 through 648.167. These regulations require annual specification of a commercial quota that is apportioned among the coastal states from Maine through Florida. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.162 and the final 2020 allocations were published on June 29, 2020 (85 FR 38794).

The final rule implementing Amendment 1 to the Bluefish Fishery Management Plan (FMP) published in the **Federal Register** on July 26, 2000 (65 FR 45844), and provided a mechanism for transferring bluefish quota from one state to another. Two or more states, under mutual agreement and with the concurrence of the NMFS Greater Atlantic Regional Administrator, can request approval to transfer or combine bluefish commercial quota under § 648.162(e)(1)(i) through (iii). The Regional Administrator must first

approve any such transfer based on the criteria in § 648.162(e). The Regional Administrator is required to consider three criteria in the evaluation of requests for quota transfers or combinations: The transfer or combinations would preclude the overall annual quota from being fully harvested; the transfer addresses an unforeseen variation or contingency in the fishery; and the transfer is consistent with the objectives of the FMP and the Magnuson-Stevens Act.

New Jersey is transferring 50,000 pounds (lb) (22,679 kilograms (kg)) of bluefish commercial quota to New York through mutual agreement of the states. This transfer was requested to ensure that New York would not exceed its 2020 state quota before the new increased quotas were implemented. The revised bluefish quotas for 2020 are: New Jersey, 359,934 lb (162,263 kg); and New York, 337,335 lb (153,012 kg).

Classification

This action is taken under 50 CFR part 648 and is exempt from review under Executive Order 12866.

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

Dated: August 6, 2020.

Jennifer M. Wallace,

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

[FR Doc. 2020–17523 Filed 8–10–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 679**

[Docket No. 200221–0062; RTID 0648–XA361]

Fisheries of the Exclusive Economic Zone Off Alaska; Dusky Rockfish in the West Yakutat District of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for dusky rockfish in the West Yakutat District of the Gulf of Alaska (GOA). This action is necessary to

prevent exceeding the 2020 total allowable catch of dusky rockfish in the West Yakutat District of the GOA.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), August 6, 2020, through 2400 hours, A.l.t., December 31, 2020.

FOR FURTHER INFORMATION CONTACT:

Steve Whitney, 907–586–7228.

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

The 2020 total allowable catch (TAC) of dusky rockfish in the West Yakutat District of the GOA is 115 metric tons (mt) as established by the final 2020 and 2021 harvest specifications for groundfish of the GOA (85 FR 13802, March 10, 2020).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2020 TAC of dusky rockfish in the West Yakutat District of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 110 mt, and is setting aside the remaining 5 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for dusky rockfish in the West Yakutat District of the GOA. While this closure is effective the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 679, which was issued pursuant to section 304(b), and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of directed fishing of dusky rockfish in the West Yakutat district of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of August 4, 2020.

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

Dated: August 6, 2020.

Jennifer M. Wallace,

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

[FR Doc. 2020-17527 Filed 8-6-20; 4:15 pm]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 200227-0066; RTID 0648-XA351]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific ocean perch in the Western Aleutian district (WAI) of the Bering Sea and Aleutian Islands management area (BSAI) by vessels participating in the BSAI trawl limited access sector fishery. This action is necessary to prevent exceeding the 2020 total allowable catch (TAC) of Pacific ocean perch in the WAI allocated to vessels participating in the BSAI trawl limited access sector fishery.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), August 6, 2020, through 2400 hrs, A.l.t., December 31, 2020.

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

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific

Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2020 TAC of Pacific ocean perch, in the WAI, allocated to vessels participating in the BSAI trawl limited access sector fishery was established as a directed fishing allowance of 178 metric tons by the final 2020 and 2021 harvest specifications for groundfish in the BSAI (85 FR 13553, March 9, 2020).

In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific ocean perch in the WAI by vessels participating in the BSAI trawl limited access sector fishery. While this closure is effective, the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 679, which was issued pursuant to section 304(b), and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of directed fishing of Pacific ocean perch in the WAI of the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of July 29, 2020.

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

Dated: August 6, 2020.

Jennifer M. Wallace,

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

[FR Doc. 2020-17522 Filed 8-6-20; 4:15 pm]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 200221-0062]

RTID 0648-XA360

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the West Yakutat District of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific ocean perch in the West Yakutat District of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 2020 total allowable catch of Pacific ocean perch in the West Yakutat District of the GOA.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), August 6, 2020, through 2400 hours, A.l.t., December 31, 2020.

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

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

The 2020 total allowable catch (TAC) of Pacific ocean perch in the West Yakutat District of the GOA is 1,470 metric tons (mt) as established by the final 2020 and 2021 harvest specifications for groundfish of the GOA (85 FR 13802, March 10, 2020).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2020 TAC of Pacific ocean perch in the West Yakutat District of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 1,370 mt, and is setting aside the remaining 100 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached.

Consequently, NMFS is prohibiting directed fishing for Pacific ocean perch in the West Yakutat District of the GOA. While this closure is effective the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 679, which was issued pursuant to

section 304(b), and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of directed fishing of Pacific ocean perch in the West Yakutat district of the GOA. NMFS

was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of August 4, 2020.

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

Dated: August 6, 2020.

Jennifer M. Wallace,

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

[FR Doc. 2020–17520 Filed 8–6–20; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register

Vol. 85, No. 155

Tuesday, August 11, 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-2020-0683; Product Identifier 2020-NM-109-AD]

RIN 2120-AA64

Airworthiness Directives; Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Airbus Canada Limited Partnership Model BD-500-1A10 and BD-500-1A11 airplanes. This proposed AD was prompted by a report that during installation on the final assembly line, a foreign object damage (FOD) protective end cap was not removed from an extraction duct of the crew oxygen system. The protective end cap must be removed to prevent a build-up of oxygen under the flight deck floor, which is a fire risk. This proposed AD would require inspecting the air extraction duct installation to determine if a protective end cap is installed, and removing any protective end cap found. 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 25, 2020.

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

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Follow the instructions for submitting comments.
- *Fax:* 202-493-2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M-

30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Airbus Canada Limited Partnership, 13100 Henri-Fabre Boulevard, Mirabel, Québec, J7N 3C6, Canada; telephone 450-476-7676; email a220_crc@abc.airbus; internet <https://a220world.airbus.com>. You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195.

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-2020-0683; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT:

Siddeeq Bacchus, Aerospace Engineer, Mechanical Systems and Admin Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone: 516-228-7362; fax: 516-794-5531; email: 9-avs-nyaco-cos@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include “Docket No. FAA-2020-0683; Product Identifier 2020-NM-109-AD” at the beginning of your comments. The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. The FAA will consider all comments received by the closing date and may amend this NPRM because of those comments.

The FAA will post all comments received, without change, to <https://www.regulations.gov>, including any personal information you provide. The FAA will also post a report summarizing each substantive verbal contact received about this NPRM.

Discussion

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian AD CF-2020-19, dated May 26, 2020 (referred to after this as the Mandatory Continuing Airworthiness Information, or “the MCAI”), to correct an unsafe condition for certain Airbus Canada Limited Partnership Model BD-500-1A10 and BD-500-1A11 airplanes. You may examine the MCAI in the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2020-0683.

This proposed AD was prompted by a report that during installation on the final assembly line, an FOD protective end cap was not removed from an extraction duct of the crew oxygen system located under the flight deck floor. The crew oxygen lines, electrical harnesses and electrical equipment, which operate at a high temperature, are also located under the flight deck floor. The extraction duct provides ventilation to adjacent electrical equipment and prevents a build-up of oxygen should an oxygen leak occur. The protective end cap must be removed to prevent a build-up of oxygen under the flight deck floor, which is a fire risk. The FAA is proposing this AD to address this possible ignition source, which could result in an oxygen-fed fire. See the MCAI for additional background information.

Related Service Information Under 14 CFR Part 51

Airbus Canada Limited Partnership has issued A220 Service Bulletin BD500-351004, Issue 001, dated April 8, 2020. This service information describes procedures for a general visual inspection of the extraction duct of the crew oxygen system to determine if a protective end cap is installed, and removing any protective end cap found.

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

FAA's Determination

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the State of Design Authority, the FAA has been notified of the unsafe condition described in the MCAI and service information referenced above. The FAA

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

Proposed Requirements of This NPRM

This proposed AD would require accomplishing the actions specified in

the service information described previously.

Costs of Compliance

The FAA estimates that this proposed AD affects 20 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
3 work-hours × \$85 per hour = \$255	\$0	\$255	\$5,100

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

- (1) Is not a "significant regulatory action" under Executive Order 12866,
- (2) Will not affect intrastate aviation in Alaska, and
- (3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus Canada Limited Partnership (Type Certificate previously held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.): Docket No. FAA–2020–0683; Product Identifier 2020–NM–109–AD.

(a) Comments Due Date

The FAA must receive comments by September 25, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Canada Limited Partnership (Type Certificate previously held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) airplanes, certificated in any category, identified in paragraphs (c)(1) and (2) of this AD.

(1) Model BD–500–1A10 airplanes, serial numbers 50010 through 50018 inclusive, and 50020 through 50039 inclusive.

(2) Model BD–500–1A11 airplanes, serial numbers 55003 through 55016 inclusive, and 55018 through 55054 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 35, Oxygen.

(e) Reason

This AD was prompted by a report that during installation on the final assembly line, a foreign object damage (FOD) protective end cap was not removed from an extraction duct of the crew oxygen system. The protective end cap must be removed to prevent a build-up of oxygen under the flight deck floor, which is a fire risk. The FAA is issuing this AD to address this possible ignition source, which could result in an oxygen-fed fire.

(f) Compliance

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

(g) Inspection

Within 1,650 flight hours or 8 months after the effective date of this AD, whichever occurs first: Do a general visual inspection of the air extraction duct installation to determine if a protective end cap is installed, and if installed, remove the protective end cap before further flight, in accordance with the Accomplishment Instructions of Airbus Canada Limited Partnership A220 Service Bulletin BD500–351004, Issue 001, dated April 8, 2020.

(h) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions

from a manufacturer, the instructions must be accomplished using a method approved by the Manager, New York ACO Branch, FAA; or Transport Canada Civil Aviation (TCCA); or Airbus Canada Limited Partnership's TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(i) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian AD CF-2020-19, dated May 26, 2020; for related information. This MCAI may be found in the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2020-0683.

(2) For more information about this AD, contact Siddeeq Bacchus, Aerospace Engineer, Mechanical Systems and Admin Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone: 516-228-7362; fax: 516-794-5531; email: 9-avs-nyacos@faa.gov.

(3) For service information identified in this AD, contact Airbus Canada Limited Partnership, 13100 Henri-Fabre Boulevard, Mirabel, Québec, J7N 3C6, Canada; telephone 450-476-7676; email a220_crc@abc.airbus; internet <http://a220world.airbus.com>. You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195.

Issued on July 30, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020-17466 Filed 8-10-20; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2020-0687; Project Identifier AD-2020-00571-E]

RIN 2120-AA64

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Rolls-Royce Corporation (RRC) AE 2100A, AE 2100D2, AE 2100D2A, and AE 2100P model turboprop engines. This proposed AD was prompted by a report of a propeller gearbox (PGB)

development test conducted by the manufacturer, in which high vibration occurred due to a fatigue crack that initiated in the PGB shaft and carrier assembly. This proposed AD would require assignment of usage hours to the PGB shaft and carrier assembly at the next engine shop visit and replacement of PGB shaft and carrier assemblies prior to exceeding the new life limits established by the manufacturer. 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 25, 2020.

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

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

For service information identified in this NPRM, contact Rolls-Royce Corporation, 450 South Meridian Street, Mail Code NB-01-06, Indianapolis, IN 46225; phone: 317-230-1667; email: CMSEindyOSD@rolls-royce.com; internet: www.rolls-royce.com. You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781-238-7759.

Examining the AD Docket

You may examine the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2020-0687; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Kyri Zaroyiannis, Aerospace Engineer, Chicago ACO Branch, FAA, 2300 East Devon Avenue, Des Plaines, IL 60018; phone: 847-294-7836; fax: 847-294-7834; email: kyri.zaroyiannis@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include “Docket No. FAA-2020-0687; Project Identifier AD-2020-00571-E” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this NPRM because of those comments.

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

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 Kyri Zaroyiannis, Aerospace Engineer, Chicago ACO Branch, FAA, 2300 East Devon Avenue, Des Plaines, IL 60018. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA was informed by the manufacturer that a PGB development test was stopped due to high vibration that was found to have been caused by a fatigue crack that initiated in PGB shaft and carrier assembly. The fatigue crack initiated in a broach slot of the PGB shaft. The PGB shaft and carrier

assembly has not previously been a life limited part. After further stress and life analyses, the manufacturer identified the need to declare life limits for all PGB shaft and carrier assemblies. The manufacturer also determined the need to assign usage hours to PGB shaft and carrier assemblies that already have time in service. This AD requires assignment of usage hours to these PGB shaft and carrier assemblies and requires removal of these parts prior to exceeding the new life limits established by the manufacturer. This condition, if not addressed, could result in loss of the propeller, damage to the engine, and damage to the airplane.

FAA's Determination

The FAA is issuing this NPRM because the agency has determined that the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Service Information Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed RRC Alert Service Bulletin (ASB) AE 2100A-A-72-322/AE 2100P-A-72-047, Revision 1 (single document), dated May 11, 2018, and RRC ASB AE 2100D2-A-72-111/AE 2100D3-A-72-313/AE 2100J-A-72-111, Revision 1 (single document), dated May 28, 2018. RRC ASB AE 2100A-A-72-322/AE 2100P-A-72-047 describes procedures for assigning usage hours to the PGB shaft and carrier assemblies on RRC AE 2100A and AE 2100P model engines. RRC ASB AE 2100D2-A-72-111/AE 2100D3-A-72-313/AE 2100J-A-72-111 describes procedures for verifying the PGB shaft and carrier assembly serial numbers and

assigning usage hours to the PGB shaft and carrier assemblies on RRC AE 2100D2 and AE 2100D2A model engines. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Other Related Service Information

The FAA reviewed Task 05-10-00-800-801 of RRC AE 2100A Engine Maintenance Manual (MM) CSP31005, Revision 57, dated August 15, 2019, and Task 05-12-11-800-802 of RRC AE 2100A Engine MM CSP31005, Revision 57, dated August 15, 2019. Task 05-10-00-800-801 of RRC AE 2100A Engine MM provides information for determining the usage hours and engine cycles for each life-limited part on RRC AE 2100A model engines. Task 05-12-11-800-802 of RRC AE 2100A Engine MM specifies the PGB shaft and carrier assembly life limits.

The FAA reviewed Task 05-11-00-800-801 of RRC AE 2100D2 and AE 2100D2A Engine MM CSP34081, Revision 64, dated June 1, 2020, and Task 05-12-11-800-802 of RRC AE 2100D2 and AE 2100D2A Engine MM CSP34081, Revision 64, dated June 1, 2020. Task 05-11-00-800-801 of RRC AE 2100D2 and AE 2100D2A Engine MM provides information for determining the usage hours and engine cycles for each life-limited part on RRC AE 2100D2 and AE 2100D2A model engines. Task 05-12-11-800-802 of RRC AE 2100D2 and AE 2100D2A Engine MM specifies the PGB shaft and carrier assembly life limits.

The FAA reviewed Task 05-10-00-800-801 of RRC AE 2100P Engine MM

CSP31015, Revision 15, dated May 15, 2018, and Task 05-12-11-800-802 of RRC AE 2100P Engine MM CSP31015, Revision 15, dated May 15, 2018. Task 05-10-00-800-801 of RRC AE 2100P Engine MM provides information for determining the usage hours and engine cycles for each life-limited part on RRC AE 2100P model engines. Task 05-12-11-800-802 of RRC AE 2100P Engine MM specifies the PGB shaft and carrier assembly life limits.

Proposed AD Requirements in This NPRM

This proposed AD would require assignment of usage hours to the PGB shaft and carrier assembly at the next engine shop visit and replacement of PGB shaft and carrier assemblies prior to exceeding the new life limits established by the manufacturer.

Differences Between This Proposed AD and the Service Information

RRC ASB AE 2100D2-A-72-111/AE 2100D3-A-72-313/AE 2100J-A-72-111, Revision 1 (single document), includes RRC AE 2100J model turboprop engines with PGB shaft and carrier assemblies, with part numbers 23088595 and 23089419 installed, in its applicability. This proposed AD does not. The FAA determined that the PGB shaft and carrier assemblies for these model engines have already been removed for rework and therefore this proposed AD does not apply to them.

Costs of Compliance

The FAA estimates that this AD, as proposed, would affect 18 engines installed on airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Assign usage hours to PGB shaft and carrier assembly.	3 work-hours × \$85 per hour = \$255	\$0	\$255	\$4,590
Remove and replace PGB shaft and carrier assembly.	15 work-hours × \$85 per hour = \$1,275	49,952	51,227	922,086

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) Would not affect intrastate aviation in Alaska, and
- (3) Would 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):

Rolls-Royce Corporation (Type Certificate previously held by Allison Engine Company): Docket No. FAA–2020–0687; Project Identifier AD–2020–00571–E.

(a) Comments Due Date

The FAA must receive comments by September 25, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Rolls-Royce Corporation (RRC) (Type Certificate previously held by Allison Engine Company) AE 2100A, AE 2100D2, AE 2100D2A, and AE 2100P model turboprop engines.

(d) Subject

Joint Aircraft System Component (JASC) Code 7210, Turbine Engine Reduction Gear.

(e) Unsafe Condition

This AD was prompted by a report of a propeller gearbox (PGB) development test in which high vibration occurred due to a

fatigue crack that initiated in the propeller shaft. The FAA is issuing this AD to prevent loss of the propeller. The unsafe condition, if not addressed, could result in damage to the engine and damage to the airplane.

(f) Compliance

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

(g) Required Actions

(1) No later than the next shop visit for the engine with the PGB, or the next shop visit for the PGB only, whichever shop visit occurs first after the effective date of this AD, assign usage hours to the installed PGB shaft and carrier assembly using RRC Alert Service Bulletin (ASB) AE 2100A–A–72–322/AE 2100P–A–72–047, Revision 1 (single document), dated May 11, 2018, or RRC ASB AE 2100D2–A–72–111/AE 2100D3–A–72–313/AE 2100J–A–72–111, Revision 1 (single document), dated May 28, 2018.

(2) After the effective date of this AD, before exceeding the life limit (usage hours) specified in Table 1 to paragraph (g)(2) (“Table 1”) of this AD, remove the PGB shaft and carrier assembly, identified by part numbers (P/Ns) in Table 1, from service and replace with a part eligible for installation.

Table 1 to Paragraph (g)(2) – Life Limits

Engine model	PGB Shaft and Carrier Assembly P/Ns	Life limit (usage hours)
AE 2100A	23056553, 23061011, 23088746, 23088595, 23087076, 23087077, 23089419, 23088757, 23092770, 23092769	100,000
AE 2100P	23056553, 23061011, 23088746, 23088595, 23087076, 23087077, 23089419, 23088757, 23092770, 23092769	100,000
AE 2100D2/D2A	23061011, 23088746, 23088595, 23087076, 23087077, 23089419, 23088757, 23092770, 23092769	30,000

(h) No Reporting Requirement

The reporting requirements in RRC ASB AE 2100A–A–72–322/AE 2100P–A–72–047, Revision 1 (single document), dated May 11, 2018, and RRC ASB AE 2100D2–A–72–111/AE 2100D3–A–72–313/AE 2100J–A–72–111, Revision 1 (single document), dated May 28, 2018, are not required by this AD.

(i) Credit for Previous Actions

You may take credit for assigning the usage hours required by paragraph (g) of this AD if you performed the action before the effective date of this AD using RRC ASB AE 2100A–A–72–322/AE 2100P–A–72–047, original issue (single document), dated January 15,

2018, or RR AE 2100D2–A–72–111/AE 2100D3–A–72–313/AE 2100J–A–72–111, original issue (single document), dated January 15, 2018.

(j) Alternative Methods of Compliance (AMOCs)

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

certification office, send it to the attention of the person identified in paragraph (k)(1).

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

(k) Related Information

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

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

Issued on August 5, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020-17389 Filed 8-10-20; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG-106013-19]

RIN 1545-BP22

Guidance Involving Hybrid Arrangements and the Allocation of Deductions Attributable to Certain Disqualified Payments Under Section 951A (Global Intangible Low-Taxed Income); Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to a notice of proposed rulemaking.

SUMMARY: This document contains a correction to a notice of proposed rulemaking that was published in the *Federal Register* on April 8, 2020. The proposed regulations that adjust hybrid deduction accounts to take into account earnings and profits of a controlled foreign corporation that are included in income by a United States shareholder.

DATES: This correction is effective on *August 11, 2020* and is applicable beginning April 8, 2020.

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulations under section 951A, Jorge M. Oben at (202) 317-6934; concerning all other proposed regulations, Richard F. Owens at (202) 317-6501 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

The proposed regulations that are the subject of this correction are under section 245A of the Internal Revenue Code.

Need for Correction

As published, the notice of proposed regulations (REG-106013-19) contained errors that need to be corrected.

Correction of Publication

Accordingly, the notice of proposed rulemaking (REG-106013-19) that was the subject of FR Doc. 2020-05923, published at 85 FR 19858 (April 8, 2020), is corrected to read as follows:

§ 1.951A-2 [Corrected]

- 1. On page 19872, first column, the fifth line of paragraph (c)(6)(i), the language “allocated or” is corrected to read “allocated and”.
- 2. On page 19872, the third line from the bottom of paragraph (c)(6)(iv)(A)(2), the language, “allocated or” is corrected to read “allocated and”.
- 3. On page 19873, third column, the third line of paragraph (c)(6)(iv)(B)(2), the language, “are allocated or” is corrected to read “are allocated and”.

Martin V. Franks,

Branch Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel, (Procedure and Administration).

[FR Doc. 2020-15857 Filed 8-10-20; 8:45 am]

BILLING CODE 4830-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA-R06-OAR-2020-0357; FRL-10012-53-Region 6]

Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Arkansas, New Mexico, and Albuquerque-Bernalillo County, New Mexico; Control of Emissions From Existing Commercial and Industrial Solid Waste Incineration Units

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is notifying the public that we have received CAA section 111(d)/129 negative declarations from Arkansas, New Mexico, and Albuquerque-Bernalillo County, New Mexico, for existing incinerators subject to the Commercial and Industrial Solid Waste Incineration units (CISWI) emission guidelines (EG). These negative declarations certify that incinerators subject to CISWI EG and the

requirements of sections 111(d) and 129 of the CAA do not exist within the jurisdictions of Arkansas, New Mexico, and Albuquerque-Bernalillo County. The EPA is proposing to accept the negative declarations and amend the CFR in accordance with the requirements of the CAA.

DATES: Written comments must be received on or before September 10, 2020.

ADDRESSES: Submit your comments, identified by Docket No. EPA-R06-OAR-2020-0357, at <https://www.regulations.gov> or via email to ruan-lei.karolina@epa.gov. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact Karolina Ruan Lei, (214) 665-7346, ruan-lei.karolina@epa.gov. For 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>.

Docket: The index to the docket for this action is available electronically at www.regulations.gov. While all documents in the docket are listed in the index, some information may not be publicly available due to docket file size restrictions or content (*e.g.*, CBI).

FOR FURTHER INFORMATION CONTACT: Karolina Ruan Lei, EPA Region 6 Office, Air and Radiation Division—State Planning and Implementation Branch, (214) 665-7346, ruan-lei.karolina@epa.gov. Out of an abundance of caution for members of the public and our staff, the EPA Region 6 office will be closed to the public to reduce the risk of transmitting COVID-19. We encourage the public to submit comments via <https://www.regulations.gov>, as there will be a delay in processing mail and no courier or hand deliveries will be accepted. Please call or email the contact listed above if you need

alternative access to material indexed but not provided in the docket.

SUPPLEMENTARY INFORMATION:

Throughout this document wherever “we,” “us,” or “our” is used, we mean the EPA.

I. Background

Sections 111(d) and 129 of the CAA require states to submit plans to control certain pollutants (designated pollutants) at existing solid waste combustor facilities (designated facilities) whenever standards of performance have been established under section 111(b) for new sources of the same type, and the EPA has established emission guidelines for such existing sources. CAA section 129 directs the EPA to establish standards of performance for new sources (NSPS) and emissions guidelines (EG) for existing sources for each category of solid waste incinerator specified in CAA section 129. Under CAA section 129, NSPS and EG must contain numerical emissions limitations for particulate matter, opacity (as appropriate), sulfur dioxide, hydrogen chloride, oxides of nitrogen, carbon monoxide, lead, cadmium, mercury, and dioxins and dibenzofurans. While NSPS are directly applicable to new sources (affected facilities), EG for existing sources (designated facilities) are intended for states to use to develop a state plan to submit to the EPA. Once approved by the EPA, the state plan becomes federally enforceable. If a state does not submit an approvable state plan to the EPA, the EPA is responsible for developing, implementing, and enforcing a federal plan.

The regulations at 40 CFR part 60, subpart B, contain general provisions applicable to the adoption and submittal of state plans for controlling designated pollutants from designated facilities. Additionally, 40 CFR part 62, subpart A, provides the procedural framework by which the EPA will approve or disapprove such plans submitted by a state. When designated facilities are located in a state, the state must then develop and submit a plan for the control of the designated pollutant(s). However, 40 CFR 60.23(b) and 40 CFR 62.06 provide that if there are no designated facilities of the designated pollutant(s) in the state, the state may submit a letter of certification to that effect (*i.e.*, negative declaration) in lieu of a plan. The negative declaration exempts the state from the requirements of subpart B that require the submittal of a CAA section 111(d)/129 plan.

On December 1, 2000, EPA promulgated the CISWI NSPS at 40 CFR part 60, subpart CCCC, and the CISWI

EG at 40 CFR part 60, subpart DDDD (65 FR 75338). On March 21, 2011, after voluntarily remanding the 2000 CISWI NSPS and EG, the EPA promulgated final CISWI NSPS and EG (76 FR 15704). Correspondingly, on the same date, EPA promulgated a final rule under the Resource Conservation and Recovery Act (RCRA) to identify which non-hazardous secondary materials, when used as fuels or ingredients in combustion units, are “solid wastes” (76 FR 15456).¹ EPA subsequently promulgated amendments to both rules on February 7, 2013: Commercial and Industrial Solid Waste Incineration Units: Reconsideration and Final Amendments; Non-Hazardous Secondary Materials That Are Solid Waste; Final Rule (78 FR 9112). Reconsideration of certain aspects of the final CISWI rule resulted in minor amendments (81 FR 40956, June 23, 2016).² On April 16, 2019, EPA finalized further amendments to the CISWI NSPS and EG in order to provide clarity and address implementation issues (84 FR 15846).³

The CISWI NSPS and EG were significantly revised in the February 7, 2013, rulemaking, and the subsequent final rulemakings on June 23, 2016, and April 16, 2019, contained minor amendments to the CISWI rules that did not make any changes to the applicability of the designated facilities, including 40 CFR 60.2505, “Am I affected by this subpart?”. As provided by 40 CFR 60.2505, the designated facilities to which the CISWI EG apply are CISWI and air curtain incinerators (ACI)⁴ that commenced construction on or before June 4, 2010,

or for which modification or reconstruction was commenced on or before August 7, 2013, with limited exceptions as provided under 40 CFR 60.2555.

In order to fulfill obligations under CAA sections 111(d) and 129, the Arkansas Department of Environmental Quality (ADEQ), New Mexico Environment Department (NMED), and City of Albuquerque Environmental Health Department (AEHD) submitted negative declarations for incinerators subject to the CISWI EG for their individual air pollution control jurisdictions.⁵ The submittal of these negative declarations exempts Arkansas and New Mexico (including Albuquerque-Bernalillo County) from the requirement to submit a state plan under 40 CFR part 60, subpart DDDD.

ADEQ, NMED and AEHD each determined that there are no existing incinerators subject to the CISWI EG in accordance with CAA sections 111(d) and 129 requirements in their individual air pollution control jurisdictions. In order to fulfill obligations under CAA sections 111(d) and 129, ADEQ, NMED and AEHD submitted negative declaration letters to the EPA on April 26, 2017, June 15, 2020, and March 4, 2020, respectively. A copy of each negative declaration letter is included in the docket for this rulemaking (Docket No. EPA-R06-OAR-2020-0357).

II. Proposed Action

The EPA is proposing to acknowledge receipt of the negative declaration letters from Arkansas, New Mexico, and Albuquerque-Bernalillo County, New Mexico, and amend 40 CFR part 62 in accordance with the requirements at 40 CFR 60.23(b), 40 CFR 62.06, 40 CFR 60.2510, 40 CFR 60.2530, and sections 111(d) and 129 of the CAA. These negative declarations submitted by ADEQ, NMED, and AEHD certify that there are no existing incinerators subject to 40 CFR part 60, subpart DDDD, in their respective jurisdictions. If a designated facility (*i.e.*, existing incinerators subject to the CISWI EG) is later found within the aforementioned jurisdictions after publication of a final action, then the overlooked facility will become subject to the requirements of the federal plan for that designated facility. The federal plan will no longer apply if we subsequently receive and approve the section 111(d)/129 plan from the jurisdiction with the overlooked facility.

¹ See 40 CFR part 241, Solid Wastes Used as Fuels or Ingredients in Combustion Units, also known as the “Non-Hazardous Secondary Material Rule.” The identification of solid waste in the Non-Hazardous Secondary Material Rule is used to determine whether a combustion unit is required to meet the emissions standards for solid waste incineration units issued under sections 111 and 129 of the Act, or meet the emissions standards for commercial, industrial, and institutional boilers issued under section 112 of the Act.

² In the June 23, 2016, final action, the EPA finalized amendments on these four topics: Definition of “continuous emission monitoring system (CEMS) data during startup and shutdown periods;” particulate matter (PM) limit for the waste-burning kiln subcategory; fuel variability factor (FVF) for coal-burning energy recovery units (ERUs); and the definition of “kiln.”

³ In the April 16, 2016, final action, the EPA made technical amendments to correct and clarify various parts of the June 23, 2016 final rule; this includes issues with implementation of the standards, testing and monitoring issues and inconsistencies, and other regulatory provisions.

⁴ These air curtain incinerators (ACI) that are subject to the CISWI EG at 40 CFR part 60, subpart DDDD, are those ACI that may not fit the definition of a “CISWI” under the CISWI EG. See 40 CFR 60.2875.

⁵ These CISWI negative declarations from ADEQ, NMED and AEHD do not cover sources located in Indian country.

III. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a CAA section 111(d)/129 submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7411(d); 42 U.S.C. 7429; 40 CFR part 60, subparts B and DDDD; and 40 CFR part 62, subpart A. With regard to negative declarations for designated facilities received by the EPA from states, the EPA's role is to notify the public of the receipt of such negative declarations and revise 40 CFR part 62 accordingly. For that reason, this action:

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

This rule also does not have Tribal implications because it will 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, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements, Waste treatment and disposal.

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

Dated: July 28, 2020.

Kenley McQueen,

Regional Administrator, Region 6.

[FR Doc. 2020-16670 Filed 8-10-20; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS-R1-ES-2020-0050; FF09E21000 FXES11110900000 201]

RIN 1018-BF01

Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for the Northern Spotted Owl

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), propose to revise the designated critical habitat for the northern spotted owl (*Strix occidentalis caurina*) under the Endangered Species Act of 1973, as amended (Act). After a review of the best available scientific and commercial information, we propose to revise the species' designated critical habitat by newly excluding approximately 204,653 acres (82,820 hectares) in Benton, Clackamas, Coos, Curry, Douglas, Jackson, Josephine, Klamath, Lane, Lincoln, Multnomah, Polk, Tillamook, Washington, and Yamhill Counties, Oregon, under section 4(b)(2) of the Act. These proposed exclusions are based on new information that has become available since our 2012 revised critical habitat designation for the northern spotted owl. This proposed rule focuses only on new exclusions under section 4(b)(2) of the Act in response to a stipulated settlement agreement; we are not proposing any other revisions to the

northern spotted owl's critical habitat designation.

DATES: We will accept comments received or postmarked on or before October 13, 2020. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES**, below) must be received by 11:59 p.m. Eastern Time on the closing date. We must receive requests for a public hearing, in writing, at the address shown in **FOR FURTHER INFORMATION CONTACT** by September 25, 2020.

ADDRESSES: You may submit comments by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal:

<http://www.regulations.gov>. In the Search box, enter FWS-R1-ES-2020-0050, which is the docket number for this rulemaking. Then, click on the Search button. On the resulting page, in the Search panel on the left side of the screen, under the Document Type heading, check the Proposed Rule box to locate this document. You may submit a comment by clicking on "Comment Now!"

(2) *By hard copy:* Submit by U.S. mail: Public Comments Processing, Attn: FWS-R1-ES-2020-0050, U.S. Fish and Wildlife Service, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041-3803.

We request that you send comments only by the methods described above. We will post all comments on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us (see Information Requested, below, for more information).

Availability of supporting materials: For the proposed critical habitat exclusions, maps and the coordinates or plot points or both of the subject areas are included in the administrative record and are available at <http://www.fws.gov/oregonfwo> and at <http://www.regulations.gov> under Docket No. FWS-R1-ES-2020-0050.

FOR FURTHER INFORMATION CONTACT: Paul Henson, Ph.D., State Supervisor, U.S. Fish and Wildlife Service, Oregon Fish and Wildlife Office, 2600 SE 98th Avenue, Portland, OR 97266; telephone 503-231-6179. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service at 800-877-8339.

SUPPLEMENTARY INFORMATION:

Information Requested

We intend that any final action resulting from this proposed rule will be based on the best scientific and commercial data available and be as accurate and as effective as possible.

Therefore, we request comments or information from other governmental agencies, Native American tribes, the scientific community, industry, or any other interested parties concerning this proposed rule.

We particularly seek comments concerning:

(1) The reasons why we should or should not exclude areas as “critical habitat” under section 4 of the Act (16 U.S.C. 1531 *et seq.*), including information regarding:

(a) The related benefits of including or excluding specific areas;

(b) Whether the benefits of exclusion outweigh those of inclusion; and

(c) Whether the exclusion will not result in the extinction of the species.

(2) Any probable economic, national security, or other relevant impacts of the designation on areas that are being considered for exclusion.

(3) Any additional areas, including Federal lands, that should be considered for exclusion under section 4(b)(2) of the Act and any probable economic, national security, or other relevant impacts of excluding those areas.

(4) Specifically, any National Forest System lands managed by the U.S. Department of Agriculture’s (USDA’s) Forest Service (USFS) that should be considered for exclusion under section 4(b)(2) of the Act and any probable economic, national security, or other relevant impacts of excluding those areas.

(5) Any significant new information or analysis concerning economic impacts that we should consider in the balancing of the benefits of inclusion versus the benefits of exclusion in the final determination.

(6) Whether and how on-going litigation challenging the Bureau of Land Management’s (BLM) management of Oregon and California Railroad Revested Lands (O&C lands) should be addressed in our final rule. See the *BLM Harvest Land Base* section below for more information regarding this litigation.

Please include sufficient information with your submission (such as scientific journal articles or other publications) to allow us to verify any scientific or commercial information you include.

Please note that submissions merely stating support for, or opposition to, the action under consideration without providing supporting information, although noted, will not be considered in making a final determination, as section 4(b)(2) of the Act directs that designations or revisions to critical habitat must be made on the basis of the best scientific data available and after taking into consideration the economic

impact, the impact on national security, and any other relevant impact, of specifying any particular area as critical habitat.

You may submit your comments and materials concerning this proposed rule by one of the methods listed in **ADDRESSES**. We request that you send comments only by the methods described in **ADDRESSES**.

If you submit information via <http://www.regulations.gov>, your entire submission—including any personal identifying information—will be posted on the website. If your submission is made via a hardcopy that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy submissions on <http://www.regulations.gov>.

Comments and materials we receive, as well as supporting documentation we used in preparing this proposed rule, will be available for public inspection on <http://www.regulations.gov>.

Because we will consider all comments and information we receive during the comment period, our final revision may differ from this proposal. Based on the new information we receive (and any comments on that new information), our final revision may not exclude all areas proposed. Or, it may exclude additional areas if we find that the benefits of exclusion outweigh the benefits of inclusion or may remove areas if we find that the area does not meet the definition of “critical habitat.” Any changes made in the final rule should be of a type that could have been reasonably anticipated by the public, and therefore a logical outgrowth of the proposal. Changes in a final revision would be reasonably anticipated if: (1) We base them on the best scientific and commercial data available and take into consideration the relevant impacts; (2) we articulate a rational connection between the facts found and the conclusions made, including why we changed our conclusion; and (3) we base removal of any areas on a determination either that the area does not meet the definition of “critical habitat” or that the benefits of excluding the area will outweigh the benefits of including it in the designation. You may submit your comments and materials concerning this proposed rule by one of the methods listed in **ADDRESSES**. We request that you send comments only by the methods described in **ADDRESSES**.

Public Hearing

Section 4(b)(5) of the Act provides for a public hearing on this proposal, if

requested. Requests must be received by the date specified in **DATES**. Such requests must be sent to the address shown in **FOR FURTHER INFORMATION CONTACT**. We will schedule a public hearing on this proposal, if requested, and announce the date, time, and place of the hearing, as well as how to obtain reasonable accommodations, in the **Federal Register** and local newspapers at least 15 days before the hearing. For the immediate future, we will provide these public hearings using webinars that will be announced on the Service’s website, in addition to the **Federal Register**. The use of these virtual public hearings is consistent with our regulations at 50 CFR 424.16(c)(3).

Previous Federal Actions

On December 4, 2012, we published in the **Federal Register** (77 FR 71876) a final rule designating revised critical habitat for the northern spotted owl and announcing the availability of the associated economic analysis and environmental assessment. For additional information on previous Federal actions concerning the northern spotted owl, refer to that December 4, 2012, final rule.

In 2013, the December 4, 2012, revised critical habitat designation was challenged in court in *Carpenters Industrial Council et al. v. Bernhardt et al.*, No. 13–361–RJL (D.D.C.) (now retitled *Pacific Northwest Regional Council of Carpenters et al. v. Bernhardt et al.* with the substitution of named parties). In 2015, the district court ruled that the plaintiffs lacked standing. The D.C. Circuit reversed and remanded, and the case remained pending before the district court.

In December of 2019, the plaintiffs filed a motion with the district court seeking permission to file a supplemental brief regarding the United States Supreme Court’s decision in *Weyerhaeuser Co. v. U.S. Fish & Wildlife Serv.*, 139 S. Ct. 361 (2018) concerning the designation of critical habitat for the dusky gopher frog. The plaintiffs asserted that supplemental briefing on *Weyerhaeuser* would benefit the district court’s consideration of two of their arguments regarding the northern spotted owl critical habitat designation: That the Service unlawfully designated areas that are not northern spotted owl habitat, and that the Service failed to weigh the designation’s economic impacts and consider other relevant factors when excluding lands under section 4(b)(2).

On April 13, 2020, we entered into a stipulated settlement agreement resolving the litigation. The settlement agreement was approved and ordered by

the court on April 26, 2020. Under the terms of the settlement agreement, the Service agreed to submit a proposed revised critical habitat rule to the **Federal Register** that identifies proposed exclusions under section 4(b)(2) of the Act (16 U.S.C. 1531 *et seq.*) by July 15, 2020. This proposed rule meets the stipulations of the settlement agreement.

Critical Habitat

Background

Critical habitat is defined in section 3 of the Act as:

(1) The specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the Act, on which are found those physical or biological features

(a) Essential to the conservation of the species, and

(b) Which may require special management considerations or protection; and

(2) Specific areas outside the geographical area occupied by the species at the time it is listed, upon a determination that such areas are essential for the conservation of the species.

Our regulations at 50 CFR 424.02 define the geographical area occupied by the species as an area that may generally be delineated around species' occurrences, as determined by the Secretary (*i.e.*, range). Such areas may include those areas used throughout all or part of the species' life cycle, even if not used on a regular basis (*e.g.*, migratory corridors, seasonal habitats, and habitats used periodically, but not solely by vagrant individuals).

Conservation, as defined under section 3 of the Act, means to use and the use of all methods and procedures that are necessary to bring an endangered or threatened species to the point at which the measures provided pursuant to the Act are no longer necessary. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, and transplantation, and, in the extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved, may include regulated taking.

Critical habitat receives protection under section 7 of the Act through the requirement that Federal agencies ensure, in consultation with the Service, that any action they authorize, fund, or

carry out is not likely to result in the destruction or adverse modification of critical habitat. The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other conservation area. Designation also does not allow the government or public to access private lands, nor does designation require implementation of restoration, recovery, or enhancement measures by non-Federal landowners. Where a landowner requests Federal agency funding or authorization for an action that may affect a listed species or critical habitat, the Federal agency would be required to consult with the Service under section 7(a)(2) of the Act. However, even if the Service were to conclude that the proposed activity would result in destruction or adverse modification of the critical habitat, the Federal action agency and the landowner are not required to abandon the proposed activity, or to restore or recover the species; instead, they must implement "reasonable and prudent alternatives" to avoid destruction or adverse modification of critical habitat.

Under the first prong of the Act's definition of critical habitat, areas within the geographical area occupied by the species at the time it was listed are included in a critical habitat designation if they contain physical or biological features (1) which are essential to the conservation of the species and (2) which may require special management considerations or protection. For these areas, the Service identifies to the extent known, using the best scientific and commercial data available, those physical or biological features that are essential to the conservation of the species (such as space, food, cover, and protected habitat). In identifying those physical or biological features that occur in occupied areas, we focus on the specific features that are essential to support the life-history needs of the species, including, but not limited to, water characteristics, soil type, geological features, prey, vegetation, symbiotic species, or other features. A feature may be a single habitat characteristic or a more complex combination of habitat characteristics. Features may include habitat characteristics that support ephemeral or dynamic habitat conditions. Features may also be expressed in terms relating to principles of conservation biology, such as patch size, distribution distances, and connectivity.

Under the second prong of the Act's definition of critical habitat, we can designate critical habitat in areas outside the geographical area occupied

by the species at the time it is listed, upon a determination that such areas are essential for the conservation of the species. When designating critical habitat, the Secretary will first evaluate areas occupied by the species. The Secretary will consider unoccupied areas to be essential only when a critical habitat designation limited to geographical areas occupied by the species would be inadequate to ensure the conservation of the species. In addition, for an unoccupied area to be considered essential, the Secretary must determine that there is a reasonable certainty both that the area will contribute to the conservation of the species and that the area contains one or more of those physical or biological features essential to the conservation of the species.

In our December 4, 2012, final rule (77 FR 71876), we determined that all units and subunits met the Act's definition of being within the geographical area occupied by the species at the time of listing. Our determination was based on the northern spotted owl's wide-ranging use of the landscape, and the distribution of known owl sites at the time of listing across the units and subunits designated as critical habitat. Each of these units and subunits consist of habitat occupied by the species at the time of listing. We recognize that, subsequent to listing, some areas within these units and subunits have at times not been used by individual northern spotted owls due to displacement by competition with the nonnative barred owl. However, we anticipate many of these areas will be used by individual northern spotted owls in the future, in some cases due to restoration actions.

At a finer scale within the occupied geographic area, within some of these units and subunits, the forest mosaic contains some areas of younger forest that may not have been occupied at the time of listing. These areas were included in the designation to provide connectivity (physical and biological feature (PBF) (4)—dispersal habitat) between occupied areas, room for population growth, and the ability to provide sufficient suitable habitat on the landscape for the owl in the face of natural disturbance regimes (*e.g.*, fire). These areas are essential for the conservation of the species.

Our December 4, 2012, final rule (77 FR 71876) includes four PBFs (formerly referred to as primary constituent elements, or PCEs) specific to the northern spotted owl. In summary, PBF (1) is forest types that may be in early-, mid-, or late-seral stages and that support the northern spotted owl across

its geographical range; PBF (2) is nesting and roosting habitat; PBF (3) is foraging habitat; and PBF (4) is dispersal habitat (see 77 FR 71876, December 4, 2012, pp. 77 FR 72051–72052, for a full description of the PBFs). In areas occupied at the time of listing, not all of the designated critical habitat contains all of the PBFs, because not all life-history functions require all of the PBFs. Some subunits contain all PBFs and support multiple life processes, while some subunits may contain only PBFs necessary to support the species' particular use of those subunits as habitat. However, all of the areas occupied at the time of listing and designated as critical habitat support at least PBF (1), in conjunction with at least one other PBF. Thus, PBF (1) must always occur in concert with at least one additional PBF (PBF 2, 3, or 4) (77 FR 71876, December 4, 2012, p. 77 FR 71908).

When determining critical habitat boundaries for the December 4, 2012, final rule, we made every effort to avoid including areas that lack physical or biological features for the northern spotted owl. Due to the limitations of mapping at fine scales, we were often not able to segregate these areas from areas shown as critical habitat on maps suitable in scale for publication within the Code of Federal Regulations. The following types of areas are not critical habitat because they cannot support northern spotted owl habitat, and are not included in the 2012 designation: Meadows and grasslands, oak and aspen (*Populus* spp.) woodlands, and manmade structures (such as buildings, aqueducts, runways, roads, and other paved areas), and the land on which they are located. Thus, we included regulatory text in the December 4, 2012, final rule clarifying that these areas were not included in the designation even if within the mapped boundaries of critical habitat (77 FR 71876, December 4, 2012, p. 77 FR 72052).

Section 4 of the Act requires that we designate critical habitat on the basis of the best scientific data available. Further, our Policy on Information Standards Under the Endangered Species Act (published in the **Federal Register** on July 1, 1994 (59 FR 34271)), the Information Quality Act (section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Pub. L. 106–554; H.R. 5658)), and our associated Information Quality Guidelines provide criteria, establish procedures, and provide guidance to ensure that our decisions are based on the best scientific data available. They require our biologists, to the extent consistent with the Act and

with the use of the best scientific data available, to use primary and original sources of information as the basis for recommendations to designate critical habitat.

When determining which areas should be designated as critical habitat, our primary source of information is the status analysis in the listing rule and other information developed during the listing process for the species. Additional information sources may include any generalized conservation strategy, criteria, or outline that may have been developed for the species; the recovery plan for the species; articles in peer-reviewed journals; conservation plans developed by States and counties; scientific status surveys and studies; biological assessments; other unpublished materials; or experts' opinions or personal knowledge.

Habitat is dynamic, and species may move from one area to another over time. Critical habitat designated at a particular point in time may not include all of the areas that we may later determine are necessary for the recovery of the species. For these reasons, a critical habitat designation does not signal that habitat outside the designated area is unimportant or may not be needed for recovery of the species. Areas that are important to the conservation of the species, both inside and outside the critical habitat designation, will continue to be subject to: (1) Conservation actions implemented under section 7(a)(1) of the Act; (2) regulatory protections afforded by the requirement in section 7(a)(2) of the Act for Federal agencies to ensure their actions are not likely to jeopardize the continued existence of any endangered or threatened species; and (3) the prohibitions found in section 9 of the Act. Federally funded or permitted projects affecting listed species outside their designated critical habitat areas may still result in jeopardy findings in some cases. These protections and conservation tools will continue to contribute to recovery of this species. Similarly, critical habitat designations made on the basis of the best available information at the time of designation will not control the direction and substance of future recovery plans, habitat conservation plans (HCPs), or other species conservation planning efforts if new information available at the time of these planning efforts calls for a different outcome.

The proposed exclusions described in this document do not change the majority of the December 4, 2012, final rule. The only sections that would change with this proposed revision are

Table 8 in the Exclusions discussion (77 FR 71876, December 4, 2012, pp. 77 FR 71948–71949), the subunit maps related to the proposed exclusions (77 FR 71876, December 4, 2012, pp. 77 FR 72057–72058, 72062, 72065–72067), and the index map of Oregon (77 FR 71876, December 4, 2012, p. 77 FR 72054). The regulations concerning critical habitat have been revised and updated since 2012 (81 FR 7414, February 11, 2016; 84 FR 45020, August 27, 2019). Our December 4, 2012, designation of critical habitat for the northern spotted owl and the revisions proposed in this rule are in accordance with the requirements of the revised critical habitat regulations (81 FR 7414, February 11, 2016; 84 FR 45020, August 27, 2019), with the exception of the use of the term “primary constituent element” (PCE) in the December 4, 2012, final rule; here, we use the term “physical or biological feature” (PBF), as noted above, in accordance with the updated critical habitat regulations. The primary constituent elements (PCEs) are, however, the physical and biological features (PBFs) as described in the revised regulations: They are essential to the conservation of the species, and they may require special management considerations or protection.

Consideration of Impacts Under Section 4(b)(2) of the Act

Section 4(b)(2) of the Act states that the Secretary shall designate and make revisions to critical habitat on the basis of the best available scientific data after taking into consideration the economic impact, national security impact, and any other relevant impact of specifying any particular area as critical habitat. The Secretary may exclude an area from critical habitat if he or she determines that the benefits of such exclusion outweigh the benefits of specifying such area as part of the critical habitat, unless he determines, based on the best scientific data available, that the failure to designate such area as critical habitat will result in the extinction of the species. In making the determination to exclude a particular area, the statute on its face, as well as the legislative history, are clear that the Secretary has broad discretion regarding which factor(s) to use and how much weight to give to any factor.

The first sentence in section 4(b)(2) of the Act requires that we take into consideration the economic, national security, or other relevant impacts of designating any particular area as critical habitat. We describe below the process that we undertook for taking into consideration each category of

impacts and our analyses of the relevant impacts.

Consideration of Economic Impacts

We did not exclude areas from our December 4, 2012, final critical habitat designation (77 FR 71876) based on economic impacts, and we are not now proposing to exclude any areas solely on the basis of economic impacts. Refer to the December 4, 2012, rule (77 FR 71876) for a description of the purpose and process of evaluating the economic impacts that may result from a designation of critical habitat. The final economic analysis of the 2012 critical habitat designation for the northern spotted owl found the incremental effects of the designation to be relatively small due to the extensive conservation measures already in place for the species because of its listed status under the Act and because of the measures provided under the Northwest Forest Plan (NWFP) (USDA USFS and U.S. Department of the Interior's Bureau of Land Management (BLM) 1994) and other conservation programs (IEc 2012, pp. 4–32, 4–37). Thus, we concluded that the future probable incremental economic impacts were not likely to exceed \$100 million in any single year, and impacts that are concentrated in any geographic area or sector were not likely as a result of designating critical habitat for the northern spotted owl. The incremental effects included: (1) An increased workload for action agencies and the Service to conduct re-initiated consultations for ongoing actions in newly designated critical habitat (areas proposed for designation that were not already included within the extant designation); (2) the cost to action agencies of including an analysis of the effects to critical habitat for new projects occurring in occupied areas of designated critical habitat; and (3) potential project alterations in unoccupied critical habitat.

Although we considered the incremental impact of administrative costs to Federal agencies associated with consulting on critical habitat under section 7 of the Act, economic impacts are not the primary reason for the exclusions we are proposing in this rule. See the December 4, 2012, final rule for a summary of the final economic analysis and our consideration of economic impacts (77 FR 71876, pp. 71878, 71945–71947, 72046–72048). We have reviewed the 2012 final economic analysis (IEc 2012) and determined that because we are only proposing to exclude (*i.e.*, remove) additional areas from critical habitat, the economic impact will be further reduced and a new analysis is not necessary. Because

the entire 2012 designation did not reach the threshold for economic significance under Executive Order 12866, these exclusions, which represent a reduction in the overall cost, also do not meet the threshold.

During the development of a final revised designation, we will consider any additional economic impact information we receive during the public comment period (see **DATES**), and therefore, additional areas not considered in this proposed rule may be excluded from the final critical habitat designation under section 4(b)(2) of the Act and our implementing regulations at 50 CFR 424.19.

Consideration of Impacts on National Security

We did not exclude areas from our December 4, 2012, revised critical habitat designation based on impacts on national security, but we did exempt Joint Base Lewis-McChord lands based on the integrated natural resources management plan (INRMP) under section 4(a)(3) of the Act (77 FR 71876, pp. 71944–71945). In this document, we are not proposing to exclude any areas from the critical habitat designation on the basis of impacts on national security. However, during the development of a final designation we will consider any additional information received through the public comment period on the impacts of the proposed designation on national security or homeland security to determine whether any specific areas should be excluded from the final critical habitat designation under authority of section 4(b)(2) and our implementing regulations at 50 CFR 424.19.

Consideration of Other Relevant Impacts

When identifying the benefits of inclusion of an area as designated critical habitat, we primarily consider the additional regulatory benefits that that area would receive due to the protection from destruction or adverse modification as a result of actions with a Federal nexus (that is, an activity or program authorized, funded, or carried out in whole or in part by a Federal agency), the educational benefits of mapping essential habitat for recovery of the listed species, and any benefits that may result from a designation due to State or Federal laws that may apply to critical habitat. When considering the benefits of exclusion, we consider, among other things, whether exclusion of a specific area is likely to result in conservation, or in the continuation,

strengthening, or encouragement of partnerships.

In the case of the northern spotted owl, the benefits of including an area as designated critical habitat include public awareness of the presence of northern spotted owls and the importance of habitat protection, and, where a Federal nexus exists, increased habitat protection for northern spotted owls through the Act's section 7(a)(2) mandate that Federal agencies insure that any action they authorize, fund, or carry out is not likely to result in the destruction or adverse modification of critical habitat. Additionally, continued implementation of an ongoing management plan for the area that provides conservation equal to or greater than a critical habitat designation would reduce the benefits of including that specific area in the critical habitat designation.

We evaluate the existence of a conservation plan when considering the benefits of inclusion. We consider a variety of factors, including, but not limited to, whether the plan is finalized; how it provides for the conservation of the essential physical or biological features; whether there is a reasonable expectation that the conservation management strategies, and actions contained in a management plan, will be implemented into the future; whether the conservation strategies in the plan are likely to be effective; and whether the plan contains a monitoring program or adaptive management to ensure that the conservation measures are effective and can be adapted in the future in response to new information.

After identifying the benefits of inclusion and the benefits of exclusion, we carefully weigh the two sides to evaluate whether the benefits of exclusion outweigh those of inclusion. If our analysis indicates that the benefits of exclusion outweigh the benefits of inclusion, we then determine whether exclusion would result in extinction of the species. If exclusion of an area from critical habitat will result in extinction, we will not exclude it from the designation under section 4(b)(2) of the Act.

The final decision on whether to exclude any areas under section 4(b)(2) will be based on the best scientific data available at the time of the final designation, including information that we obtain during the comment period.

Based on any information provided by entities seeking exclusion, as well as any additional public comments we receive, we will evaluate whether certain lands in the critical habitat designation are appropriate for exclusion from the designation under

section 4(b)(2) of the Act. If the analysis indicates that the benefits of excluding lands from the designation outweigh the benefits of designating those lands as critical habitat, then the Secretary may exercise his discretion to exclude the lands from the designation.

Proposed Exclusions

We are proposing to exclude the following areas under section 4(b)(2) of the Act from the critical habitat designation for the northern spotted owl. Table 1, below, identifies the specific critical habitat units from the December 4, 2012, final rule (77 FR 71876), which is codified in title 50 of the Code of Federal Regulations (CFR) at

§ 17.95(b), that we propose to exclude, at least in part; the approximate areas (ac, ha) of lands involved; and a brief summary of the rationale for the area's proposed exclusion. The Table 8 Addendum that follows displays this same information but in the format used in Table 8 in the December 4, 2012, final rule (77 FR 71876, pp. 77 FR 71948–71949).

TABLE 1—AREAS PROPOSED FOR EXCLUSION BY CRITICAL HABITAT UNIT

Unit	Specific area	Areas meeting the definition of critical habitat, in acres (hectares)	Areas proposed for exclusion, in acres (hectares)	Rationale for proposed exclusion
1	NCO 4	179,745 (72,740)	1,838 (744)	BLM Harvest Land Base.
1	NCO 5	142,937 (57,845)	8,774 (3,551)	BLM Harvest Land Base.
2	ORC 1	110,657 (44,781)	1,279 (518)	BLM Harvest Land Base.
2	ORC 2	261,405 (105,787)	2,946 (1,192)	BLM Harvest Land Base.
2	ORC 3	203,681 (82,427)	4,345 (1,758)	BLM Harvest Land Base.
2	ORC 5	176,905 (71,591)	14,987 (6,065)	BLM Harvest Land Base.
2	ORC 6	81,900 (33,144)	9,862 (3,991)	BLM Harvest Land Base/Tribal.
6	WCS 1	92,586 (37,468)	880 (356)	BLM Harvest Land Base.
6	WCS 2	150,105 (60,745)	1,082 (438)	BLM Harvest Land Base.
6	WCS 3	319,736 (129,393)	1,922 (779)	BLM Harvest Land Base.
6	WCS 4	379,130 (153,429)	6 (2)	BLM Harvest Land Base.
6	WCS 5	356,415 (144,236)	2 (<1)	BLM Harvest Land Base.
6	WCS 6	99,558 (40,290)	18,529 (7,498)	BLM Harvest Land Base.
8	ECS 1	127,801 (51,719)	16,610 (6,722)	BLM Harvest Land Base.
8	ECS 2	66,086 (26,744)	2,379 (963)	BLM Harvest Land Base.
9	KLW 1	147,326 (59,621)	11,058 (4,475)	BLM Harvest Land Base.
9	KLW 2	148,929 (60,674)	<1 (<1)	BLM Harvest Land Base.
9	KLW 3	143,862 (58,219)	1,655 (670)	BLM Harvest Land Base.
9	KLW 4	158,299 (64,061)	785 (318)	BLM Harvest Land Base.
9	KLW 5	31,085 (12,580)	<1 (<1)	BLM Harvest Land Base.
10	KLE 1	242,338 (98,071)	28 (11)	BLM Harvest Land Base.
10	KLE 2	101,942 (41,255)	33,764 (13,663)	BLM Harvest Land Base/Tribal.
10	KLE 3	111,410 (45,086)	48,295 (19,544)	BLM Harvest Land Base.
10	KLE 4	254,442 (102,969)	1 (<1)	BLM Harvest Land Base.
10	KLE 5	38,283 (15,493)	12,232 (4,950)	BLM Harvest Land Base.
10	KLE 6	167,849 (67,926)	11,393 (4,610)	BLM Harvest Land Base.

TABLE 8 ADDENDUM—ADDITIONAL LANDS PROPOSED FOR EXCLUSION FROM THE DESIGNATION OF CRITICAL HABITAT UNDER SECTION 4(b)(2) OF THE ACT

Type of agreement	Critical habitat unit	State	Land owner/agency	Acres	Hectares
Resource Management Plan	NCO	OR	BLM Harvest Land Base	10,612	4,294
	ORC	OR	BLM Harvest Land Base	27,845	11,268
	WCS	OR	BLM Harvest Land Base	22,420	9,073
	ECS	OR	BLM Harvest Land Base	18,989	7,684
	KLW	OR	BLM Harvest Land Base	13,498	5,462
	KLE	OR	BLM Harvest Land Base	91,112	36,871
Tribal lands	ORC	OR	CTCLUSI ¹	5,575	2,256
	KLE	OR	CCBUTI ²	14,602	5,909
Total additional lands proposed for exclusion under section 4(b)(2) of the Act.				204,653	82,820

¹ CTCLUSI is the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians.

² CCBUTI is the Cow Creek Band of Umpqua Tribe of Indians.

We specifically solicit comments on the inclusion or exclusion of these areas from the critical habitat designation for the northern spotted owl (77 FR 71876; December 4, 2012), codified at 50 CFR

17.95(b). These proposed exclusions are based on new information that has become available since the December 4, 2012, critical habitat designation for the northern spotted owl, including the

Bureau of Land Management's (BLM's) 2016 revision to its resource management plans (RMPs) for western Oregon (BLM 2016a, b) and the Western Oregon Tribal Fairness Act (Pub. L.

115–103). In the paragraphs below, we provide a detailed analysis of our consideration of these lands for exclusion under section 4(b)(2) of the Act.

Exclusions Based on Other Relevant Impacts

Under section 4(b)(2) of the Act, we consider any other relevant impacts, in addition to economic impacts and impacts on national security. We consider a number of factors, including whether there are permitted conservation plans covering the species in the area such as HCPs, safe harbor agreements (SHAs), or candidate conservation agreements with assurances (CCAAs), or whether there are other conservation agreements and partnerships that would be encouraged by designation of, or exclusion from, critical habitat. In addition, we consider any Tribal forest management plans (FMPs) and partnerships and consider the government-to-government relationship of the United States with Tribes. We also consider any social impacts that might occur because of the designation.

Tribal Lands

Several Executive Orders, Secretarial Orders, and departmental policies address how we engage with Tribes. These guidance documents generally confirm our trust responsibilities to Tribes, recognize that Tribes have sovereign authority to control tribal lands, emphasize the importance of developing partnerships with tribal governments, and direct the Service to consult with Tribes on a government-to-government basis.

A joint Secretarial Order that applies to both the Service and the National Marine Fisheries Service (NMFS) (“Services”), Secretarial Order 3206, “American Indian Tribal Rights, Federal–Tribal Trust Responsibilities, and the Endangered Species Act” (June 5, 1997) (S.O. 3206), affirms that Tribes may participate fully in the listing process, including designation of critical habitat. The appendix to S.O. 3206 also states: “In keeping with the trust responsibility, [the Services] shall consult with the affected Indian tribe(s) when considering the designation of critical habitat in an area that may impact tribal trust resources, tribally-owned fee lands, or the exercise of tribal rights. Critical habitat shall not be designated in such areas unless it is determined essential to conserve a listed species. In designating critical habitat, the Services shall evaluate and document the extent to which the conservation needs of the listed species

can be achieved by limiting the designation to other lands.” In light of this instruction, when we undertake a discretionary section 4(b)(2) exclusion analysis, we will always consider exclusions of Tribal lands under section 4(b)(2) of the Act prior to finalizing a designation of critical habitat, and will give great weight to Tribal comments in analyzing the benefits of exclusion.

However, S.O. 3206 does not preclude us from designating Tribal lands or waters as critical habitat, nor does it state that Tribal lands or waters cannot meet the Act’s definition of “critical habitat.” We are directed by the Act to identify areas that meet the definition of “critical habitat” (*i.e.*, areas occupied at the time of listing that contain the essential physical or biological features that may require special management or protection and unoccupied areas that are essential to the conservation of a species), without regard to landownership. While S.O. 3206 provides important direction, it expressly states that it does not modify the Secretaries’ statutory authority.

In our December 4, 2012, final rule (77 FR 71876), we prioritized areas for critical habitat designation by looking first to Federal lands, followed by State, private, and Tribal lands. No Tribal lands were designated in our final rule because we found that we could achieve the conservation of the northern spotted owl by limiting the designation to other lands. However, on January 8, 2018, the Western Oregon Tribal Fairness Act (Pub. L. 115–103) was passed by Congress and signed by the President. This act mandated that certain lands managed by BLM be taken into trust by the United States for the benefit of the Cow Creek Band of Umpqua Tribe of Indians (CCBUTI) and the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians (CTCLUSI). In January 2020, BLM released its decision record (BLM 2020) transferring management authority of approximately 17,800 acres (7,203 hectares) to CCBUTI and 14,700 acres (5,949 hectares) to CTCLUSI. Of the transferred lands, 20,177 acres (8,165 hectares) are located within designated critical habitat for the northern spotted owl. We have considered this new information and are now proposing these lands for exclusion under section 4(b)(2) of the Act, as explained below.

Of the lands transferred in trust to the CCBUTI, 14,602 acres (5,909 hectares) are located within currently designated critical habitat. These lands will be managed under the tribe’s Forest Resource Management Plan (CCBUTI 2019) using a “continuous forest management” approach that provides

for a continued supply of timber, a steady stream of income, and a reduction in the risk of wildfire and disease. The Tribal land within the Cow Creek conveyance is in the Klamath Physiographic Province, an area disproportionately impacted by fire. The objectives in the Cow Creek FMP addresses fire risk and disease concerns to alleviate the risk of wildfire. Of the lands transferred to the CTCLUSI, 5,575 acres (2,256 hectares) are located within the critical habitat designation. The tribe is developing a management plan for these recently transferred lands (Andringa 2020, pers. comm.). We will continue to provide technical assistance to the tribes on the conservation of endangered and threatened species and on the development and implementation of their forest management plans; however, these plans are not the basis of our proposal to exclude these lands from the critical habitat designation.

In accordance with S.O. 3206 and other directives, we believe that fish, wildlife, and other natural resources on Tribal lands may be more appropriately managed under Tribal authorities, policies, and programs than through Federal regulation where Tribal management addresses the conservation needs of listed species. Supporting Tribal management strengthens the government-to-government relationship essential to achieving our mutual goals of managing for healthy ecosystems upon which the viability of endangered and threatened species populations depend. Additionally, the Tribal lands proposed for exclusion represent only 0.21 percent of the current critical habitat designation. Although these lands contribute to the conservation of the northern spotted owl, we believe the conservation needs of the northern spotted owl can be achieved by limiting the designation to the other lands in the critical habitat designation. We also find that the benefit of our partnerships with these Tribal governments and our acknowledgment of Tribal sovereignty over managing these lands by excluding them from the critical habitat designation outweigh the conservation value of including these 20,177 acres (8,165 hectares) in the designation.

Federal Lands

O&C Lands—In general, our proposed exclusions of critical habitat for the northern spotted owl are focused on the Oregon and California Railroad Revested Lands (O&C lands), particularly those areas that have been identified primarily for commercial timber harvest under Federal resource management plans. The O&C lands were

revested to the Federal Government under the Chamberlin-Ferris Act of 1916 (39 Stat. 218). The Oregon and California Revested Lands Sustained Yield Management Act of 1937 (O&C Act; Pub. L. 75–405) addresses the management of O&C lands. The O&C Act identifies the primary use of revested timberlands for permanent forest production. These lands occur in western Oregon in a checkerboard pattern intermingled with private land across 18 counties. Most of these lands (82 percent) are administered by BLM (FWS 2019, p. 1) pursuant to its resource management plans (RMPs). BLM's RMPs identify certain revested timberlands for commercial timber harvest. The opening statement of the O&C Act provides that these lands be managed “for permanent forest production, and the timber thereon shall be sold, cut, and removed in conformity with the principle of sustained yield for the purpose of providing a permanent source of timber supply, protecting watersheds, regulating stream flow, and contributing to the economic stability of local communities and industries, and providing recreational facilities.” The counties where O&C lands are located participate in a revenue sharing program with the Federal Government based on commercial receipts (e.g., income from commercial timber harvest) generated on these Federal lands.

Since the mid-1970s, scientists and land managers have recognized the importance of forests located on O&C lands to the conservation of the northern spotted owl and have attempted to reconcile this conservation need with other land uses (Thomas et al. 1990, entire). Starting in 1977, BLM worked closely with scientists and other State and Federal agencies to implement northern spotted owl conservation measures on O&C lands. Over the ensuing decades, the northern spotted owl was listed as a threatened species under the Act, critical habitat was designated (57 FR 1796; January 15, 1992) and revised two times (73 FR 47326, August 13, 2008; 77 FR 71876, December 4, 2012) on portions of the O&C lands, and a recovery plan for the owl was completed (73 FR 29471, May 21, 2008, p. 73 FR 29472) and revised (76 FR 38575; July 1, 2011). These and other scientific reviews consistently recognized the need for large portions of the O&C forest to be managed for northern spotted owl conservation while also allowing for other uses of these lands.

BLM Harvest Land Base—Based on new information available since the publication of the December 4, 2012, revised critical habitat designation (77

FR 71876), we are proposing to exclude from critical habitat 184,476 acres (74,654 hectares) of BLM lands where programmed timber harvest is planned to occur under the revised RMPs (BLM 2016a, b), i.e., the “Harvest Land Base” that we describe in detail further below. Approximately 172,430 acres (69,779 hectares) of this Harvest Land Base is O&C lands.

In 2011, the Service revised the northern spotted owl recovery plan (see 76 FR 38575; July 1, 2011), and the revised plan recommended “continued application of the reserve network of the NWFP until the 2008 designated spotted owl critical habitat is revised and/or the land management agencies amend their land management plans taking into account the guidance in this Revised Recovery Plan” (USFWS 2011, p. II–3). On December 4, 2012, the Service published in the **Federal Register** (77 FR 71876) a final rule revising the northern spotted owl critical habitat designation, and in 2016, BLM revised its RMPs for western Oregon, resulting in two separate plans (BLM 2016a, b). BLM's 2016 revision of its RMPs fully considered the 2011 recovery plan recommendation. These two BLM plans, the Northwestern Oregon and Coastal Oregon Record of Decision and Resource Management Plan (BLM 2016a) and the Southwestern Oregon Record of Decision and Resource Management Plan (BLM 2016b), address all or part of six BLM districts across western Oregon.

The RMPs provide direction for the management of approximately 2.5 million acres (1 million hectares) of BLM-administered lands, for the purposes of producing a sustained yield of timber, contributing to the recovery of endangered and threatened species, providing clean water, restoring fire-adapted ecosystems, and providing for recreation opportunities (BLM 2016a, p. 20). The management direction provided in the RMPs is used to develop and implement specific projects and actions during the life of the plans.

The RMP revisions assigned land use allocations (LUAs) across BLM-managed lands in western Oregon; the LUAs define areas where specific activities are allowed, restricted, or excluded. The BLM LUAs include Late Successional Reserves (LSR), Congressionally Reserved lands (CR), District Designated Reserves (DD), and Riparian Reserves (RR) (collectively considered “reserve” LUAs) and Eastside Management Area and Harvest Land Base (HLB) (BLM 2016a, pp. 55–74).

Reserve LUAs (LSR, CR, DD, RR) comprise 74.6 percent (1,847,830 acres (747,790 hectares)) of the acres of BLM

land within LUAs (FWS 2016, p. 9). These lands are managed for various purposes, including preserving wilderness areas, natural areas, and structurally complex forest; recreation management; maintaining facilities and infrastructure; some timber harvest and fuels management; and conserving lands along streams and waterways. Of these lands, 51 percent (948,466 acres (383,830 hectares)) are designated as LSR, 64 percent of which (603,090 acres (244,061 hectares)) are located within the critical habitat designation for the northern spotted owl (FWS 2016, p. 9). The management objectives on LSRs are designed to promote older, structurally complex forest and to promote or maintain habitat for the northern spotted owl and marbled murrelet (*Brachyramphus marmoratus*), although some timber harvest of varying intensity is allowed. The recovery plan for the northern spotted owl relies on the LSR network as the foundation for northern spotted owl recovery on Federal lands (FWS 2011, p. III–41). The Service found that the anticipated level of timber harvest in LSRs under these RMPs was not likely to jeopardize the species or destroy or adversely modify critical habitat (FWS 2016, pp. 700–703).

The HLB allocation comprises 19 percent (469,215 acres (189,884 hectares)) of the overall LUAs and is where the majority of programmed timber harvest will occur (FWS 2016, p. 9; BLM 2016a, pp. 59–63). Of these acres, 39 percent (184,476 acres (74,655 hectares)) are located within the critical habitat designation for the northern spotted owl. Over 90 percent of these acres (172,430 acres (69,779 hectares)) are located on O&C lands. Under the management direction for the HLB, timber harvest intensity varies based on the sub-allocation (moderate intensity timber area, light intensity timber area, or uneven-aged timber area) within the HLB (BLM 2016a, pp. 59–63).

The management direction specific to the northern spotted owl (BLM 2016a, p. 100) applies to all LUAs designated in the RMPs. This direction provides for the management of habitat to facilitate movement and survival between and through large blocks of northern spotted owl nesting and roosting habitat.

We completed a programmatic section 7 consultation on the RMPs in 2016, under the assumption that BLM will implement actions consistent with the RMPs over an analytical timeframe of 50 years (FWS 2016, p. 2). This approach allowed for the broad-scale evaluation of BLM's program to ensure that the management direction and objectives of the program are consistent with the

conservation of listed species, while also providing a reliable mechanism for site-specific consultation at the stepped-down, project-level scale. The adequacy of this approach for the conservation of listed species is further sustained by the requirement for the action agency to reinstate consultation under certain circumstances.

Reinitiation of the programmatic section 7 consultation may occur at any time during the course of program implementation if: (1) The amount or extent of incidental take is exceeded; (2) new information reveals that the effects of the action may affect listed species or critical habitat in a manner or to an extent not previously considered; (3) if the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in the biological opinion; or (4) if a new species is listed or critical habitat designated that may be affected by the identified action, consistent with our August 27, 2019, final rule revising portions of our regulations that implement section 7 of the Act (see 84 FR 44976, pp. 84 FR 45017–45018). The biological opinion on the RMPs also describes some additional specific conditions concerning northern spotted owl demographics and barred owl management implementation under which reinitiation of consultation will be necessary (FWS 2016, pp. 703–705).

BLM incorporated key aspects of the recovery plan for the northern spotted owl into its RMPs, consistent with its authorities and resources. Important features of BLM's approach include:

- Overall impacts to extant northern spotted owls are minimized. Take of northern spotted owl territorial pairs or resident singles from timber harvest will be avoided to the greatest possible extent during the first 5 to 8 years of the RMPs as the barred owl removal experiment (FWS 2013) is conducted and evaluated. Subsequent effects to northern spotted owls would be metered out over time in the HLB and minimized in other land use allocations.

- If the barred owl removal experiment leads to a longer-term barred owl management program, BLM will support such a program on the lands they manage. Barred owl management would help offset the adverse effects associated with the RMPs and is expected to result in a net positive impact on the recovery of northern spotted owls when considering the overall effect of the RMPs over the next 50 years.

- There will be a net increase in suitable habitat for northern spotted owls during the life of the RMPs due to

forest ingrowth outpacing harvest, and the RMPs contain more reserve acres and habitat than the NWFP.

- As individual projects are proposed under these RMPs, BLM will consult at the project-specific level with the Service as necessary, providing assurances that jeopardy and adverse modification will be avoided and an opportunity to further minimize impacts to northern spotted owls as on-the-ground actions are designed and implemented.

- BLM will reinstate section 7 consultation with the Service if the population projections for the northern spotted owl described in the biological opinion on the RMPs are not realized within the timeframes anticipated in the consultation.

For these reasons, as described in its biological opinion issued to the BLM (FWS 2016, pp. 4–5), the Service expects an overall net improvement in northern spotted owl populations on BLM lands under the RMPs, including when taking into account any take or adverse impacts to northern spotted owls due to timber harvest, fuels management, recreation, and other activities occurring under the RMPs. Our analysis of the impacts on the lands within the HLB recognized that while this LUA was not intended to be relied upon for demographic support of northern spotted owls, the management direction under the RMPs includes provisions that would contribute to the further development of late-successional habitat, including additional critical habitat PBFs, over time (FWS 2016, p. 553; 77 FR 71876, December 4, 2012, pp. 77 FR 71906–71907). Although late-successional habitat within the HLB may not remain on the landscape for the long term, the presence of northern spotted owl habitat within the HLB in the short term would assist in northern spotted owl movement (PBF 4) across the landscape and could potentially provide refugia from barred owls while habitat continues to mature into more complex habitat and develop additional PBFs over time in reserved LUAs (FWS 2016, p. 553; 77 FR 71876, December 4, 2012, pp. 77 FR 71906–71907).

The spatial configuration of reserves; the management of those reserves to retain, promote, and develop northern spotted owl habitat; and the management and scheduling of timber sales within the HLB are all expected to provide for northern spotted owl dispersal between physiographic provinces and between and among large blocks of habitat designed to support clusters of reproducing northern spotted owls (FWS 2016, p. 698). In particular, BLM refined their preferred alternative

management approach to minimize the creation of strong barriers to northern spotted owl east-west movement and survival between the Oregon Coast Range and Oregon Western Cascades physiographic provinces, and north-south movement and survival between habitat blocks within the Oregon Coast Range province, by augmenting its allocation to LSRs in those areas (BLM 2016c, p. 17). Therefore, BLM-planned timber harvest during the interim period while a barred owl management strategy is considered is not expected to substantially influence the distribution of northern spotted owls at the local, action area, or rangewide scales.

Of the designated critical habitat on BLM-managed lands in western Oregon addressed by the RMPs, 15 percent of critical habitat is designated on the HLB and 85 percent is designated on other LUAs. The HLB portion of the BLM landscape is expected to provide less contribution to northern spotted owl critical habitat over time, while the reserve portions of the BLM lands will provide the necessary contributions for northern spotted owl conservation (FWS 2016, p. 554). Although the loss of some or all the PBFs within northern spotted owl critical habitat within the HLB is an adverse effect and cannot be discounted, as we noted in the 2016 biological opinion on the RMPs (FWS 2016, p. 691), the protection, ingrowth, and further development of PBFs within northern spotted owl critical habitat in reserve LUAs are expected to improve the function of all critical habitat units within the areas covered by the RMPs, and have the additional advantage of improving critical habitat conditions in areas where barred owl management is most likely to be implemented. Barred owl management, if implemented, would be most likely to occur where we anticipate the future core of the northern spotted owl population to reside and where critical habitat can provide the greatest value.

Additionally, we noted that the functionality of the critical habitat network on BLM-managed lands and rangewide was anticipated to improve, in part as the land management agencies updated their land management plans to incorporate recommendations of the revised recovery plan (USFWS 2011, p. II–3). Accordingly, we found in our 2016 biological opinion on the RMPs (FWS 2016, p. 700) that, even with the projected timber harvest in the HLB, the management direction implemented under the RMPs is fully consistent with the revised recovery plan (USFWS 2011) and would not appreciably diminish the conservation value of, or adversely modify, critical habitat (FWS 2016, p.

702). The conservation measures put in place by BLM's 2016 RMPs, including management direction for the LUAs and commitments to support barred owl research and management, are expected to result in a net increase in northern spotted owl conservation compared to the status quo. Therefore, we find that excluding the HLB acres from the critical habitat designation, as proposed in this document, would not reduce the overall conservation of the northern spotted owl and its habitat provided that the conservation measures in the RMPs are implemented as planned. We thus find that these exclusions would not result in extinction of the species.

BLM will continue to rely on the effectiveness monitoring established under the NWFP for the northern spotted owl and late-successional and old growth ecosystems. Monitoring will assess status and trends in northern spotted owl populations and habitat to evaluate whether the implementation of the RMPs is reversing the downward trend of populations and maintaining and restoring habitat necessary to support viable owl populations (BLM 2016a).

In conclusion, the revised BLM RMPs provide for the conservation of the essential PBFs throughout the reserve LUAs and meters the impacts to northern spotted owl habitat in the HLB over time while the habitat conditions in the reserve LUAs improve through ingrowth. Based on our analysis in the biological opinion on the RMPs (FWS 2016, pp. 700–703) and the BLM's conclusions in its records of decision (RODs) adopting the RMPs, the conservation strategies in the RMPs are likely to be effective. These conservation measures will continue to be in effect regardless of whether the HLB areas are designated as critical habitat for the northern spotted owl. As described above, these HLB areas provide a relatively low level of short-term conservation value. Retaining them as designated critical habitat, which suggests that they have a conservation value similar or equal to that of the LSR lands, may send a confusing message to the public and local land managers. Also, all Federal actions in these HLB areas that may affect currently designated critical habitat would require section 7 consultation. These consultations provide no incremental conservation benefit over what is already provided for in the RMPs and thus would not be an efficient use of limited consultation and administrative resources. The benefits of including HLB areas within critical habitat for the northern spotted owl are, therefore, limited relative to the conservation

value provided by the RMPs.

Additionally, areas within the HLB that are determined to be occupied by the northern spotted owl under current survey protocols will still be subject to section 7 consultation to insure that actions in those areas are not likely to jeopardize the continued existence of the species. Given these provisions and assurances, in conjunction with all of the other considerations discussed above, we conclude that the benefits of including these HLB areas in critical habitat are relatively negligible.

On the other hand, some appreciable benefit could be realized by excluding HLB areas from critical habitat. Executive Order 12866 directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. Excluding HLB lands from the northern spotted owl critical habitat designation reduces the burden of additional section 7 consultation for these lands that serve primarily to meet BLM's timber sale volume objectives. Therefore, excluding these HLB lands from the critical habitat designation would provide some incremental benefit by clarifying the primary role of these lands in relation to northern spotted owl conservation, and by eliminating any unnecessary regulatory oversight. These benefits of exclusion outweigh the relatively minimal benefit of retaining these lands as critical habitat.

We note that there is ongoing litigation challenging BLM's management of O&C lands under the 2016 RMPs. In 2018, a Federal magistrate judge in the U.S. District Court for the District of Oregon (D. Or.) issued a Findings and Recommendation that upheld the 2016 RMPs and rejected plaintiffs' challenge that the plans violated the purposes listed in the O&C Act (*Pacific Rivers v. Bernhardt* (No. 6:16-cv-01598-JR) (November 12, 2018)). The District Court subsequently adopted the magistrate's Findings and Recommendation, and the U.S. Court of Appeals for the Ninth Circuit recently affirmed that decision (see *Pacific Rivers v. BLM* (No. 19–35384) (Memorandum, May 15, 2020)). In a separate proceeding, the U.S. District Court for the District of Columbia (D.D.C.), in a consolidated set of cases, recently found that the RMPs violate the O&C Act because BLM excluded portions of O&C timberland from sustained yield harvest (i.e., the BLM allocated some timberlands to reserves instead of the harvest land base); see, e.g., *American Forest Resource Council et al. v. Steed* (No. 16–1599-RJL) (Memorandum

Opinion, November 22, 2019). The parties have briefed the court on the appropriate remedy, but the court has not yet issued an order.

We considered this information in developing this proposed rule. This proposed rule is based on the 2016 RMPs as they are, and not as they may be modified in the future. While the litigation outcomes of the cases challenging the BLM's management of O&C lands are not certain and we will not speculate on the ultimate outcomes of the litigation, we acknowledge the potential for future reductions in the BLM's reserves and changes in the HLB. As discussed above, in the consolidated D.D.C. cases, the court has already found that the BLM violated the O&C Act by excluding portions of O&C timberlands from sustained yield timber harvest. Consequently, the HLB might change as a result of this litigation by remedy order of the court either with, or without, land use planning undertaken by BLM.

National Forest System Lands—We evaluated whether exclusions from the critical habitat designation under section 4(b)(2) of the Act should be considered within the relatively small amount of O&C lands managed as National Forest System lands by USFS. Our preliminary analysis of potential areas to consider for exclusion revealed small areas of lower quality interspersed with higher quality habitat scattered across and imbedded within critical habitat subunits. Therefore, in coordination with USFS, we did not identify any National Forest System lands where we believed the benefits of exclusion outweighed the benefits of inclusion at the critical habitat unit mapping scale. In other words, our preliminary view is that formally excluding these lower quality areas from critical habitat would require significant mapping and analytical effort, and that it is unclear what economic or other administrative benefit might be derived from this process. To date, we have found all proposed timber harvest under the NWFP on National Forest System lands in critical habitat to: (1) Be compatible with northern spotted owl conservation, and (2) not destroy or adversely modify critical habitat. Therefore, we believe the ongoing section 7 consultation processes with USFS under its current land management plans continue to be the best way to evaluate effects of USFS actions on critical habitat function. We will continue to work closely with USFS to address the conservation needs of the northern spotted owl as the agency updates its various forest plans. We invite comments specifically

addressing National Forest System lands and the reasons why we should or should not exclude habitat on these lands as “critical habitat” under section 4(b)(2) of the Act. Comments should address the related benefits of including or excluding specific areas; whether the benefits of exclusion outweigh those of inclusion; and whether the exclusion will not result in the extinction of the species. Additionally, comments should address any probable economic, national security, or other relevant impacts of the designation on areas recommended for consideration for exclusion.

State Lands

We also evaluated whether additional exclusions from the critical habitat designation under section 4(b)(2) of the Act should be considered on State lands. In our December 4, 2012, critical habitat designation (77 FR 71876), we excluded State lands in Washington and California that were covered by HCPs and other conservation plans. In Oregon, State agencies are currently working on HCPs that will address State forest lands in western Oregon, including the Elliott State Forest (managed by the Oregon Department of State Lands) and other State forest lands in western Oregon (managed by the Oregon Department of Forestry).

HCPs necessary in support of incidental take permits under section 10(a)(1)(B) of the Act provide for partnerships with non-Federal entities to minimize and mitigate impacts to listed species and their habitat. In some cases, as a result of their commitments in the HCPs, incidental take permittees agree to provide more conservation of the species and their habitats on private lands than designation of critical habitat would provide alone. We place great value on the partnerships that are developed during the preparation and implementation of HCPs.

When we undertake a discretionary section 4(b)(2) exclusion analysis, we consider areas covered by an approved HCP, and generally exclude such areas from a designation of critical habitat if three conditions are met:

(1) The permittee is properly implementing the HCP and is expected to continue to do so for the term of the agreement. An HCP is properly implemented if the permittee is, and has been, fully implementing the commitments and provisions in the HCP, implementing agreement, and permit.

(2) The species for which critical habitat is designated is a covered species in the HCP, or very similar in its habitat requirements to a covered

species. The recognition that the Service extends to such an agreement depends on the degree to which the conservation measures undertaken in the HCP would also protect the habitat features of the similar species.

(3) The HCP specifically addresses the habitat of the species for which critical habitat is being designated and meets the conservation needs of the species in the planning area.

The proposed State forest HCPs will not be completed prior to the publication of this document; thus, they do not yet fulfill the above criteria. As a result, we are not proposing additional State lands for exclusion from the critical habitat designation for the northern spotted owl. We may revisit consideration of 4(b)(2) exclusions on State lands when the HCPs have been adopted.

Required Determinations

Clarity of the Rule

We are required by Executive Orders 12866 and 12988 and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

- (1) Be logically organized;
- (2) Use the active voice to address readers directly;
- (3) Use clear language rather than jargon;
- (4) Be divided into short sections and sentences; and
- (5) Use lists and tables wherever possible.

If you believe that we have not met these requirements, send us comments by one of the methods listed in **ADDRESSES**. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that are unclearly written, which sections or sentences are too long, the sections where you believe lists or tables would be useful, etc.

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget will review all significant rules. The Office of Information and Regulatory Affairs has identified this proposed rule as a significant rule.

Executive Order 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative,

and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this proposed rule in a manner consistent with these requirements.

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

Under the Regulatory Flexibility Act (RFA; 5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA; 5 U.S.C. 801 *et seq.*), whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effects of the rule on small entities (*i.e.*, small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The SBREFA amended the RFA to require Federal agencies to provide a certification statement of the factual basis for certifying that the rule will not have a significant economic impact on a substantial number of small entities.

According to the Small Business Administration, small entities include small organizations such as independent nonprofit organizations; small governmental jurisdictions, including school boards and city and town governments that serve fewer than 50,000 residents; and small businesses (13 CFR 121.201). Small businesses include manufacturing and mining concerns with fewer than 500 employees, wholesale trade entities with fewer than 100 employees, retail and service businesses with less than \$5 million in annual sales, general and heavy construction businesses with less than \$27.5 million in annual business, special trade contractors doing less than \$11.5 million in annual business, and agricultural businesses with annual sales less than \$750,000. To determine whether potential economic impacts to these small entities are significant, we considered the types of activities that might trigger regulatory impacts under this revised designation as well as types

of project modifications that may result. In general, the term “significant economic impact” is meant to apply to a typical small business firm’s business operations.

Under the RFA, as amended, and consistent with recent court decisions, Federal agencies are required to evaluate the potential incremental impacts of rulemaking on those entities directly regulated by the rulemaking itself; in other words, the RFA does not require agencies to evaluate the potential impacts to indirectly regulated entities. The regulatory mechanism through which critical habitat protections are realized is section 7 of the Act, which requires Federal agencies, in consultation with the Service, to ensure that any action authorized, funded, or carried out by the agency is not likely to destroy or adversely modify critical habitat. Therefore, under section 7, only Federal action agencies are directly subject to the specific regulatory requirement (avoiding destruction and adverse modification) imposed by critical habitat designation. It follows that only Federal action agencies would be directly regulated if we adopt the proposed critical habitat designation. There is no requirement under the RFA to evaluate the potential impacts to entities not directly regulated. Moreover, Federal agencies are not small entities. Therefore, because no small entities would be directly regulated by this rulemaking, the Service certifies that, if made final as proposed, this revised critical habitat designation will not have a significant economic impact on a substantial number of small entities. Additionally, in this document, we are proposing to remove areas from the northern spotted owl’s critical habitat designation, thus reducing regulatory impacts for affected Federal agencies.

In summary, we have considered whether the proposed revised designation would result in a significant economic impact on a substantial number of small entities. For the above reasons and based on currently available information, we certify that, if made final, this proposed revised critical habitat designation will not have a significant economic impact on a substantial number of small business entities. Therefore, an initial regulatory flexibility analysis is not required.

Executive Order 13771

This proposed rule is expected to be an E.O. 13771 (“Reducing Regulation and Controlling Regulatory Costs”) (82 FR 9339, February 3, 2017) deregulatory action. The Office of Information and

Regulatory Affairs has identified this as a significant rule under E.O. 12866.

Energy Supply, Distribution, or Use—Executive Order 13211

Executive Order 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use) requires agencies to prepare Statements of Energy Effects when undertaking certain actions. In our economic analysis for the December 4, 2012, revised critical habitat designation for the northern spotted owl (77 FR 71876), we did not find that the critical habitat designation would significantly affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action, and no Statement of Energy Effects is required.

Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.)

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.), we make the following finding:

(1) This proposed rule would not produce a Federal mandate. In general, a Federal mandate is a provision in legislation, statute, or regulation that would impose an enforceable duty upon State, local, or Tribal governments, or the private sector, and includes both “Federal intergovernmental mandates” and “Federal private sector mandates.” These terms are defined in 2 U.S.C. 658(5)–(7). “Federal intergovernmental mandate” includes a regulation that “would impose an enforceable duty upon State, local, or Tribal governments” with two exceptions. It excludes “a condition of Federal assistance.” It also excludes “a duty arising from participation in a voluntary Federal program,” unless the regulation “relates to a then-existing Federal program under which \$500,000,000 or more is provided annually to State, local, and Tribal governments under entitlement authority,” if the provision would “increase the stringency of conditions of assistance” or “place caps upon, or otherwise decrease, the Federal Government’s responsibility to provide funding,” and the State, local, or Tribal governments “lack authority” to adjust accordingly. At the time of enactment, these entitlement programs were: Medicaid; Aid to Families with Dependent Children work programs; Child Nutrition; Food Stamps; Social Services Block Grants; Vocational Rehabilitation State Grants; Foster Care, Adoption Assistance, and Independent Living; Family Support Welfare Services; and Child Support Enforcement. “Federal private sector mandate” includes a regulation that

“would impose an enforceable duty upon the private sector, except (i) a condition of Federal assistance or (ii) a duty arising from participation in a voluntary Federal program.”

The proposed revised designation of critical habitat does not impose a legally binding duty on non-Federal Government entities or private parties. Under the Act, the only regulatory effect of a critical habitat designation is that Federal agencies must ensure that their actions do not destroy or adversely modify critical habitat under section 7. While non-Federal entities that receive Federal funding, assistance, or permits, or that otherwise require approval or authorization from a Federal agency for an action, may be indirectly affected by the designation of critical habitat, the legally binding duty to avoid destruction or adverse modification of critical habitat rests squarely on the Federal agency. Furthermore, to the extent that non-Federal entities are indirectly affected by a designation decision because they receive Federal assistance or participate in a voluntary Federal aid program, the Unfunded Mandates Reform Act would not apply, nor would such a decision shift the costs of the large entitlement programs listed above onto State governments. Again, the proposed decision here would remove areas from designation.

(2) We do not believe that this rule would significantly or uniquely affect small governments because we are proposing only exclusions from the northern spotted owl’s critical habitat designation; we are not proposing to designate additional lands as critical habitat for the species. Therefore, a Small Government Agency Plan is not required.

Takings—Executive Order 12630

In accordance with E.O. 12630 (Government Actions and Interference with Constitutionally Protected Private Property Rights), we have analyzed the potential takings implications of revising designated critical habitat for the northern spotted owl in a takings implications assessment. The Act does not authorize the Service to regulate private actions on private lands or confiscate private property as a result of critical habitat designation. Designation of critical habitat does not affect land ownership, or establish any closures, or restrictions on use of or access to the designated areas. Furthermore, the designation of critical habitat does not affect landowner actions that do not require Federal funding or permits, nor does it preclude development of habitat conservation programs or issuance of incidental take permits to permit actions

that do require Federal funding or permits to go forward. However, Federal agencies are prohibited from carrying out, funding, or authorizing actions that would destroy or adversely modify critical habitat. A takings implications assessment has been completed for this proposed revision of the designation of critical habitat for the northern spotted owl, and it concludes that, if adopted, this revised designation of critical habitat does not pose significant takings implications for lands within or affected by the designation. Again, the proposed decision here would remove areas from designation.

Federalism—Executive Order 13132

In accordance with E.O. 13132 (Federalism), this proposed rule does not have significant Federalism effects. A federalism summary impact statement is not required. From a federalism perspective, the designation of critical habitat directly affects only the responsibilities of Federal agencies. The Act imposes no other duties with respect to critical habitat, either for States and local governments, or for anyone else. As a result, the proposed rule does not have substantial direct effects either on the States, or on the relationship between the national government and the States, or on the distribution of powers and responsibilities among the various levels of government. As noted above, the proposed decision here would remove areas from designation.

Where State and local governments require approval or authorization from a Federal agency for actions that may affect critical habitat, consultation under section 7(a)(2) of the Act would be required. While non-Federal entities that receive Federal funding, assistance, or permits, or that otherwise require approval or authorization from a Federal agency for an action, may be indirectly impacted by the designation of critical habitat, the legally binding duty to avoid destruction or adverse modification of critical habitat rests squarely on the Federal agency. Further, in this document, we are proposing only exclusions from the northern spotted owl's critical habitat designation; we are not proposing to designate additional lands as critical habitat for the species.

Civil Justice Reform—Executive Order 12988

In accordance with Executive Order 12988 (Civil Justice Reform), the Office

of the Solicitor has determined that the rule would not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of the Order. We have proposed revising designated critical habitat in accordance with the provisions of the Act. To assist the public in understanding the habitat needs of the species, the December 4, 2012, final rule (77 FR 71876) identifies the elements of physical or biological features essential to the conservation of the species, and we are not proposing any changes to those elements in this document. The areas we are proposing for exclusion from the designated critical habitat are described in this rule and the maps and coordinates or plot points or both of the subject areas are included in the administrative record and are available at <http://www.fws.gov/oregonfwo> and at <http://www.regulations.gov> under Docket No. FWS-R1-ES-2020-0050.

Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.)

This rule does not contain information collection requirements, and a submission to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.) is not required. We may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number.

National Environmental Policy Act (42 U.S.C. 4321 et seq.)

It is our position that, outside the jurisdiction of the U.S. Court of Appeals for the Tenth Circuit (see *Catron Cty. Bd. of Comm'rs, New Mexico v. U.S. Fish & Wildlife Serv.*, 75 F.3d 1429 (10th Cir. 1996)), we do not need to prepare environmental analyses pursuant to NEPA (42 U.S.C. 4321 et seq.) in connection with designating critical habitat under the Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244). This position was upheld by the U.S. Court of Appeals for the Ninth Circuit in *Douglas County v. Babbitt*, 48 F.3d 1495 (9th Cir. 1995).

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994 (Government-to-Government Relations

with Native American Tribal Governments; 59 FR 22951), Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), and the Department of the Interior's manual at 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with recognized Federal Tribes on a government-to-government basis. In accordance with Secretarial Order 3206 of June 5, 1997 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), we readily acknowledge our responsibilities to work directly with tribes in developing programs for healthy ecosystems, to acknowledge that Tribal lands are not subject to the same controls as Federal public lands, to remain sensitive to Indian culture, and to make information available to tribes. To fulfill our responsibility under Secretarial Order 3206, we have consulted with the Cow Creek Band of Umpqua Tribe of Indians (CCBUTI) and the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians (CTCLUSI), who both manage Tribal land within the areas designated as critical habitat for the northern spotted owl. We will continue to work with Tribal entities during the development of a final rule for the revised designation of critical habitat for the northern spotted owl.

References Cited

A complete list of references cited in this rulemaking is available on the internet at <http://www.regulations.gov> and upon request from the Oregon Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**).

Authors

The primary authors of this proposed rule are the staff members of the Oregon Fish and Wildlife Office.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Authority: This action is authorized under 16 U.S.C. 1361–1407; 1531–1544; and 4201–4245.

George Wallace,
Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2020–15675 Filed 8–10–20; 8:45 am]

BILLING CODE 4333–15–P

Notices

Federal Register

Vol. 85, No. 155

Tuesday, August 11, 2020

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: National Appeals Division, Department of Agriculture.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the U.S. Department of Agriculture, National Appeals Division's request for an extension to a currently approved information collection for Customer Service Survey.

DATES: Comments on this notice must be received by October 13, 2020 to be assured of consideration.

ADDRESSES: The National Appeals Division invites interested persons to submit comments on this notice. Comments may be submitted by the following method: Federal eRulemaking Portal. This website provides the ability to type short comments directly into the comment field on this web page or attach a file for lengthier comments. Go to <http://www.regulations.gov>. Follow the on-line instructions at that site for submitting comments.

FOR FURTHER INFORMATION CONTACT: Dr. Angela Parham, U.S. Department of Agriculture, National Appeals Division, 1320 Braddock Place, Fourth Floor, Alexandria, Virginia 22314, 703.305.2588.

SUPPLEMENTARY INFORMATION:

Title: National Appeals Division Customer Service Survey.

OMB Number: 0503-0007.

Expiration Date of Approval: October 31, 2020.

Type of Request: Extension of a currently approved information collection.

Abstract: Executive Order 12862, requires Federal Agencies to identify the

customers who are or should be served by the Agency and survey those customers to determine the kind and quality of services they want and level of satisfaction with existing services. Therefore, NAD proposes to extend its currently approved information collection survey.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average .17 hours per response.

Respondents: Appellants, producers, and other USDA agencies.

Estimated Number of Respondents: 1,600.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 272.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Dr. Angela Parham, U.S. Department of Agriculture, National Appeals Division, 1320 Braddock Place, Fourth Floor, Alexandria, Virginia 22314. All comments received will be available for public inspection during regular business hours at the same address.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Authority: 44 U.S.C., Chapter 35.

Jennifer Michael Nicholson,

Deputy Director, National Appeals Division.

[FR Doc. 2020-17537 Filed 8-10-20; 8:45 am]

BILLING CODE 3410-WY-P

DEPARTMENT OF AGRICULTURE

Forest Service

Pacific Northwest Region; Oregon; Land Management Plan Amendment; Forest Management Direction for Large Diameter Trees in Eastern Oregon

AGENCY: Forest Service, USDA.

ACTION: Notice to initiate a land management plan amendment and notice of availability.

SUMMARY: The Pacific Northwest Region of the Forest Service has prepared a Preliminary Environmental Assessment (EA) for Forest Management Direction for Large Diameter Trees in Eastern Oregon. The proposal would amend the land management plans for the Deschutes, Fremont-Winema, Malheur, Ochoco, Umatilla, and Wallowa-Whitman National Forests in Oregon. This notice also provides information on how to comment on the Preliminary EA.

DATES: Comments concerning the scope of the analysis must be received by September 10, 2020. The final EA is expected September 2020.

ADDRESSES: Individuals and entities are encouraged to submit comments via webform at <https://cara.ecosystem-management.org/Public/CommentInput?project=58050>.

Comments may also be sent via email to SM.FS.EScreens21@usda.gov. Hardcopy letters must be submitted to the following address: Shane Jeffries, Forest Supervisor, Ochoco National Forest, 3160 NE Third Street, Prineville, OR 97754. For those submitting hand-delivered comments, please call 541-416-6500 to make arrangements.

FOR FURTHER INFORMATION CONTACT:

Emily Platt, Team Leader, at SM.FS.EScreens21@usda.gov or at 541-416-6500. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8:00 a.m. and 8:00 p.m., Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Background

In 1995, the Forest Service adopted the Eastside Screens, which amended land management plans for national forests outside of the range of the northern spotted owl in Oregon and Washington. The Eastside Screens

include a limit on the harvest of trees equal to or greater than 21-inches diameter at breast-height (dbh) where late and old structural stage forests are below the historic range of variability.

Since the issuance of the Eastside Screens, forest conditions have changed, new science has emerged, and land management priorities have shifted to emphasize forest restoration and the mitigation of wildfire impacts. By adapting the 21-inch standard to reflect learning over the past 25 years, the Agency would streamline restoration of forests in eastern Oregon in order to create landscapes that withstand and recover more quickly from drought, wildfire, and other disturbances.

Purpose and Need for Action

The purpose of this proposal is to analyze a science-based, contemporary alternative to the 21-inch standard in the Eastside Screens. Adapting the standard to incorporate science and 25 years of learning would enable managers to more effectively restore forestlands in eastern Oregon.

Proposed Action

The Forest Service is proposing to replace the 21" standard with a guideline that emphasizes recruitment of old trees and large trees. An adaptive management component is also assessed in this analysis.

Responsible Official

The Responsible Official for this amendment is Ochoco Forest Supervisor, Shane Jeffries.

Nature of Decision To Be Made

Given the purpose and need of the project, the Responsible Official will review alternatives, public comments, and consider the environmental consequences to decide whether to prepare a finding of no significant impact or prepare an environmental impact statement. If a finding of no significant impact is appropriate, the Responsible Official will decide whether to select the proposed action, another alternative, or a combination of alternatives.

Substantive Requirements

When proposing a Forest Plan amendment, the 2012 Planning Rule (36 CFR 219), as amended, requires the responsible official to identify the substantive requirements of the rule that are likely to be directly related to the amendment (36 CFR 219.13(b)(5)). The substantive requirements that are likely to be directly related to the proposed amendments are: (1) 36 CFR 219.8(a)(1)(iv) System drivers, including

dominant ecological processes, disturbance regimes, and stressors, such as natural succession, wildland fire, invasive species, and climate change; and the ability of terrestrial and aquatic ecosystems on the plan area to adapt to change; (2) 36 CFR 219.8(a)(1)(v) Wildland fire and opportunities to restore fire adapted ecosystems; and (3) 219.9(b)(1) The responsible official shall determine whether or not the plan components provide the ecological conditions necessary to: Contribute to the recovery of federally listed threatened and endangered species, conserve proposed and candidate species, and maintain a viable population of each species of conservation concern within the plan area.

Comment and Objection Information

The Preliminary EA and other related documents are available for comment on the project website at <https://www.fs.usda.gov/project/?project=58050>. Additional information regarding this proposal can found at <https://go.usa.gov/xvV4X>. As provided for at 36 CFR 219.16, the responsible official has combined the notifications for initiating the plan amendment and inviting comments on the proposed plan amendment and alternatives.

This EA is subject to Forest Service regulation 36 CFR 219, Subpart B, known as the administrative review, or objection, process. Only individuals or entities who submit specific written comments during the designated comment period will be eligible to participate in the objection process. Specific written comments should be within the scope of the proposed action, have a direct relationship to the proposed action, and include supporting reasons for the Responsible Official to consider. Comments submitted anonymously will be accepted and considered but will not meet the requirements to be eligible for administrative review. Comments received in response to this solicitation, including names (and addresses, if included) of those who comment, will be part of the public record for this proposed action.

Allen Rowley,

Associate Deputy Chief, National Forest System.

[FR Doc. 2020-17430 Filed 8-10-20; 8:45 am]

BILLING CODE 3411-15-P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the District of Columbia Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a meeting of the District of Columbia Advisory Committee to the Commission will convene by conference call, at 11:30 a.m. (EDT) Thursday, September 3, 2020. The purpose of the planning meeting is to discuss and vote to submit the Committee's civil report rights project report on the DC Mental Health Community Court to the Staff Director for publication.

DATES: Thursday, September 3, 2020 at 11:30 a.m. (ET).

Public Call-In Information:

Conference call number: 1-877-260-1479 and conference call ID number: 1929821

FOR FURTHER INFORMATION CONTACT: Ivy L. Davis, at ero@usccr.gov or by phone at 202-376-7533.

SUPPLEMENTARY INFORMATION: Interested members of the public may listen to the discussion by calling the following toll-free conference call number: 1-877-260-1479 and conference call ID number: 1929821. Please be advised that before placing them into the conference call, the conference call operator may ask callers to provide their names, their organizational affiliations (if any), and email addresses (so that callers may be notified of future meetings). Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number herein.

Persons with hearing impairments may also follow the discussion by first calling the Federal Relay Service at 1-800-877-8339 and providing the operator with the toll-free conference call number: 1-877-260-1479 and conference call ID number: 1929821.

Members of the public are invited to make statements during the Public Comments section of the meeting or to submit written comments. The comments must be received 30 days after the meeting date. Comments may be mailed to the Eastern Regional Office, U.S. Commission on Civil Rights, 1331 Pennsylvania Avenue, Suite 1150,

Washington, DC 20425 or emailed to Ivy Davis at ero@usccr.gov. Persons who desire additional information may contact the Eastern Regional Office at 202-376-7533.

Records and documents discussed during the meeting will be available for public viewing as they become available at this FACA link. Please click the "Meeting Details" and "Documents" links. Records generated from this meeting may also be inspected and reproduced at the Eastern Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised to go to the Commission's website, www.usccr.gov, or to contact the Eastern Regional Office at the above phone numbers, email or street address.

Agenda

Thursday, September 3, 2020, at 11:30 a.m. (ET)

- I. Rollcall
- II. Welcome
- III. Planning Meeting
 - Discuss and vote to submit report for publication
 - Discuss next steps
- IV. Other Business
- V. Next Planning Meeting
- VI. Public Comments
- VII. Adjourn

Dated: August 5, 2020.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2020-17444 Filed 8-10-20; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Oregon Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a teleconference meeting of the Oregon Advisory Committee (Committee) to the Commission will be held at 12 p.m. (PDT) on Tuesday, August 25, 2020. The purpose of the meeting is to continue planning their hearing on pre-trial release and bail practices.

DATES: The meeting will be held on Tuesday, August 25, 2020 at 12:00 p.m. PDT.

Public Call Information:

Dial: 800-437-2398.

Conference ID: 6069397.

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes, Designated Federal Officer (DFO) at afortes@usccr.gov or (202) 681-0857.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the following toll-free call-in number: 800-437-2398, conference ID number: 6069397. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1-800-877-8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012 or email Ana Victoria Fortes at afortes@usccr.gov.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meetings at <https://www.facadatabase.gov/FACA/apex/FACAPublicCommittee?id=a10t0000001gzlwAAA>. Please click on the "Committee Meetings" tab. Records generated from these meetings may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meetings. Persons interested in the work of this Committee are directed to the Commission's website, <https://www.usccr.gov>, or may contact the Regional Programs Unit at the above email or street address.

Agenda

- I. Welcome
- II. Planning Discussion
- III. Public Comment
- IV. Adjournment

Dated: August 5, 2020.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2020-17461 Filed 8-10-20; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Wyoming Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a teleconference meeting of the Wyoming Advisory Committee (Committee) to the Commission will be held at 1 p.m. (MDT) Thursday, September 24, 2020. The purpose of the meeting will be to discuss the possibility of pursuing a post-report activity.

DATES: Thursday, September 24, 2020 at 1 p.m. MDT.

Public Call Information:

Dial: 800-367-2403.

Conference ID: 3006856.

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes, Designated Federal Officer (DFO) at afortes@usccr.gov or (202) 681-0857.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the following toll-free call-in number: 800-367-2403, conference ID number: 3006856. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1-800-877-8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012 or email Ana Victoria Fortes at afortes@usccr.gov.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meetings at <https://>

www.facadatabase.gov/FACA/FACAPublicViewCommitteeDetails?id=a10t0000001gzliAAA.

Please click on "Committee Meetings" tab. Records generated from these meetings may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meetings. Persons interested in the work of this Committee are directed to the Commission's website, <https://www.usccr.gov>, or may contact the Regional Programs Unit at the above email or street address.

Agenda

- I. Welcome
- II. Discussion Regarding Potential Post-Report Activity
- III. Public Comment
- IV. Adjournment

Dated: August 5, 2020.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2020-17460 Filed 8-10-20; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Rhode Island Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a planning meeting of the Rhode Island State Advisory Committee to the Commission will convene by conference call, on Wednesday, August 12, 2020 at 12:00 p.m. (EDT). The purpose of the meeting is to discuss the Committee's project on licensing for formerly incarcerated individuals.

DATES: Wednesday, August 12, 2020 at 12:00 p.m.–1:00 p.m. (EDT). Conference Call-In Information: 1-800-437-2398; Conference ID: 6978023.

FOR FURTHER INFORMATION CONTACT:

Mallory Trachtenberg at mtrachtenberg@usccr.gov or by phone at (202) 809-9618.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the telephone number and conference ID listed above. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. 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-in numbers: 1-800-437-2398; Conference ID: 6978023.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the respective meeting. Written comments may be emailed to Mallory Trachtenberg at mtrachtenberg@usccr.gov. Persons who desire additional information may contact the Regional Programs Unit at (202) 809-9618. Records and documents discussed during the meeting will be available for public viewing as they become available at the RI SAC link; click the "Meeting Details" and "Documents" links. Records generated from this meeting may also be inspected and reproduced at the Midwestern Regional Office, as they become available, both before and after the meetings. Persons interested in the work of this advisory committee are advised to go to the Commission's website, www.usccr.gov, or to contact the Midwestern Regional Programs Office at the above phone number, email or street address.

Agenda

Wednesday, August 12, 2020 at 12:00 p.m. (EDT)

- I. Welcome and Roll Call
- II. Announcements and Updates
- III. Approval of Minutes from the Last Meeting
- IV. Discussion: Licensing for Formerly Incarcerated Individuals
- V. Next Steps
- VI. Public Comment
- VII. Adjournment

Dated: August 6, 2020.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2020-17529 Filed 8-10-20; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B-50-2020]

Foreign-Trade Zone 87—Lake Charles, Louisiana, Application for Subzone, Lake Charles LNG Export Company, LLC, Lake Charles, Louisiana

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the Lake Charles Harbor and Terminal District, grantee of FTZ 87, requesting subzone status for the facility of Lake

Charles LNG Export Company, LLC, located in Lake Charles, Louisiana. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on August 5, 2020.

The proposed subzone (788 acres) is located at 8100 Big Lake Road, Lake Charles, Louisiana. Production activity was authorized on June 23, 2020 (B-12-2020, 85 FR 39163, June 30, 2020).

In accordance with the FTZ Board's regulations, Camille Evans of the FTZ Staff is designated examiner to review the application and make recommendations to the FTZ Board.

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

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

For further information, contact Camille Evans at Camille.Evans@trade.gov or (202) 482-2350.

Dated: August 6, 2020.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2020-17473 Filed 8-10-20; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B-51-2020]

Foreign-Trade Zone 29—Louisville, Kentucky, Application for Expansion Under Alternative Site Framework

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the Louisville & Jefferson County Riverport Authority, grantee of FTZ 29, requesting authority to expand Site 15 of FTZ 29 under the Alternative Site Framework (ASF) in Shepherdsville, Kentucky. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on August 5, 2020.

FTZ 29 was approved by the FTZ Board on May 26, 1977 (Board Order

118, 42 FR 29323; June 8, 1977) and reorganized under the ASF on October 25, 2018 (Board Order 2070, 83 FR 54709–54710, October 31, 2018). The zone currently has a service area that includes Anderson, Breckinridge, Bullitt, Butler, Carroll, Crittenden, Daviess, Franklin, Hancock, Henderson, Henry, Hopkins, Jefferson, McLean, Meade, Muhlenberg, Nelson, Ohio, Oldham, Shelby, Spencer, Trimble, Union, Webster, and Woodford Counties, Kentucky.

The applicant is requesting authority to expand existing magnet Site 15 (Cedar Grove Business Park) to include an additional 264.5 acres. No authorization for production activity is being requested at this time. Such requests would be made to the FTZ Board on a case-by-case basis.

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

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary and sent to: ftz@trade.gov. The closing period for their receipt is October 13, 2020. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to October 26, 2020.

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

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

Dated: August 6, 2020.

Andrew McGilvray,
Executive Secretary.

[FR Doc. 2020-17472 Filed 8-10-20; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration
[A-570-918]

Steel Wire Garment Hangers From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2018–2019

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

SUMMARY: The Department of Commerce (Commerce) continues to find that

Shanghai Wells Hanger Co., Ltd., and Hong Kong Wells Ltd. (collectively, Shanghai Wells) failed to demonstrate eligibility for separate rate status during the period of review (POR), and therefore is part of the China-wide entity. The POR is October 1, 2018 through September 30, 2019.

DATES: Applicable August 11, 2020.

FOR FURTHER INFORMATION CONTACT:

Jasun Moy, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-8194.

SUPPLEMENTARY INFORMATION:

Background

On May 15, 2020, Commerce published the *Preliminary Results* of the administrative review of the antidumping duty (AD) order on steel wire garment hangers from the People's Republic of China (China).¹ We invited interested parties to comment on the *Preliminary Results*. We received no comments from interested parties.² As such, these final results are unchanged from the *Preliminary Results*.

Scope of the Order

The merchandise that is subject to the order is steel wire garment hangers, fabricated from carbon steel wire, whether or not galvanized or painted, whether or not coated with latex or epoxy or similar gripping materials, and/or whether or not fashioned with paper covers or capes (with or without printing) and/or nonslip features such as saddles or tubes. These products may also be referred to by a commercial designation, such as shirt, suit, strut, caped, or latex (industrial) hangers. Specifically excluded from the scope of the order are wooden, plastic, and other garment hangers that are not made of steel wire. Also excluded from the scope of the order are chrome-plated steel wire garment hangers with a diameter of 3.4 mm or greater. The products subject to the order are currently classified under Harmonized Tariff Schedule U.S. (HTSUS) subheadings 7326.20.0020, 7323.99.9060, and 7323.99.9080. Although the HTSUS subheadings are

provided for convenience and customs purposes, the written description of the merchandise is dispositive.

Methodology

Commerce conducted this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act). As noted in the *Preliminary Results*, Shanghai Wells did not respond to the issued standard non-market economy (NME) questionnaire and has filed no submissions on the record of this administrative review, including information concerning its eligibility for a separate rate.³ Therefore, Commerce preliminarily determined that Shanghai Wells is not eligible for a separate rate and is part of the China-wide entity.

As noted above, we received no comments on the *Preliminary Results*. Therefore, we have made no changes to the *Preliminary Results*. Because there are no changes for these final results from the *Preliminary Results*, there is no accompanying Issues and Decision Memorandum.

Final Results of the Review

We continue to find that Shanghai Wells is not eligible for a separate rate, and, therefore, it is part of the China-wide entity. The rate previously established for the China-wide entity is 187.25 percent⁴ and is not subject to change as a result of this review, because no party requested a review of the China-wide entity.⁵

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b), Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.

Commerce intends to issue assessment instructions to CBP 15 days after the date of publication of the final results of this review in the **Federal Register**.

We will instruct CBP to assess antidumping duties at a rate of 187.25 percent for all entries of subject merchandise during the POR which was exported by Shanghai Wells.

³ See *Preliminary Results*, 85 FR at 29404.

¹ See *Steel Wire Garment Hangers from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Rescission of Review in Part; 2018–2019*, 85 FR 29403 (May 15, 2020) (*Preliminary Results*).

² On June 3, 2020, M&B Metal Products Co., Inc. (the petitioner) submitted a case brief in which it stated that "Petitioner has no comments on the Department's *Preliminary Results*." See Petitioner's Letter, "Administrative Review of Steel Wire Garment Hangers from China—Petitioner's Case Brief," dated June 3, 2020.

⁴ See *Notice of Antidumping Duty Order: Steel Wire Garment Hangers from the People's Republic of China*, 73 FR 58111 (October 6, 2008).

⁵ See *Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings*, 78 FR 65963 (November 4, 2013).

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date of this notice, as provided by section 751(a)(2)(C) of the Act: (1) For previously investigated or reviewed Chinese and non-Chinese exporters of subject merchandise that have received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific cash deposit rate published for the most recently completed period; (2) for all Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate, including Shanghai Wells, the cash deposit rate will be the existing cash deposit rate for the China-wide entity, *i.e.*, 187.25 percent; and (3) for all non-Chinese exporters of subject merchandise which have not received their own separate rate, the cash deposit rate will be the rate applicable to the Chinese exporter that supplied that non-Chinese exporter.

These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification Regarding Administrative Protective Order

This notice also serves as a final reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing these final results of administrative review in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(5) and 19 CFR 351.213(h)(1).

Dated: August 3, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2020-17470 Filed 8-10-20; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-555-001, A-560-836, A-557-818, A-801-002, A-549-841, A-489-841, A-552-827]

Mattresses From Cambodia, Indonesia, Malaysia, Serbia, Thailand, the Republic of Turkey, and the Socialist Republic of Vietnam: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations

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

DATES: Applicable August 11, 2020.

FOR FURTHER INFORMATION CONTACT: John McGowan at (202) 482-3019 or Preston Cox at (202) 482-5041 (Cambodia); Janae Martin at (202) 482-0238 or Michael Bowen at (202) 482-0768 (Indonesia); Joshua Simonidis at (202) 482-0608 (Malaysia); Joshua DeMoss at (202) 482-3362 (Serbia); Paola Aleman-Ordaz at (202) 482-4031 (Thailand); Jacob Keller at (202) 482-4849 (the Republic of Turkey (Turkey)); Dakota Potts at (202) 482-0223 (the Socialist Republic of Vietnam (Vietnam)), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On April 20, 2020, the Department of Commerce (Commerce) initiated less-than-fair-value (LTFV) investigations of imports of mattresses from Cambodia, Indonesia, Malaysia, Serbia, Thailand, Turkey, and Vietnam.¹ Currently, the preliminary determinations are due no later than September 8, 2020.²

¹ See *Mattresses from Cambodia, Indonesia, Malaysia, Serbia, Thailand, the Republic of Turkey, and the Socialist Republic of Vietnam: Initiation of Less-Than-Fair-Value Investigations*, 85 FR 23002 (April 24, 2020).

² The current deadline for the preliminary determinations falls on Labor Day, September 7, 2020. Commerce's practice dictates that where a

Postponement of Preliminary Determinations

Section 733(b)(1)(A) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in a LTFV investigation within 140 days after the date on which Commerce initiated the investigation. However, section 733(c)(1) of the Act permits Commerce to postpone the preliminary determination until no later than 190 days after the date on which Commerce initiated the investigation if: (A) The petitioner makes a timely request for a postponement; or (B) Commerce concludes that the parties concerned are cooperating, that the investigation is extraordinarily complicated, and that additional time is necessary to make a preliminary determination. Under 19 CFR 351.205(e), the petitioner must submit a request for postponement 25 days or more before the scheduled date of the preliminary determination and must state the reasons for the request. Commerce will grant the request unless it finds compelling reasons to deny the request.

On July 30, 2020, the petitioners³ submitted a timely request that Commerce postpone the preliminary determinations in these LTFV investigations.⁴ The petitioners stated that they request postponement to provide adequate time for Commerce to analyze complex issues, to accommodate extensions of time provided to respondents to complete *e.g.*, questionnaires and supplemental questionnaires, and to provide Commerce additional time to conduct a thorough analysis, including by issuing additional supplemental questionnaires.⁵

For the reasons stated above and because there are no compelling reasons to deny the request, Commerce, in accordance with section 733(c)(1)(A) of

deadline falls on a weekend or federal holiday, the appropriate deadline is the next business day. See *Notice of Clarification: Application of "Next Business Day" Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended*, 70 FR 24533 (May 10, 2005).

³ The petitioners are Brooklyn Bedding; Corsicana Mattress Company; Elite Comfort Solutions; FXI, Inc.; Innocor, Inc.; Kolcraft Enterprises, Inc.; Leggett & Platt, Incorporated; the International Brotherhood of Teamsters; and United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO (USW).

⁴ See Petitioners' Letter, "Mattresses from Cambodia, China, Indonesia, Malaysia, Serbia, Thailand, Turkey, and Vietnam: Request to Extend Preliminary Results and Align the Countervailing Duty Investigation with the Concurrent Antidumping Duty Investigations," dated July 30, 2020.

⁵ *Id.* at 2.

the Act, is postponing the deadline for the preliminary determinations by 50 days (*i.e.*, 190 days after the date on which these investigations were initiated). As a result, Commerce will issue its preliminary determinations no later than October 27, 2020. In accordance with section 735(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determinations these investigations will continue to be 75 days after the date of the preliminary determinations, unless postponed at a later date.

This notice is issued and published pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: August 5, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2020-17531 Filed 8-10-20; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[C-570-039]

Certain Amorphous Silica Fabric From the People's Republic of China: Rescission of Countervailing Duty Administrative Review; 2019

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

SUMMARY: The Department of Commerce (Commerce) is rescinding the administrative review of the countervailing duty (CVD) order on certain amorphous silica fabric (silica fabric) from the People's Republic of China (China) for the period January 1, 2019, through December 31, 2019, based on the timely withdrawal of the request for review.

DATES: Applicable August 11, 2020.

FOR FURTHER INFORMATION CONTACT:

Natasia Harrison, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-1240.

SUPPLEMENTARY INFORMATION:

Background

On March 2, 2020, Commerce published a notice of opportunity to request an administrative review of the CVD order on silica fabric from China for the period January 1, 2019, through December 31, 2019.¹ On March 31,

2020, Commerce received a timely request, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), from Auburn Manufacturing, Inc. (the petitioner), to conduct an administrative review of this CVD order with respect to 89 companies.² Based upon this request, on May 6, 2020, in accordance with section 751(a) of the Act, Commerce published in the **Federal Register** a notice of initiation of administrative review for this CVD order.³ On July 7, 2020, the petitioner timely withdrew its request for an administrative review for all of the 89 companies.⁴

Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review, in whole or in part, if a party who requested the review withdraws the request within 90 days of the date of publication of the notice of initiation of the requested review. The petitioner, the only party that requested administrative reviews, withdrew its requests for review for all companies within the applicable deadline. Accordingly, we are rescinding in its entirety the administrative review of the CVD order on silica fabric from China covering the period January 1, 2019, to December 31, 2019, in its entirety.

Assessment

Commerce will instruct U.S. Customs and Border Protection (CBP) to assess CVDs on all appropriate entries at a rate equal to the cash deposit of estimated CVDs required at the time of entry, or withdrawal from warehouse, for consumption, during the period January 1, 2019, to December 31, 2019, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue appropriate assessment instructions directly to CBP 15 days after publication of this notice in the **Federal Register**.

Notification to Importers

This notice serves as the only reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of CVDs prior to liquidation of the relevant entries during this review period.

to Request Administrative Review, 85 FR 12267 (March 2, 2020).

² See Petitioner's Letter, "Certain Amorphous Silica Fabric from the People's Republic of China," dated March 31, 2020.

³ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 85 FR 26931 (May 6, 2020) (*Initiation Notice*).

⁴ See Petitioner's Letter, "Amorphous Silica Fabric from the People's Republic of China," dated July 7, 2020.

Failure to comply with this requirement could result in the presumption that reimbursement of the CVDs occurred and the subsequent assessment of doubled CVDs.

Notification Regarding Administrative Protective Order

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under an APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This notice is issued and published in accordance with sections 751 of the Act and 19 CFR 351.213(d)(4).

Dated: August 5, 2020.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2020-17471 Filed 8-10-20; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-129, A-552-830]

Certain Walk-Behind Lawn Mowers and Parts Thereof From the People's Republic of China and the Socialist Republic of Vietnam: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations

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

DATES: Applicable August 11, 2020.

FOR FURTHER INFORMATION CONTACT:

Marc Castillo at (202) 482-0519 (People's Republic of China (China)), and Frank Schmitt at (202) 482-4880 (Socialist Republic of Vietnam (Vietnam)), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On June 15, 2020, the Department of Commerce (Commerce) initiated less-than-fair-value (LTFV) investigations of imports of certain walk-behind lawn mowers and parts thereof (lawn

¹ See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity*

mowers) from China and Vietnam.¹ Currently, the preliminary determinations are due no later than November 2, 2020.

Postponement of Preliminary Determinations

Section 733(b)(1)(A) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in an LTFV investigation within 140 days after the date on which Commerce initiated the investigation. However, section 733(c)(1) of the Act permits Commerce to postpone the preliminary determination until no later than 190 days after the date on which Commerce initiated the investigation if: (A) The petitioner makes a timely request for a postponement; or (B) Commerce concludes that the parties concerned are cooperating, that the investigation is extraordinarily complicated, and that additional time is necessary to make a preliminary determination. Under 19 CFR 351.205(e), the petitioner must submit a request for postponement 25 days or more before the scheduled date of the preliminary determination and must state the reasons for the request. Commerce will grant the request unless it finds compelling reasons to deny the request.

On July 22, 2020, the petitioner² submitted a timely request that Commerce postpone the preliminary determinations in these LTFV investigations.³ The petitioner requested that the preliminary determinations be postponed so that Commerce can develop the record in these investigations, review all questionnaire responses and new factual information, and to permit thorough investigations and the calculation of the most accurate dumping margins.⁴

For the reasons stated above, and because there are no compelling reasons to deny the request, Commerce, in accordance with section 733(c)(1)(A) of the Act, is postponing the deadline for the preliminary determinations by 50 days (*i.e.*, 190 days after the date on which these investigations were initiated). As a result, Commerce will

issue its preliminary determinations no later than December 22, 2020. In accordance with section 735(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determinations in these investigations will continue to be 75 days after the date of publication of the preliminary determinations, unless postponed at a later date.

Notification to Interested Parties

This notice is issued and published pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: August 5, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2020–17532 Filed 8–10–20; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–953]

Narrow Woven Ribbons With Woven Selvage From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Results of the 2015 Administrative Review and Notice of Amended Final Results

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

ACTION: Notice of Court Decision.

SUMMARY: On July 31, 2020, the United States Court of International Trade (the Court) sustained the Department of Commerce's (Commerce's) remand redetermination pertaining to the 2015 administrative review of the countervailing duty (CVD) order on narrow woven ribbons with woven selvage (ribbons) from the People's Republic of China (China). Commerce is notifying the public that the Court has made a final judgment that is not in harmony with the final results of the 2015 administrative review, and that Commerce is amending the final results of the 2015 administrative review with respect to Yama Ribbons and Bows Co., Ltd. (Yama).

DATES: Applicable August 17, 2020.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

Background

On March 14, 2018, Commerce published the *Final Results* pertaining to mandatory respondent Yama.¹ The period of review (POR) is January 1, 2015 through December 31, 2015. In the *Final Results*, Commerce found that the use of adverse facts available (AFA) was warranted in determining the countervailability of the Export Buyer's Credit Program (EBCP) because the Government of China (GOC) did not provide the requested information needed to allow Commerce to fully analyze this program and, thus, did not cooperate to the best of its ability in response to our information requests.² Yama challenged Commerce's determination to apply AFA with respect to this program in the *Final Results*.

On December 30, 2019, the Court remanded the *Final Results* to Commerce to reconsider our decision to apply AFA with respect to the EBCP.³ On February 28, 2020, Commerce reconsidered its decision to apply AFA in evaluating Yama's use of the EBCP and determined, under protest, that Yama did not use the EBCP program.⁴ Accordingly, Commerce calculated a revised subsidy rate of 12.83 percent for Yama.⁵ On July 31, 2020, the Court sustained Commerce's Remand Results and entered final judgment.⁶

Timken Notice

In its decision in *Timken*,⁷ as clarified by *Diamond Sawblades*,⁸ the Court of Appeals for the Federal Circuit (Federal Circuit) held that, pursuant to section 516A of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of court decision that is not “in harmony” with a Commerce determination and must suspend liquidation of entries pending a “conclusive” court decision.⁹ The

¹ See *Narrow Woven Ribbons with Woven Selvage from the People's Republic of China: Final Results of Countervailing Duty Administrative Review*; 2015, 83 FR 11177 (March 14, 2018) (*Final Results*), and accompanying Issues and Decision Memorandum (IDM).

² See *Final Results* IDM at Comment 2.

³ See *Yama Ribbons and Bows Co. v. United States*, 419 F. Supp. 3d 1341 (CIT 2019).

⁴ See *Final Results of Redetermination Pursuant to Court Remand*, Consol. Ct. No. 18–00054, Slip Op. 19–173 (February 28, 2020) (Remand Results).

⁵ *Id.* at 4.

⁶ See *Yama Ribbons and Bows Co. v. United States*, Ct. No. 18–00054, Slip Op. 20–107 (CIT July 31, 2020).

⁷ See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

⁸ See *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

⁹ See sections 516A(c) and (e) of the Act.

¹ See *Certain Walk-Behind Lawn Mowers and Parts Thereof from the People's Republic of China and the Socialist Republic of Vietnam: Initiation of Less-Than-Fair-Value Investigations*, 85 FR 37417 (June 22, 2020) (*Initiation Notice*).

² The petitioner is MTD Products Inc.

³ See Petitioner's Letter, “Antidumping Investigations on Certain Walk-Behind Lawn Mowers from the People's Republic of China and the Socialist Republic of Vietnam and Countervailing Duties from the People's Republic of China: Petitioner's Request to Postpone the Preliminary Determination,” dated July 22, 2020.

⁴ *Id.*

Court's July 31, 2020, judgment constitutes a final decision of that court that is not in harmony with Commerce's *Final Results*. Thus, this notice is published in fulfillment of the publication requirements of *Timken* and section 516A of the Act. Accordingly, Commerce will continue the suspension of liquidation of ribbons subject to this review pending expiration of the period of appeal or, if appealed, pending a final and conclusive court decision.

Amended Final Results

Because there is now a final court decision, Commerce is amending its *Final Results* with respect to the subsidy rate calculated for Yama. Based on the Remand Results, as affirmed by the Court, the revised subsidy rate for Yama for the POR is 12.83 percent.¹⁰

In the event that the Court's ruling is not appealed, or, if appealed, is upheld by a final and conclusive court decision, Commerce will instruct U.S. Customs and Border Protection to assess countervailing duties on unliquidated entries of subject merchandise based on the revised subsidy rates summarized above.

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(c)(1) and (e), and 777(i)(1) of the Act.

Dated: August 5, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2020–17521 Filed 8–10–20; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA377]

Marine Mammals and Endangered Species

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

ACTION: Notice; issuance of permits and permit amendments.

SUMMARY: Notice is hereby given that permits and permit amendments have been issued to the following entities under the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA), as applicable.

ADDRESSES: The permits and related documents are available for review upon written request via email to NMFS.Pr1Comments@noaa.gov.

FOR FURTHER INFORMATION CONTACT:

Shasta McClenahan (Permit Nos. 21585–01, 23922, and 23923), Jennifer Skidmore (Permit No. 23779), and Amy Hapeman (Permit No. 23672); at (301) 427–8401.

SUPPLEMENTARY INFORMATION: Notices were published in the **Federal Register** on the dates listed below that requests for a permit or permit amendment had been submitted by the below-named applicants. To locate the **Federal Register** notice that announced our receipt of the application and a complete description of the research, go to www.federalregister.gov and search on the permit number provided in Table 1 below.

TABLE 1—ISSUED PERMITS AND PERMIT AMENDMENTS

Permit No.	RTID	Applicant	Previous Federal Register notice	Issuance date
21585–01 ...	0648–XA223	Oregon State University, Marine Mammal Institute, 2030 Southeast Marine Science Drive, Newport, OR 97365 (Responsible Party: Lisa Ballance, Ph.D.).	85 FR 35415; June 10, 2020.	July 30, 2020.
23672	0648–XR108	Environmental Investigation Agency, P.O. Box 53343, Washington, DC 20009 (Responsible Party: Allan Thornton).	85 FR 16329; March 23, 2020.	July 27, 2020.
23779	0648–XA235	Allyson Hindle, Ph.D., University of Nevada Las Vegas, 4505 S Maryland Parkway, MS 4004, Las Vegas, NV 89154.	85 FR 36837; June 18, 2020.	July 27, 2020.
23922	0648–XA219	University of California, 35 Medical Center Way, San Francisco, CA 94131 (Responsible Party: Alexander Pollen, Ph.D.).	85 FR 35266; June 9, 2020.	July 27, 2020.
23923	0648–XA220	Eugene DeRango, Bielefeld University, Department of Animal Behaviour, Morgenbreede 45, Bielefeld, Germany.	85 FR 35416; June 10, 2020.	July 27, 2020.

Permit No. 23672 was issued on July 27, 2020; the permit takes effect on April 1, 2021 and is valid through December 1, 2022.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a final determination has been made that the activities proposed are categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

As required by the ESA, as applicable, issuance of these permits were based on a finding that such permits: (1) Were applied for in good faith; (2) will not operate to the disadvantage of such endangered species; and (3) are consistent with the purposes and

policies set forth in section 2 of the ESA.

Authority: The requested permits have been issued under the MMPA of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the ESA of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226), as applicable.

Julia Marie Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2020–17507 Filed 8–10–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA327]

Endangered Species; Notice of Issuance for Incidental Take Permit No. 21316

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

ACTION: Notice; issuance of permit.

SUMMARY: Notice is hereby given that NMFS has issued an incidental take permit to Barney Davis, LLC, for the

¹⁰ See Remand Results at 4.

incidental take of threatened North Atlantic Distinct Population Segment green sea turtles (*Chelonia mydas*) and endangered Kemp's ridley sea turtles (*Lepidochelys kempii*) during the conduct of otherwise lawful activities associated with the operation of the Barney Davis Energy Center, located in Corpus Christi, TX. The incidental take permit is issued for a duration of 10 years.

ADDRESSES: The incidental take permit, final environmental assessment, and other related documents are available on the NMFS Office of Protected Resources website at <https://www.fisheries.noaa.gov/action/incidental-take-permit-barney-davis-llc>.

FOR FURTHER INFORMATION CONTACT: Sara Wissmann, phone: (301) 427-8402; email: Sara.Wissmann@noaa.gov, or Wendy Piniak, phone: (301) 427-8402; email: Wendy.Piniak@noaa.gov.

SUPPLEMENTARY INFORMATION: Section 9 of the Endangered Species Act (ESA) and Federal regulations prohibit the 'taking' of a species listed as endangered or threatened. The ESA defines "take" to mean harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. NMFS may issue permits, under limited circumstances to take listed species if the taking is incidental to, and not the purpose of, otherwise lawful activities. Section 10(a)(1)(B) of the ESA provides for authorizing incidental take of listed species. The regulations for issuing incidental take permits for threatened and endangered species are promulgated at 50 CFR 222.307.

Barney Davis, LLC (herein Barney Davis) owns Barney Davis Energy Center (herein facility), a natural gas-fired electric power generating facility. The facility is located at 4301 Waldron Road, Corpus Christi, Nueces County, Texas. The facility has approximately 1,992 acres of land between the Laguna Madre and Oso Creek and comprises two natural gas-fired combustion turbines, two Heat Recovery Steam Generators, a Cooling Water Intake Structure (CWIS) and other equipment and structures necessary for operation.

The facility uses a 0.75-mile (1.2-kilometer) cooling water intake canal leading to the CWIS from the Laguna Madre basin. Although the facility has been in operation since 1974, the presence of sea turtles in the intake canal has only been documented during the past 10 years and has been primarily associated with cold-stunning events.

On December 23, 2015, Barney Davis submitted a first draft application for an incidental take permit for the take of

ESA-listed sea turtles associated with otherwise lawful activities associated with the operations of its power station. After review by and discussions with NMFS, subsequent revised applications and information were submitted on November 4, 2016 and August 25, 2017. On September 14, 2017, NMFS published a notice of availability of the Barney Davis application and conservation plan in the **Federal Register** (82 FR 43224), and requested public comment. The comment period was open for 30-days, and ended on October 16, 2017. Two public comments were received. The information in these comments was incorporated into the incidental take permit. After discussions between NMFS and the applicant, additional revisions were made to the application and conservation plan, and application was re-submitted on October 19, 2018. On September 27, 2019 NMFS published a second notice of availability in the **Federal Register** (84 FR 51116) to request public comment on the Draft Environmental Assessment and revised application and conservation plan. The public comment period was open for 30-days, through October 28, 2019. No public comments were received on either the Draft Environmental Assessment or the revised application.

In February 2020, NMFS and the applicant entered into discussions on the level of take that would be authorized by the proposed incidental take permit. It was decided to restructure the take authorization to a 10-year permit total and reduce the number of takes authorized. As such, NMFS requested that the applicant update their application and conservation plan with their updated take request and incorporate the best available science. The Applicant revised their application and conservation plan to include the best scientific and commercial data available and submitted a final version to NMFS on June 26, 2020. This final document is available on the NMFS website.

NMFS has issued the requested incidental take permit under the authority of the ESA of 1973, as amended (16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222-226).

This incidental take permit is valid for 10 years and authorizes the incidental take of 206 green sea turtles (up to 24 severe injuries or mortalities), and 4 live Kemp's ridley sea turtles during the 10-year duration of the permit. This permit covers incidental take from date of issuance through

August 31, 2030 and will facilitate the rescue and rehabilitation of sea turtles found at the facility.

The conservation plan includes several mitigation and monitoring measures which will offset the impact of the taking authorized by the incidental take permit. Facility employees will visually monitor the area surrounding the cribhouse, which includes the intake canal, bulkhead, and trash racks on a specific seasonal schedule to intercept sea turtle prior to impingement. Visual monitoring will last for at least 15 minutes during each monitoring event. Facility employees will use appropriate equipment (*i.e.*, binoculars), as needed, to sufficiently identify sea turtles in the canal and bulkhead. Facility employees responsible for monitoring the intake canal must be trained upon hiring, and again annually, on the proper procedures required for the collection of sea turtles, as well as identification and proper recordkeeping procedures. Training records and materials must be kept on site for the duration of the incidental take permit. Facility employees must contact Texas Parks and Wildlife Hatchery staff immediately upon observation and/or collection of the animal. If Texas Parks and Wildlife Hatchery staff are not available to assist, facility employees must immediately contact the National Park Service, Texas Sea Turtle Stranding and Salvage Network. Facility employees must follow any instructions provided by Texas Parks and Wildlife Hatchery staff or the National Park Service regarding the collection, handling, and holding of the animal until the animal is transferred to the Texas Sea Turtle Stranding and Salvage Network. Facility employees must also record details on the take, including, where the animal was found on facility property, species, condition of the animal, disposition, and any other pertinent details of the circumstances of the taking, which will be provided to NMFS.

Criteria for Issuing an Incidental Take Permit

Issuance criteria are described in ESA section 10(a)(2)(B) and its implementing regulations (50 CFR 222.307(c)(2)). According to the ESA, NMFS shall issue the requested incidental take permit, if NMFS finds that the following criteria are met:

- (i) The taking will be incidental;
- (ii) The applicant will, to the maximum extent practicable, minimize and mitigate the impacts of such taking;
- (iii) The applicant will ensure that adequate funding for the plan will be provided;

(iv) The taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild; and

(v) The measures, if any, required under subparagraph (A)(iv) will be met, and NMFS has received such other assurances as it may require that the plan will be implemented.

NMFS found that Barney Davis met the criteria for the issuance of an incidental take permit, and as such, NMFS issued an incidental take permit to Barney Davis for the incidental take of green and Kemp's ridley sea turtles during the operation of their facility.

Dated: August 6, 2020.

Donna S. Wieting,

*Director, Office of Protected Resources,
National Marine Fisheries Service.*

[FR Doc. 2020-17519 Filed 8-10-20; 8:45 am]

BILLING CODE 3510-22-P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No: CFPB-2020-0025]

Privacy Act of 1974; System of Records

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice of a modified Privacy Act System of Records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended, the Bureau of Consumer Financial Protection, hereinto referred to as the Consumer Financial Protection Bureau (Bureau), gives notice of the establishment of a revised Privacy Act System of Records. This revised system will collect information related to alternative dispute resolution processes; and the revised notice will clarify its applicability to time and attendance records.

DATES: Comments must be received no later than August 10, 2020. The modified system of records will be effective August 10, 2020, unless the comments received result in a contrary determination.

ADDRESSES: You may submit comments, identified by the title and docket number (see above Docket No. CFPB-2020-0025), by any of the following methods:

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

- *Email:* privacy@cfpb.gov.

- *Mail/Hand Delivery/Courier:*

Tannaz Haddadi, Chief Privacy Officer, Consumer Financial Protection Bureau,

1700 G Street NW, Washington, DC 20552. Please note that due to circumstances associated with the COVID-19 pandemic, the Bureau discourages the submission of comments by mail, hand delivery, or courier.

All submissions must include the agency name and docket number for this notice. In general, all comments received will be posted without change to <http://www.regulations.gov>. In addition, once the Bureau's headquarters reopens, comments will be available for public inspection and copying at 1700 G Street NW, Washington, DC 20552, on official business days between the hours of 10 a.m. and 5 p.m. Eastern Time. At that time, you can make an appointment to inspect comments by telephoning (202) 435-9169. All comments, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT:

Tannaz Haddadi, Chief Privacy Officer, Consumer Financial Protection Bureau, 1700 G Street NW, Washington, DC 20552, (202) 435-7058.

SUPPLEMENTARY INFORMATION: The Bureau revises its Privacy Act System of Records Notice (SORN) "CFPB.009—Employee Administrative Records System." The Bureau modifies the purpose(s) for which the system is maintained and the categories of records in the system to state that information in the system will be used to facilitate alternative dispute resolution processes. The SORN is also modified to clarify its applicability to time and attendance records and in adherence to routine uses specified in OMB M-17-12, "Preparing for and Responding to a Breach of Personally Identifiable Information" (Jan. 2017).¹

The report of the revised system of records has been submitted to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Office of Management and Budget, pursuant to OMB Circular A-108, "Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act"

¹ Although pursuant to section 1017(a)(4)(E) of the Consumer Financial Protection Act, Public Law 111-203, the Bureau is not required to comply with OMB-issued guidance, it voluntarily follows OMB privacy-related guidance as a best practice and to facilitate cooperation and collaboration with other agencies.

(Dec. 2016), and the Privacy Act of 1974, 5 U.S.C. 552a(r).

SYSTEM NAME AND NUMBER:

CFPB.009—Employee Administrative Records System.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Consumer Financial Protection Bureau, 1700 G Street NW, Washington, DC 20552.

SYSTEM MANAGER(S):

Consumer Financial Protection Bureau, Chief Operating Officer, 1700 G Street NW, Washington, DC 20552.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 5492-93, 5511; 31 U.S.C. 3721; 42 U.S.C. 2000e-16; 42 U.S.C. 1981 note.

PURPOSE(S) OF THE SYSTEM:

The purpose of the system is to enable the Bureau to manage and administer human capital functions, including personnel actions, payroll, human resources, time and attendance, leave, insurance, tax, retirement and other employee benefits, employee claims for loss or damage to personal property, alternative dispute resolution processes, and to prepare related reports to other Federal agencies. The information will also be used for administrative purposes to ensure quality control, performance, and improving management processes.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former Bureau employees, volunteers, detailees, applicants, and persons who work at the Bureau (collectively employees), and their named dependents and/or beneficiaries, their named emergency contacts, and individuals who have been extended offers of employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in this system may contain identifiable information about individuals including, without limitation: (1) Identification and contact information, including name, address, email address, phone number and other contact information; (2) employee emergency contact information, including name, phone number, relationship to employee or emergency contact; (3) Social Security number (SSN), employee ID number, organization code, pay rate, salary, grade, length of service, and other related pay and leave records including payroll data; (4) biographic and demographic data, including date of

birth and marital or domestic partnership status; (5) employment-related information such as performance reports, training, professional licenses, certification, and memberships information, alternative dispute resolution processes, fitness center membership information, union dues, employee claims for loss or damage to personal property, and other information related to employment by the Bureau; (6) benefits data, such as health, life, travel, and disability insurance information; (7) retirement benefits information and flexible spending account information; and (8) time and attendance records.

General personnel and administrative records contained in this system are covered under the government-wide systems of records notice published by the Office of Personnel Management (OPM/GOVT-1). This system complements OPM/GOVT-1 and this notice incorporates by reference but does not repeat all the information contained in OPM/GOVT-1.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be disclosed, consistent with the Bureau's Disclosure of Records and Information Rules, promulgated at 12 CFR 1070 *et seq.*, to:

(1) Appropriate agencies, entities, and persons when (a) the Bureau suspects or has confirmed that there has been a breach of the system of records; (b) the Bureau has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Bureau (including its information systems, programs, and operations), the Federal Government, or national security; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Bureau's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm;

(2) Another Federal agency or Federal entity, when the Bureau determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (a) responding to a suspected or confirmed breach or (b) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach;

(3) Another Federal or State agency to (a) permit a decision as to access, amendment or correction of records to

be made in consultation with or by that agency, or (b) verify the identity of an individual or the accuracy of information submitted by an individual who has requested access to or amendment or correction of records;

(4) The Office of the President in response to an inquiry from that office made at the request of the subject of a record or a third party on that person's behalf;

(5) Congressional offices in response to an inquiry made at the request of the individual to whom the record pertains;

(6) Contractors, agents, or other authorized individuals performing work on a contract, service, cooperative agreement, job, or other activity on behalf of the Bureau or Federal Government and who have a need to access the information in the performance of their duties or activities;

(7) The Department of Justice (DOJ) for its use in providing legal advice to the Bureau or in representing the Bureau in a proceeding before a court, adjudicative body, or other administrative body, where the use of such information by the DOJ is deemed by the Bureau to be relevant and necessary to the advice or proceeding, and such proceeding names as a party in interest:

(a) The Bureau;

(b) Any employee of the Bureau in his or her official capacity;

(c) Any employee of the Bureau in his or her individual capacity where DOJ has agreed to represent the employee; or

(d) The United States, where the Bureau determines that litigation is likely to affect the Bureau or any of its components;

(8) A grand jury pursuant either to a Federal or State grand jury subpoena, or to a prosecution request that such record be released for the purpose of its introduction to a grand jury, where the subpoena or request has been specifically approved by a court. In those cases where the Federal Government is not a party to the proceeding, records may be disclosed if a subpoena has been signed by a judge;

(9) A court, magistrate, or administrative tribunal in the course of an administrative proceeding or judicial proceeding, including disclosures to opposing counsel or witnesses (including expert witnesses) in the course of discovery or other pre-hearing exchanges of information, litigation, or settlement negotiations, where relevant or potentially relevant to a proceeding, or in connection with criminal law proceedings;

(10) Appropriate agencies, entities, and persons to the extent necessary to obtain information relevant to current

and former Bureau employees' benefits, compensation, and employment;

(11) Appropriate Federal, State, local, foreign, tribal, or self-regulatory organizations or agencies responsible for investigating, prosecuting, enforcing, implementing, issuing, or carrying out a statute, rule, regulation, order, policy, or license if the information may be relevant to a potential violation of civil or criminal law, rule, regulation, order, policy, or license;

(12) National, State or local income security and retirement agencies or entities involved in administration of employee retirement and benefits programs (e.g., State unemployment compensation agencies and State pension plans) and any of such agencies' contractors or plan administrators, when necessary to determine employee eligibility to participate in retirement or employee benefits programs, process employee participation in those programs, process claims with respect to individual employee participation in those programs, audit benefits paid under those programs, or perform any other administrative function in connection with those programs;

(13) An executor of the estate of a current or former employee, a government entity probating the will of a current or former employee, a designated beneficiary of a current or former employee, or any person who is responsible for the care of a current or former employee, where the employee has died, has been declared mentally incompetent, or is under other legal disability, to the extent necessary to assist in obtaining any employment benefit or working condition for the current or former employee;

(14) The Internal Revenue Service (IRS) and other governmental entities that are authorized to tax employees' compensation with wage and tax information in accordance with a withholding agreement with the Bureau pursuant to 5 U.S.C. 5516, 5517, and 5520, for the purpose of furnishing employees with IRS Forms W-2 that report such tax distributions;

(15) Unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111, 7114; and

(16) Carriers, providers and other Federal agencies involved in administration of employee retirement and benefits programs and such agencies' contractors or plan administrators, when necessary to determine employee eligibility to participate in retirement and benefits programs, process employee participation in those programs, process

claims with respect to individual employee participation in those programs, audit benefits paid under those programs, or perform any other administrative function in connection with those programs and Federal agencies that perform payroll and personnel processing and employee retirement and benefits plan services under interagency agreements or contracts, including the issuance of paychecks to employees, the distribution of wages, the administration of deductions from paychecks for retirement and benefits programs, and the distribution and receipt of those deductions. These agencies include, without limitation, the Department of Labor, the Department of Veterans Affairs, the Social Security Administration, the Federal Retirement Thrift Investment Board, the Department of Defense, OPM, the Board of Governors of the Federal Reserve System, the Department of the Treasury, and the National Finance Center at the U.S. Department of Agriculture.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

The records are maintained in paper and electronic media. Access to electronic records is restricted to authorized personnel who have been issued non-transferrable access codes and passwords. Other records are maintained in locked file cabinets or rooms with access limited to those personnel whose official duties require access.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrievable by a variety of fields including, without limitation, the individual's name, SSN, address, account number, transaction number, phone number, date of birth, or by some combination thereof.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

The Bureau will manage these Federal records in accordance with the National Archive and Records Administration (NARA) General Records Schedules (GRS): GRS 1.1, GRS 1.2, GRS 2.1, GRS 2.2, GRS 2.3, GRS 2.4, GRS 2.5, GRS 2.7, GRS 5.6, GRS 5.7, and GRS 6.4 depending on the record type and the corresponding disposition of that record type.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Access to electronic records is restricted to authorized personnel who have been issued non-transferrable access codes and passwords. Other records are maintained in locked file

cabinets or rooms with access limited to those personnel whose official duties require access.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records may inquire in writing in accordance with instructions in 12 CFR 1070.50 *et seq.* Address such requests to: Chief Privacy Officer, Bureau of Consumer Financial Protection, 1700 G Street NW, Washington, DC 20552. Instructions are also provided on the Bureau website: <https://www.consumerfinance.gov/foia-requests/submit-request/>.

CONTESTING RECORD PROCEDURES:

Individuals seeking to contest the content of any record contained in this system of records may inquire in writing in accordance with instructions in 12 CFR 1070.50 *et seq.* Address such requests to: Chief Privacy Officer, Bureau of Consumer Financial Protection, 1700 G Street NW, Washington, DC 20552. Instructions are also provided on the Bureau website: <https://www.consumerfinance.gov/privacy/amending-and-correcting-records-under-privacy-act/>.

NOTIFICATION PROCEDURES:

See "Record Access Procedures" above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

81 FR 27104; 83 FR 23435; 78 FR 67340; 76 FR 71327.

SIGNING AUTHORITY:

The Senior Agency Official for Privacy, Ren Essene, having reviewed and approved this document, is delegating the authority to electronically sign this document to Grace Feola, a Bureau Federal Register Liaison, for purposes of publication in the **Federal Register**.

Dated: July 23, 2020.

Laura Galban,

Federal Register Liaison, Bureau of Consumer Financial Protection.

[FR Doc. 2020-16291 Filed 8-10-20; 8:45 am]

BILLING CODE 4810-AM-P

DEPARTMENT OF DEFENSE

Department of the Army

Environmental Impact Statement for Training and Public Land Withdrawal Extension, Fort Irwin, California

AGENCY: Department of the Army, Defense (DOD).

ACTION: Notice of Intent.

SUMMARY: The Department of the Army intends to prepare an Environmental Impact Statement (EIS) to analyze the environmental impacts resulting from modernization of training activities and improvement of training facilities at the National Training Center at Fort Irwin, California. The Army is also issuing this notice to inform the public that the EIS will serve as a Legislative Environmental Impact Statement (LEIS) to support extension of public land withdrawal for portions of Fort Irwin.

DATES: Comments must be sent by September 10, 2020.

ADDRESSES: Written comments should be forwarded to Dr. David Housman, NEPA Planner, Fort Irwin Directorate of Public Works, Environmental Division, Building 602, Fifth Street, Fort Irwin, CA 92310-5085 email: david.c.housman.civ@mail.mil

FOR FURTHER INFORMATION CONTACT: Mr. Muhammad Bari, Director, Directorate of Public Works, telephone (760) 380-3543; email: muhammad.a.bari.civ@mail.mil.

SUPPLEMENTARY INFORMATION: Fort Irwin consists of approximately 753,537 acres in the Mojave Desert in San Bernardino County in southern California. The U.S. Army National Training Center (NTC) at Fort Irwin provides combined arms training for maneuver Brigade Combat Teams (BCTs), including the Army's Stryker BCTs (SBCTs) and Armored BCTs (ABCTs). Training is also provided for joint military branches (Marine Corps, Navy, and Air Force), Army Reserve, National Guard units, and regular and transitional law enforcement units, as well as home station units. Due to its size, design, and terrain, Fort Irwin is one of the few places in the world that brigade-size units (5,000+ soldiers) can test their combat readiness.

Fort Irwin's mission is to train rotational training units (RTUs), joint, interagency, and multinational partners in order to fight and win in a complex world, while taking care of soldiers, civilians, and family members. To achieve this mission, NTC designs and executes training exercises that prepare brigade-level units for operational deployments. Up to 12 BCT rotations are executed per year.

The Army intends to prepare an EIS at Fort Irwin to analyze potential impacts from modernization of training and improvement of training infrastructure. Training changes are required to support new training doctrine that focuses on large Army formations operating against near-peer

adversaries. In order to reflect weapon systems capabilities and evolving mission requirements, improvements need to be made to weapons ranges, urban operations training facilities, and communication infrastructure.

Approximately 110,000 acres of Fort Irwin training land areas are public lands withdrawn from all types of appropriation and reserved for military purposes under Public Law 107–107 (2001). This public land withdrawal terminates on December 28, 2026. The Army has identified a continuing military need for the land beyond the termination date and intends to request Congress to extend the withdrawal and reservation for military purposes for at least 25 years, or in the alternative, for an indefinite period until there is no longer a military need for the land. Upon a separate application by the Army, the Bureau of Land Management will file in the **Federal Register** a separate notice of withdrawal extension application. This EIS will be submitted to Congress to support the legislative request for extension of this withdrawal and reservation. The document will also serve as the EIS that will analyze training changes proposed for the withdrawn land.

The EIS will analyze alternatives, which consist of different magnitudes of implementation, and the No Action Alternative, under which there would be no modernization or improvement to training activities conducted at Fort Irwin. The no action alternative would also include the possibility that public land withdrawal extension would not occur and that portions of the installation would return to public domain. The proposed action includes an increase in training activities that reflects new mission requirements and improvement of training infrastructure. For Fort Irwin's Western Training Area, the EIS will consider a range of medium to heavy intensity training alternatives. In terms of withdrawal, the alternatives include extension of the current withdrawal and reservation for 25 years or indefinitely until there is no longer a military need for the land. All military activities under consideration would be conducted within the boundaries of the installation. Resource areas that may be impacted include air quality, airspace, traffic, noise, water resources, biological resources, cultural resources, socioeconomic, utilities, land use, and solid and hazardous materials and waste. Impacts to these resources may occur from changing the scope or magnitude of military training activities within the current Fort Irwin boundaries. The analysis will also consider the potential for cumulative

environmental effects. Significant impacts could occur to biological and cultural resources.

Federal, state, and local agencies, Native Americans, Native American organizations, and the public are invited to be involved in the scoping process for the preparation of this EIS by participating in a scoping meeting or submitting written comments. Written comments must be sent within 30 days of publication of this Notice of Intent in the **Federal Register**. In response to the coronavirus (COVID–19) pandemic in the United States and the Center for Disease Control and Prevention recommendations for social distancing and avoiding large public gatherings, the Army will not hold in-person public scoping meetings for this action. Due to the COVID–19 pandemic and the need to maintain social distancing, Fort Irwin will host the public scoping meetings by telephone. Specific details of the telephone meetings will be announced in local media and on the Fort Irwin EIS website: <https://aec.army.mil/index.php/irwin-nepa-meeting>.

For those who do not have ready access to a computer or the internet, the scoping-related materials posted to the website will be made available upon request by mail. Inquiries, requests for scoping-related materials, and comments regarding the proposed action may be submitted by mail to Dr. David Housman, NEPA Planner, Fort Irwin Directorate of Public Works, Environmental Division, Building 602, Fifth Street, Fort Irwin, CA 92310–5085. Written scoping comments will be accepted at any time during process up until the public release of the Draft EIS. To ensure the Army has sufficient time to consider public input in the preparation of the Draft EIS, scoping comments should be submitted to the website or the address listed above by no later than thirty days after the date of this notice.

The public will also be invited to review and comment on the Draft EIS when it is released. Comments from the public will be considered before any decision is made regarding implementing the Proposed Action. The Bureau of Land Management will also organize public participation following publication of its notice of application for extension of the public land withdrawal.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2020–17528 Filed 8–10–20; 8:45 am]

BILLING CODE 5061–AP–P

DEPARTMENT OF ENERGY

Electricity Advisory Committee

AGENCY: Office of Electricity, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Electricity Advisory Committee. The Federal Advisory Committee Act requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Wednesday, August 26, 2020; 1:45 p.m.–3:00 p.m. EST.

ADDRESSES: This meeting of the EAC will be held via WebEx video and teleconference. In order to track all participants, the Department is requiring that those wishing to attend register for the meeting here: <https://www.energy.gov/oe/august-26-2020-meeting-electricity-advisory-committee>.

FOR FURTHER INFORMATION CONTACT: Christopher Lawrence, Designated Federal Officer, Office of Electricity, U.S. Department of Energy, Washington, DC 20585; Telephone: (202) 586–5260 or email: Christopher.lawrence@hq.doe.gov.

SUPPLEMENTARY INFORMATION: *Purpose of the Committee:* The Electricity Advisory Committee (EAC) was established in accordance with the provisions of the Federal Advisory Committee Act (FACA), to provide advice to the U.S. Department of Energy (DOE) in implementing the Energy Policy Act of 2005, executing certain sections of the Energy Independence and Security Act of 2007, and modernizing the nation's electricity delivery infrastructure. The EAC is composed of individuals of diverse backgrounds selected for their technical expertise and experience, established records of distinguished professional service, and their knowledge of issues that pertain to the electric sector.

Tentative Agenda: This meeting of the EAC is expected to include discussion of the EAC's response to a Request for Information (RFI) that the Department of Energy released concerning the Energy Storage Grand Challenge. The RFI can be found here: https://www.energy.gov/sites/prod/files/2020/07/f77/ESGC%20RFI_Web%20Version%20-%20Aug%2031%2C%202020_0.pdf. During the meeting, the full EAC membership will vote on whether to approve the response to the RFI.

August 26, 2020

1:45 p.m.–2:00 p.m. WebEx Attendee Sign-On

2:00 p.m.–2:10 p.m. Welcome, Introductions, and Roll Call

2:10 p.m.–2:45 p.m. Discussion and vote on the Energy Storage Grand Challenge RFI Response
 2:45 p.m.–2:55 p.m. Public Comment
 2:55 p.m.–3:00 p.m. Adjourn

The meeting agenda may change to accommodate EAC business. For EAC agenda updates, see the EAC website at: <http://energy.gov/oe/services/electricity-advisory-committee-eac>.

Public Participation: The EAC welcomes the attendance of the public at its meetings, no advanced registration is required. Individuals who wish to offer public comments at the EAC meeting may do so on during the call but must register in advance with Mr. Christopher Lawrence. Approximately 10 minutes will be reserved for public comments. Time allotted per speaker will depend on the number who wish to speak but is not expected to exceed three minutes. Anyone who is not able to attend the meeting, or for whom the allotted public comments time is insufficient to address pertinent issues with the EAC, is invited to send a written statement identified by “*Electricity Advisory Committee August ESCG RFI Meeting*,” to Mr. Christopher Lawrence at Christopher.lawrence@hq.doe.gov.

Minutes: The minutes of the EAC meeting will be posted on the EAC webpage at <http://energy.gov/oe/services/electricity-advisory-committee-eac>. They can also be obtained by contacting Mr. Christopher Lawrence at the address above.

Signed in Washington, DC on August 6, 2020.

LaTanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2020–17517 Filed 8–10–20; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Public Availability of the Department of Energy’s FY 2018 Service Contract Inventory

AGENCY: Office of Acquisition Management, Department of Energy.

ACTION: Notice of public availability of FY 2018 service contract inventory.

SUMMARY: In accordance with Division C of the Consolidated Appropriations Act of 2010, the Department of Energy (DOE) is publishing this notice to advise the public on the availability of the FY 2018 Service Contract inventory. This inventory provides information on service contract actions over \$25,000 that DOE completed in FY 2018. The inventory has been developed in accordance with guidance issued by the

Office of Management and Budget’s Office of Federal Procurement Policy (OFPP). FY 2018 government-wide service contract inventory can be found at <https://www.acquisition.gov/service-contract-inventory>. The Department of Energy’s service contract inventory data is included in the government-wide inventory posted on the above link and the government-wide inventory can be filtered to display the inventory data for the Department. DOE has posted its FY 2016 Analysis, FY 2017 Analysis and the FY 2018 Analysis Plan at: <http://energy.gov/management/downloads/service-contract-inventory>.

FOR FURTHER INFORMATION CONTACT:

Questions regarding the service contract inventory should be directed to Bari R. Brooks in the Strategic Programs Division at 202–586–1027 or Bari.Brooks@hq.doe.gov.

Signing Authority

This document of the Department of Energy was signed on August 6, 2020, by John R. Bashista, Director, Office of Acquisition Management, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on August 6, 2020.

Treena V. Garrett,

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

[FR Doc. 2020–17491 Filed 8–10–20; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP19–480–000]

Texas Gas Transmission, LLC; Notice of Request for Extension of Time

Take notice that on July 29, 2020, Texas Gas Transmission, LLC (Texas Gas) requested that the Federal Energy Regulatory Commission (Commission) grant an extension of time, until August 20, 2021, to plug and abandon an Injection/Withdrawal (I/W) well located

at its Leesville Storage Field (Project) authorized on August 19, 2019. The Project would enable Texas Gas to plug and abandon I/W Well No. 5710, abandon in-place its related well lateral line and side valve, and abandon by removal its associated above-ground equipment at its Leesville Storage Field in Lawrence County, Indiana.

Texas Gas was initially required to complete all construction of the Project by August 20, 2020. Texas Gas now requests a one-year extension of this deadline through August 20, 2021. Texas Gas states that completion of the abandonment activities associated with the Project was scheduled for April 2020. However, due to the COVID–19 pandemic and the inability of contractor resources to safely travel and perform the activities associated with the Project, Texas Gas was not able to complete the abandonment activities. Accordingly, Texas Gas proposes a new construction schedule, deferring the projected completion date for the Project until 2021.

This notice establishes a 15-calendar day intervention and comment period deadline. Any person wishing to comment on Texas Gas’ 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).¹

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,² the Commission will aim to issue an order acting on the request within 45 days.³ The Commission will address all arguments relating to whether the applicant has demonstrated there is good cause to grant the extension.⁴ The Commission will not consider arguments that re-litigate the issuance of the certificate order,

¹ 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).

² Contested proceedings are those where an intervenor disputes any material issue of the filing. 18 CFR 385.2201(c)(1) (2019).

³ *Algonquin Gas Transmission, LLC*, 170 FERC ¶ 61,144, at P 40 (2020).

⁴ *Id.* at P 40.

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.⁵ 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.⁶ 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 TTY, (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 20, 2020.

Dated: August 5, 2020.

Kimberly D. Bose,
Secretary.⁷

[FR Doc. 2020-17499 Filed 8-10-20; 8:45 am]

BILLING CODE 6717-01-P

⁵ 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.

⁶ *Algonquin Gas Transmission, LLC*, 170 FERC ¶ 61,144, at P 40 (2020).

⁷ 18 CFR 2.1 (2019).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ID-6643-002]

Flexon, Robert C.; Notice of Filing

Take notice that on August 5, 2020, Robert C. Flexon, submitted for filing, a supplement to the June 11, 2020 application for authority to hold interlocking positions, pursuant to section 305(b) of the Federal Power Act, 16 U.S.C. 825d(b), Part 45 of the Federal Energy Regulatory Commission's Rules of Practice and Procedure, 18 CFR part 45.8 (2019).

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>) using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID-19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at FERCOnlineSupport@ferc.gov or call toll-free, (886) 208-3676 or TTY, (202) 502-8659.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed

proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Comment Date: 5:00 p.m. Eastern Time on August 26, 2020.

Dated: August 5, 2020.

Kimberly D. Bose,
Secretary.

[FR Doc. 2020-17501 Filed 8-10-20; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Amendment Application To Extend Expiration Date of Interim Species Protection Plans and Soliciting Comments, Motions To Intervene and Protests

Merimil Limited Partnership Project No. 2574-091

Hydro-Kennebec, LLC Project No. 2611-090

Brookfield White Pine Hydro, LLC Project Nos. 2322-070, 2325-097

Take notice that the following amendment application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Amendment of License.

b. *Project Nos:* P-2574-091; P-2611-090; P-2322-070; P-2325-097.

c. *Date Filed:* July 29, 2020

d. *Applicants:* Merimil Limited Partnership; Hydro-Kennebec, LLC; Brookfield White Pine Hydro, LLC.

e. *Name of Projects:* Lockwood, Hydro-Kennebec, Shawmut, and Weston Hydroelectric Projects.

f. *Locations:* The projects are located on the lower Kennebec River in Kennebec and Somerset Counties, Maine.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a-825r.

h. *Applicant Contact:* Kelly Maloney, Licensing and Compliance Manager, Brookfield White Pine Hydro, LLC, 150 Main Street, Lewiston, ME 04240; telephone: (207) 755-5605.

i. *FERC Contact:* Marybeth Gay, (202) 502-6125, Marybeth.Gay@ferc.gov.

j. *Deadline for filing comments, motions to intervene, and protests:* September 4, 2020.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests 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 numbers P-2574-091, P-2611-090, P-2322-070, and P-2325-097. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request*: Brookfield Power US Asset Management, LLC (Brookfield), on behalf of the affiliated licensees for the Lockwood (P-2574), Hydro-Kennebec (P-2611), Shawmut (P-2322), and Weston (P-2325) Projects, requests that the expiration date of the Interim Species Protection Plans (Interim Plans) for the four projects be extended to coincide with the issuance date of a new license for the Shawmut Project. The Commission approved the Interim Plan for the Hydro-Kennebec Project on February 28, 2013, and extended the expiration date of that plan on March 14, 2018. The Interim Plan for the Lockwood, Shawmut, and Weston Projects was approved on May 19, 2016. The Interim Plans for the four projects expired on December 31, 2019. On December 31, 2019, Brookfield filed a proposed Final Species Protection Plan (Final Plan) for the projects. On July 13, 2020, Commission staff rejected Brookfield's Final Plan, explaining that Brookfield needed to consult further with relevant state and federal agencies before re-filing the Final Plan. On July 29, 2020, Brookfield requested an extension to the expiration date of the

Interim Plans to allow for additional time to consult with the agencies on the Final Plan. During the extended time, the licensees would continue the protection measures contained in the Interim Plans until they are supplanted by the Final Plan, and would continue to comply with the terms and conditions contained in the respective Biological Opinions issued for the Interim Plans.

l. *Locations of the Application*: This filing may be viewed on the Commission's website at <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. 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, .214, respectively. 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 commenting, 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 5, 2020.

Kimberly D. Bose,
Secretary.¹

[FR Doc. 2020-17503 Filed 8-10-20; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ID-3845-002]

Niggli, Michael R.; Notice of Filing

Take notice that on August 4, 2020, Michael R. Niggli, submitted for filing, a supplement to the June 11, 2020 application for authority to hold interlocking positions, pursuant to section 305(b) of the Federal Power Act, 16 U.S.C. 825d (b), Part 45 of the Federal Energy Regulatory Commission's Rules of Practice and Procedure, 18 CFR part 45.8 (2019).

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>) using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID-19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at FERCOnlineSupport@ferc.gov or call

¹ 18 CFR 2.1 (2019).

toll-free, (886) 208-3676 or TTY, (202) 502-8659.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the “eFiling” link at <http://www.ferc.gov>. Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Comment Date: 5:00 p.m. Eastern Time on August 25, 2020.

Dated: August 5, 2020.

Kimberly D. Bose,
Secretary.¹

[FR Doc. 2020-17500 Filed 8-10-20; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD20-14-000]

Carbon Pricing in Organized Wholesale Electricity Markets; Supplemental Notice of Technical Conference

As announced in the Notice of Technical Conference issued in this proceeding on June 17, 2020, the Federal Energy Regulatory Commission (Commission) will convene a Commissioner-led technical conference in the above-referenced proceeding on Wednesday, September 30, 2020, from approximately 9:00 a.m. to 5:00 p.m. Eastern time. The conference will be held either in-person—at the Commission’s headquarters at 888 First Street NE, Washington, DC 20426 in the Commission Meeting Room (with a webcast option available)—or electronically.

The purpose of this conference is to discuss considerations related to state-adoption of mechanisms to price carbon dioxide emissions, commonly referred to as carbon pricing, in regions with Commission-jurisdictional organized wholesale electricity markets (*i.e.*, regions with regional transmission organizations/independent system operators, or RTOs/ISOs). This conference will address carbon pricing approaches where a state (or group of states) sets an explicit carbon price, whether through a price-based or

quantity-based approach, and how that carbon price intersects with RTO/ISO-administered markets, addressing both legal and technical issues.

A high-level agenda for this conference is attached. The Commission will issue a further supplemental notice with a full agenda that includes questions for each panel and the list of panelists, and further details regarding whether this conference will be held in-person or electronically. There is no fee for attendance, and the conference will be webcast as an option for the public to attend electronically. Information on this technical conference, including a link to the webcast, will also be posted on this conference’s event page on the Commission’s website, www.ferc.gov/news-events/events/technical-conference-regarding-carbon-pricing-organized-wholesale-electricity, prior to the event. The conference will be transcribed. Transcripts will be available for a fee from Ace Reporting, (202) 347-3700.

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to accessibility@ferc.gov, call toll-free (866) 208-3372 (voice) or (202) 208-8659 (TTY), or send a fax to (202) 208-2106 with the required accommodations. This notice is issued and published in accordance with 18 CFR 2.1 (2019).

For more information about this technical conference, please contact:

John Miller (Technical Information),
Office of Energy Market Regulation,
(202) 502-6016, john.miller@ferc.gov

Anne Marie Hirschberger (Legal Information), Office of the General Counsel, (202) 502-8387,
annemarie.hirschberger@ferc.gov

Sarah McKinley (Logistical Information), Office of External Affairs, (202) 502-8004,
sarah.mckinley@ferc.gov

Dated: August 5, 2020.

Kimberly D. Bose,
Secretary.

[FR Doc. 2020-17505 Filed 8-10-20; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP20-486-000]

Tuscarora Gas Transmission Company; Notice of Intent To Prepare An Environmental Assessment for the Proposed Tuscarora Xpress Project and Request for Comments on Environmental Issues

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Tuscarora Xpress Project (Project) involving construction and operation of facilities by Tuscarora Gas Transmission Company (Tuscarora) in Washoe County, Nevada. The Commission will use this EA in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies about issues regarding the project. The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from its action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires the Commission to discover concerns the public may have about proposals. This process is referred to as “scoping.” The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of issues to address in the EA. To ensure that your comments are timely and properly recorded, please submit your comments so that the Commission receives them in Washington, DC on or before 5:00pm Eastern Time on September 3, 2020. Comments may be submitted in written form. Further details on how to submit comments are provided in the *Public Participation* section of this notice.

You can make a difference by submitting your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the EA. Commission staff will consider all written comments during the preparation of the EA.

¹ 18 CFR 2.1 (2019).

If you sent comments on this project to the Commission before the opening of this docket on June 24, 2020, you will need to file those comments in Docket No. CP20-486-000 to ensure they are considered as part of this proceeding.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this proposed project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable easement agreement. You are not required to enter into an agreement. However, if the Commission approves the project, the Natural Gas Act conveys the right of eminent domain to the company. Therefore, if you and the company do not reach an easement agreement, the pipeline company could initiate condemnation proceedings in court. In such instances, compensation would be determined by a judge in accordance with state law.

Tuscarora provided landowners with a fact sheet prepared by the FERC entitled "An Interstate Natural Gas Facility On My Land? What Do I Need To Know?" This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. This fact sheet along with other landowner topics of interest are available for viewing on the FERC website (www.ferc.gov) under the Natural Gas Questions or Landowner Topics link.

Public Participation

The Commission offers a free service called eSubscription which makes it easy to stay informed of all issuances and submittals regarding the dockets/projects to which you subscribe. These instant email notifications are the fastest way to receive notification and provide a link to the document files which can reduce the amount of time you spend researching proceedings. Go to <https://www.ferc.gov/ferc-online/overview> to register for eSubscription.

For your convenience, there are three methods you can use to submit your comments to the Commission. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208-3676 or FercOnlineSupport@ferc.gov. Please carefully follow these instructions so

that your comments are properly recorded.

(1) You can file your comments electronically using the *eComment* feature, which is located on the Commission's website (www.ferc.gov) under the link to FERC Online. Using eComment is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the *eFiling* feature, which is located on the Commission's website (www.ferc.gov) under the link to FERC Online. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on "*eRegister*." You will be asked to select the type of filing you are making; a comment on a particular project is considered a "Comment on a Filing"; or

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket number (CP20-486-000) on your letter. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Summary of the Proposed Project

Tuscarora proposes to upgrade and replace an existing reciprocating compressor unit (and building) and construct a new skid-mounted compressor unit at the same location within the existing Wadsworth Compressor Station in Washoe County, Nevada. Additionally, Tuscarora would upgrade an existing meter, replace the existing meter bypass line with a new meter piping run, and install a second new meter within the existing compressor station site. According to Tuscarora, the Tuscarora Xpress Project would provide 15,000 dekatherms per day (Dth/d) of incremental firm transportation capacity on Tuscarora's interstate natural gas pipeline system from its interconnection with Gas Transmission Northwest LLC in Malin, Oregon to its Wadsworth Compressor Station in northern Nevada to meet the growing market demand for natural gas in this area.

The Tuscarora Xpress Project would consist of the following activities:

- Demolition and replacement of one compressor facility and foundation;

- upgrade and replacement of a reciprocating compressor unit and foundation;

- replacement of metering facilities; and

- installation of station piping.

The general location of the project facilities is shown in appendix 1.¹

Land Requirements for Construction

Construction of the proposed facilities would disturb approximately 4.6 acres of land, 4.0 acres of which would be restored to pre-existing conditions after construction is complete.

The EA Process

The EA will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils;
- water resources and wetlands;
- vegetation and wildlife;
- threatened and endangered species;
- cultural resources;
- land use;
- air quality and noise;
- public safety; and
- cumulative impacts

Commission staff will also evaluate reasonable alternatives to the proposed project or portions of the project and make recommendations on how to lessen or avoid impacts on the various resource areas.

The EA will present Commission staffs' independent analysis of the issues. The EA will be available in electronic format in the public record through eLibrary² and the Commission's natural gas environmental documents web page (<https://www.ferc.gov/industries-data/natural-gas/environmental-environmental-documents>). If eSubscribed, you will receive instant email notification when the EA is issued. The EA may be issued for an allotted public comment period. Commission staff will consider all comments on the EA before making recommendations to the Commission. To ensure Commission staff have the opportunity to address your comments, please carefully follow the instructions

¹ The appendices referenced in this notice will not appear in the **Federal Register**. Copies of appendices were sent to all those receiving this notice in the mail and are available at www.ferc.gov using the link called "eLibrary" or from the Commission's Public Reference Room, 888 First Street NE, Washington, DC 20426, or call (202) 502-8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

² For instructions on connecting to eLibrary, refer to the last page of this notice.

in the Public Participation section, beginning on page 2.

With this notice, the Commission is asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this project to formally cooperate in the preparation of the EA.³ Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

Consultation Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, the Commission is using this notice to initiate consultation with the applicable State Historic Preservation Office, and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.⁴ The EA for this project will document findings on the impacts on historic properties and summarize the status of consultations under section 106.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project and includes a mailing address with their comments. Commission staff will update the environmental mailing list as the analysis proceeds to ensure that Commission notices related to this environmental review are sent to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

³ The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

⁴ The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

If the Commission issues the EA for an allotted public comment period, a *Notice of Availability* of the EA will be sent to the environmental mailing list and will provide instructions to access the electronic document on the FERC's website (www.ferc.gov). If you need to make changes to your name/address, or if you would like to remove your name from the mailing list, please return the attached "Mailing List Update Form" (appendix 2).

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208-FERC, or on the FERC website at www.ferc.gov using the eLibrary link. Click on the eLibrary link, click on "General Search" and enter the docket number in the "Docket Number" field, excluding the last three digits (*i.e.*, CP20-486). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at FercOnlineSupport@ferc.gov or (866) 208-3676, or for TTY, contact (202) 502-8659. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

Public sessions or site visits will be posted on the Commission's calendar located at <https://www.ferc.gov/news-events/events> along with other related information.

Dated: August 4, 2020.

Kimberly D. Bose,
Secretary.

[FR Doc. 2020-17512 Filed 8-10-20; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP20-52-001; CP20-52-000]

WBI Energy Transmission, Inc.; Notice of Application

Take notice that on July 28, 2020, WBI Energy Transmission, Inc. (WBI Energy), 1250 West Century Avenue, Bismarck, North Dakota 58503, filed in the above referenced docket an amendment to its application filed on February 14, 2020, pursuant to section 7(c) of the Natural Gas Act and Part 157 of the Commission's regulations, to construct, modify and maintain the North Bakken Expansion Project (Project). By this amendment, WBI Energy proposes (i) to reduce the Project's incremental firm transportation design capacity from

350,000 Mcf/d to 250,000 Mcf/d by reducing the number of additional compressor units at its existing Tioga Compressor Station from six units to three units; (ii) to update the Project's cost, and (iii) to update certain appurtenant Project facilities.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>) using the "eLibrary" link.

Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID-19), issued by the President on March 13, 2020. For assistance, contact FERC at FERCOnlineSupport@ferc.gov or call toll-free, (866) 208-3676 or TTY, (202) 502-8659.

Any questions regarding this application should be directed Lori Myerchin, Director, Regulatory Affairs and Transportation Services, WBI Energy Transmission, Inc., 1250 West Century Avenue, Bismarck, North Dakota 58503, by telephone at (701) 530-1563 or by email at lori.myerchin@wbienergy.com.

Pursuant to section 157.9 of the Commission's rules (18 CFR 157.9), within 90 days of this Notice, the Commission staff will issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the environmental assessment (EA) for this proposal. The issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and

Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit seven copies of filings made in the proceeding with the Commission and must mail a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

As of the February 27, 2018 date of the Commission's order in Docket No. CP16-4-001, the Commission will apply its revised practice concerning out-of-time motions to intervene in any new NGA section 3 or section 7 proceeding.¹ Persons desiring to become a party to a certificate proceeding are to intervene in a timely manner. If seeking to intervene out-of-time, the movant is required to "show good cause why the

time limitation should be waived," and should provide justification by reference to factors set forth in Rule 214(d)(1) of the Commission's Rules and Regulations.²

The Commission strongly encourages electronic filings of comments, protests and interventions 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 25, 2020.

Dated: August 4, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020-17510 Filed 8-10-20; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP19-118-000]

Trans-Foreland Pipeline Company, LLC; Notice of Revised Schedule for Environmental Review of the Kenai LNG Cool Down Project

This notice identifies the Federal Energy Regulatory Commission staff's revised schedule for the completion of the environmental assessment (EA) for Trans-Foreland Pipeline Company, LLC's (Trans-Foreland) Kenai LNG Cool Down Project (Project). A notice of suspended schedule was issued on April 8, 2020 which stated an equivalency determination from the United States Department of Transportation's Pipeline and Hazardous Material Safety Administration (PHMSA) is necessary for completion of the EA. Subsequently, PHMSA issued a letter on May 8, 2020, clarifying that it had no objection to the location of the trim vaporizer. As a result, staff has revised the schedule for issuance of the EA.

Schedule for Environmental Review

Issuance of the EA—September 3, 2020
90-day Federal Authorization Decision
Deadline—December 2, 2020

If a schedule change becomes necessary, an additional notice will be provided so that the relevant agencies are kept informed of the project's progress.

Additional Information

In order to receive notification of the issuance of the EA and to keep track of all formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to <https://www.ferc.gov/ferc-online/overview> to register for eSubscription.

Additional information about the Project is available from the Commission's Office of External Affairs at (866) 208-FERC or on the FERC website (www.ferc.gov). Using the "eLibrary" link, select "General Search" from the eLibrary menu, enter the selected date range and "Docket Number" excluding the last three digits (*i.e.*, CP19-118), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208-3676, TTY (202) 502-8659, or at FERCOnlineSupport@ferc.gov. The eLibrary link on the FERC website also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings. This notice is issued and published in accordance with 18 CFR 2.1 (2019).

Dated: August 5, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020-17498 Filed 8-10-20; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 15033-000]

Bob and Judy Goodman; Notice of Intent To File License Application, Filing of Pre Application Document, and Approving Use of the Traditional Licensing Process

a. *Type of Filing:* Notice of Intent to File License Application and Request to Use the Traditional Licensing Process.

b. *Project No.:* 15033-000.

c. *Date Filed:* May 14, 2020.

d. *Submitted By:* Bob and Judy Goodman (the Goodmans).

e. *Name of Project:* Goodman Residential Hydro.

¹ *Tennessee Gas Pipeline Company, L.L.C.*, 162 FERC ¶ 61,167 at ¶ 50 (2018).

² 18 CFR 385.214(d)(1).

f. *Location*: On Prairie Creek in Wallowa County, near the town of Joseph, Oregon.

g. *Filed Pursuant to*: 18 CFR 5.3 of the Commission's regulations.

h. *Potential Applicant Contact*: Matt King, Wallowa Resources Community Solutions, Inc., 401 NE 1st Street, Suite A, Enterprise, Oregon 97828; 541-426-8053; matt@wallowaresources.org.

i. *FERC Contact*: Peter McBride at (202) 502-8132; or email at peter.mcbride@ferc.gov.

j. The Goodmans filed their request to use the Traditional Licensing Process on May 14, 2020. The Goodmans provided public notice of their request on June 11, 2020. In a letter dated August 5, 2020, the Director of the Division of Hydropower Licensing approved the Goodmans' request to use the Traditional Licensing Process.

k. With this notice, we are initiating informal consultation with: (a) The U.S. Fish and Wildlife Service and/or NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, Part 402, and NOAA Fisheries under section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act and implementing regulations at 50 CFR 600.920; and (b) the Oregon State Historic Preservation Officer, as required by section 106, National Historical Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating the Goodmans as the Commission's non-federal representative for carrying out informal consultation, pursuant to section 7 of the Endangered Species Act, and section 106 of the National Historic Preservation Act.

m. The Goodmans filed a Pre-Application Document (PAD; including a proposed process plan and schedule) with the Commission, pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD may be viewed on the Commission's website (<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. For assistance, contact FERC Online Support at FERCONlineSupport@ferc.gov or toll free at 1-866-208-3676, or for TTY, (202) 502-8659.

o. The applicant states its unequivocal intent to submit an application for an original license for Project No. 15033-000.

p. Register online at <https://ferconline.ferc.gov/FERCONline.aspx> to

be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Dated: August 5, 2020.

Kimberly D. Bose,
Secretary.

[FR Doc. 2020-17504 Filed 8-10-20; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ID-8948-000]

Denecour, Jessica ; Notice of Filing

Take notice that on August 4, 2020, Jessica Denecour, submitted for filing, a supplement to the June 11, 2020 application for authority to hold interlocking positions, pursuant to section 305(b) of the Federal Power Act, 16 U.S.C. 825d (b), Part 45 of the Federal Energy Regulatory Commission's Rules of Practice and Procedure, 18 CFR part 45.8 (2019).

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

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 TTY, (202) 502-8659.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Comment Date: 5:00 p.m. Eastern Time on August 25, 2020.

Dated: August 5, 2020.

Kimberly D. Bose,
*Secretary.*¹

[FR Doc. 2020-17502 Filed 8-10-20; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-10013-49-OAR]

Allocations of Cross-State Air Pollution Rule Allowances From New Unit Set-Asides for 2020 Control Periods

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of data availability.

SUMMARY: The Environmental Protection Agency (EPA) is providing notice of the availability of data on emission allowance allocations to certain units under the Cross-State Air Pollution Rule (CSAPR) trading programs. EPA has completed final calculations for the first round of allocations of allowances from the CSAPR new unit set-asides (NUSAs) for the 2020 control periods and has posted spreadsheets containing the calculations on EPA's website.

DATES: August 11, 2020.

FOR FURTHER INFORMATION CONTACT: Questions concerning this action should be addressed to Jason Kuhns at (202) 564-3236 or kuhns.jason@epa.gov or Andrew Reighart at (202) 564-0418 or reighart.andrew@epa.gov.

SUPPLEMENTARY INFORMATION: Under each CSAPR trading program where EPA is responsible for determining emission allowance allocations, a portion of each state's emissions budget for the program for each control period is reserved in a NUSA (and in an additional Indian country NUSA in the

¹ 18 CFR 2.1 (2019).

case of states with Indian country within their borders) for allocation to certain units that would not otherwise receive allowance allocations. The procedures for identifying the eligible units for each control period and for allocating allowances from the NUSAs and Indian country NUSAs to these units are set forth in the CSAPR trading program regulations at 40 CFR 97.411(b) and 97.412 (NO_x Annual), 97.511(b) and 97.512 (NO_x Ozone Season Group 1), 97.611(b) and 97.612 (SO₂ Group 1), 97.711(b) and 97.712 (SO₂ Group 2), and 97.811(b) and 97.812 (NO_x Ozone Season Group 2). Each NUSA allowance allocation process involves up to two rounds of allocations to eligible units, termed “new” units, followed by the allocation to “existing” units of any allowances not allocated to new units.

In a notice of data availability (NODA) published in the **Federal Register** on May 18, 2020 (85 FR 29711), EPA provided notice of preliminary calculations for the first-round 2020 NUSA allowance allocations and described the process for submitting any objections. EPA received no objections in response to the May 18, 2020 NODA. This NODA concerns EPA’s final calculations for the first round of 2020 NUSA allocations, which are unchanged from the preliminary calculations.

The detailed unit-by-unit data and final allowance allocation calculations are set forth in Excel spreadsheets titled “CSAPR_NUSA_2020_NO_x_Annual_1st_Round_Final_Data”, “CSAPR_NUSA_2020_NO_x_OS_1st_Round_Final_Data”, and “CSAPR_NUSA_2020_SO₂_1st_Round_Final_Data”, available on EPA’s website at <https://www.epa.gov/csapr/csapr-compliance-year-2020-nusa-nodas>.

EPA notes that an allocation or lack of allocation of allowances to a given unit does not constitute a determination that CSAPR does or does not apply to the unit. EPA also notes that, under 40 CFR 97.411(c), 97.511(c), 97.611(c), 97.711(c), and 97.811(c), allocations are subject to potential correction if a unit to which allowances have been allocated for a given control period is not actually an affected unit as of the start of that control period.

(Authority: 40 CFR 97.411(b), 97.511(b), 97.611(b), 97.711(b), and 97.811(b))

Reid P. Harvey,

Director, Clean Air Markets Division, Office of Atmospheric Programs, Office of Air and Radiation.

[FR Doc. 2020–17538 Filed 8–10–20; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL RESERVE SYSTEM

[Docket No. OP–1670]

Service Details on Federal Reserve Actions To Support Interbank Settlement of Instant Payments

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Service Announcement.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) has approved the FedNowSM Service as described in this announcement. The FedNow Service is a new interbank 24x7x365 real-time gross settlement service with clearing functionality to support instant payments in the United States. The new service will support banks’ provision of end-to-end instant payment services and will provide infrastructure to promote ubiquitous, safe, and efficient instant payments in the United States.

DATES: September 10, 2020.

FOR FURTHER INFORMATION CONTACT: Kirstin Wells, Principal Economist (202–452–2962), Susan V. Foley, Senior Associate Director (202–452–3596), Division of Reserve Bank Operations and Payment Systems; Jess Cheng, Senior Counsel (202–452–2309), or Gavin Smith, Senior Counsel, Legal Division (202–452–3474), Board of Governors of the Federal Reserve System. For users of Telecommunications Device for the Deaf (TDD), contact (202–263–4869.)

SUPPLEMENTARY INFORMATION:

I. Introduction

The payment system is a core part of our nation’s infrastructure. For more than a century, the Federal Reserve has provided payment and settlement services to promote an accessible, safe, and efficient U.S. payment system.¹ Throughout its history, the Federal Reserve has provided these services alongside, and in support of, private-sector service providers. The Federal Reserve Banks (Reserve Banks) fulfill this statutory role by offering services that provide core infrastructure for financial transactions, including check, automated clearinghouse (ACH), and funds transfer services.² This

¹ Additional information about the Federal Reserve’s role in the payment system is available in *The Federal Reserve System Purposes & Functions*: Chapter 6, “Fostering Payment and Settlement System Safety and Efficiency,” (October 2016). Available at <https://www.federalreserve.gov/aboutthefed/pf.htm>.

² As authorized by the Federal Reserve Act, these payment and settlement services involve transferring funds between and among accounts held at the Reserve Banks. Specific services offered

operational role provides key public benefits, including enhanced resiliency, healthy competition, increased innovation, and more equitable access. Since the Federal Reserve does not have plenary regulatory or supervisory authority over payments, this operational role has also helped catalyze fundamental improvements in the nation’s payment system.³ This role in the payments system has allowed the Federal Reserve to advance its broader mission of providing the nation with a modern, safe, and effective financial system.

Consistent with this history, beginning in 2013 the Federal Reserve launched a collaborative initiative with a broad array of stakeholders to improve the speed, safety, and efficiency of the U.S. payment system. As part of this initiative, the Federal Reserve and stakeholders identified the need for instant payment capabilities in the United States that would allow individuals and businesses to conduct and complete payments almost immediately, around the clock, every day of the year and provide a receiver with access to funds in seconds (instant payments).⁴ The ability to both send and receive funds instantly allows individuals and businesses greater flexibility and control to manage their money and make time-sensitive payments. This flexibility in turn may help alleviate mismatches between the time that incoming funds are available for use and the time that such funds are needed for other purposes.

For individuals, instant payments reduces the need for high-cost borrowing and the risk of associated penalties, such as overdraft or late fees.

by the Reserve Banks include the Fedwire® Funds Service, the National Settlement Service, and FedACH® services. Throughout this notice, these services operated by the Reserve Banks will be referred to as Federal Reserve services.

³ For a more detailed discussion related to the Federal Reserve’s role in the payment system, including discussion related to regulatory and supervisory authorities, see “Federal Reserve Actions To Support Interbank Settlement of Faster Payments, Request for Comments,” 84 FR 39297 (Aug. 9, 2019). Available at <https://www.federalreserve.gov/d/2019-17027>.

⁴ See Faster Payments Task Force, “Final Report Part Two: A Call to Action,” (July 2, 2017). Available at <https://fedpaymentsimprovement.org/wp-content/uploads/faster-payments-task-force-final-report-part-two.pdf>.

The Board has previously used the term “faster payments” but has transitioned in this notice to the term “instant payments” to describe the types of payments the FedNow Service will support and distinguish them from other improvements to payment speed, such as same-day ACH. In addition, for the purposes of this notice, the term “instant payments” will specifically refer to a subset of payments in which an end user receives funds in near real time, with immediate interbank settlement of the payment also having occurred.

Instant payments could be particularly helpful for individuals facing financial constraints or in times of crisis when there is heightened need to move money quickly and access funds almost immediately. For businesses, and in particular for small businesses, the ability to receive funds in near real time may result in better cash flow management in normal times, and this may be especially important in periods of stress. Instant payments may also provide businesses with considerable opportunity to improve efficiency and reduce costs of payments relative to paper checks and other existing payment methods.

In light of these and many other potential benefits, the Board and a broad set of stakeholders determined that a core infrastructure is essential to support the development and availability of instant payment services. In particular, stakeholders recommended that the Federal Reserve explore and assess the need for an operational role in instant payments and develop a 24x7x365 settlement service to support such payments.⁵ This sentiment was echoed by the U.S. Treasury.⁶ It was also supported by the vast majority of over 400 comments received by the Board in 2018 in response to a Board proposal of potential actions to support instant payments in the United States (the 2018 Notice).⁷

As a result of this extensive consultation with a wide variety of stakeholders, the Board announced via public notice in August 2019 (the 2019 Notice), that the Reserve Banks would develop the FedNow Service, a new interbank 24x7x365 real-time gross settlement (RTGS) service with integrated clearing functionality to support instant payments in the United States.⁸ In making its decision, the Board concluded that the Federal Reserve's operation of such a 24x7x365 RTGS service would be the most effective approach to advance the Federal Reserve's and industry's objective of ubiquitous, safe, and

efficient instant payments in the United States.

Consistent with the Federal Reserve's historical role in supporting payment system improvements, the Board concluded that the Reserve Banks' operation of the FedNow Service would support broader modernization of the nation's payment system as the industry moves towards instant payments.⁹ Serving as an operator would also be consistent with the Federal Reserve's historical role as a provider of payment services alongside the private sector, which is currently the established model for almost every major payment system in the United States.¹⁰

An operational role for the Federal Reserve would also help ensure competition in the market—an outcome that the U.S. Government Accountability Office concluded benefits consumers in other payment systems.¹¹ Notably, over the course of the Federal Reserve's multiyear engagement with the industry on instant payments, only one private-sector RTGS service for instant payments has been established in the United States (the existing private-sector service). The Board's analysis supporting the decision to develop the FedNow Service indicated that the existing private-sector service was likely to remain the sole private-sector provider of RTGS services for instant payments in the United States. The Board explained in the 2019 Notice that no traditional payment system in the United States has only a single private-sector provider, and that such an outcome would create significant risks to the safety and efficiency of the nation's payment system. In particular, the Board explained that a single private-sector service would face significant challenges in establishing an accessible infrastructure for instant payments with nationwide reach, would result in limited competition that could have

negative effects on pricing and innovation, and could create a single point of failure in the nation's instant payments infrastructure.

In light of these significant risks, the Board determined that an operational role would allow the Federal Reserve to advance a number of important objectives, including establishing an accessible nationwide infrastructure, fostering stability in times of crisis, supporting resiliency through redundancy, and stimulating healthy competition for clearing and settling instant payments.

Given their operational role in providing payment and settlement services, the Reserve Banks have established broad reach and invested in connections and customer service relationships with more than 10,000 diverse financial institutions, both small and large, across the country. This reach, in turn, will support the Federal Reserve's ability to provide a nationwide infrastructure for instant payments through the FedNow Service, furthering the goal of ubiquitous instant payments in the United States by connecting banks across the nation.¹² As a result, banks of every size, in every community will have the ability to offer instant payment services to their customers, which is essential to their ability to meet evolving customer demands effectively. This, in turn, will ensure that individuals and businesses across the country have the ability to use such services regardless of geography.

The Federal Reserve has also historically played an important role in promoting the safety of the U.S. payment system by providing liquidity and operational continuity in times of crisis. Serving in an operational role in instant payments will allow the Federal Reserve additional capacity in the future to respond to financial turmoil, natural disasters, and other crises, as it has done in the past. In addition, providing access to more than one RTGS service for instant payments for backup purposes will enhance resiliency by reducing the risks caused by a single point of failure.

The FedNow Service will also promote competition by providing choice of instant payment services in the market. Competition exists in nearly every payment system in the United States today, including funds transfers, ACH, checks, and card transactions. The Board's analysis indicated that choice in

⁵ See *Faster Payments Task Force, "Final Report Part Two: A Call to Action,"* supra note 4.

⁶ U.S. Treasury, "A Financial System That Creates Economic Opportunity: Nonbank Financials, Fintech, and Innovation," (July 2018) at 156. Available at <https://home.treasury.gov/sites/default/files/2018-07/A-Financial-System-that-Creates-Economic-Opportunities-Nonbank-Financi.pdf>.

⁷ "Potential Federal Reserve Actions To Support Interbank Settlement of Faster Payments, Request for Comments," 83 FR 57351 (Nov. 15, 2018). Available at <https://www.federalregister.gov/d/2018-24667>.

⁸ "Federal Reserve Actions To Support Interbank Settlement of Faster Payments, Request for Comments," supra note 3.

⁹ For example, in retail payment systems, improvements achieved through Reserve Bank operational roles in the past include facilitating efficient nationwide clearing of checks, supporting the development of the ACH system, and encouraging the nation's transition to a virtually all-electronic check-processing environment.

¹⁰ As described in the 2019 Notice, implementing the FedNow Service is consistent with the requirements of the Monetary Control Act and longstanding Federal Reserve policy criteria for the provision of new financial services.

¹¹ The GAO found that competition by the Federal Reserve in payment markets has generally had a positive impact, with benefits that include lowered cost of processing payments for end users. U.S. Gov't Accountability Off., GAO-16-614, "Federal Reserve's Competition with Other Providers Benefits Customers, but Additional Reviews Could Increase Assurance of Cost Accuracy" (2016). Available at <https://www.gao.gov/products/GAO-16-614>.

¹² Throughout this notice, the term "bank" refers to any type of depository institution. Depository institutions include commercial banks, savings banks, savings and loan associations, and credit unions.

RTGS services for instant payments would likely result in efficiencies related to pricing, service quality, and innovation. Moreover, it will give banks and third-party service providers a neutral infrastructure to build on, allowing them to offer a variety of innovative and convenient instant payment services to individuals and businesses.

A. An Overview of the FedNow Service

The FedNow Service will be available to banks in the United States and will enable individuals and businesses to send instant payments any time of day, any day of the year through their bank accounts. An instant payment facilitated by the FedNow Service begins when a sender (that is, an individual or business) initiates a payment using a service provided by their bank, such as a banking application accessed on a computer, tablet, or mobile device.¹³ After the sender's bank receives this request, it will send a message through the FedNow Service to the receiver's bank, with information about the payment.¹⁴ Upon receipt of this message, the receiver's bank will indicate whether it intends to accept the payment. If it intends to accept the payment, the receiver's bank will send a positive confirmation back, and upon receipt the FedNow Service will transfer the funds between the Federal Reserve accounts associated with the banks. Each bank will debit and credit their customer's account accordingly. The entire process is intended to take place in a matter of seconds, so the receiver will have funds available to use in near real time. Completed payments will be final, meaning they are irrevocable.¹⁵

From a technical perspective, the FedNow Service will be designed to maintain uninterrupted 24x7x365 processing with security features to support payment integrity and data security. The FedNow Service will enable credit transfers that support a range of different types of payments for

individuals and businesses, and will also support the transfer of supplemental information, such as invoices, related to a payment.¹⁶ The service will have a 24-hour business day each day of the week, including weekends and holidays. End-of-day balances will be reported on Federal Reserve accounting records for each participating bank on each FedNow Service business day. Access to intraday credit will be provided to participants in the FedNow Service.¹⁷

Because instant payment services such as the FedNow Service process and settle each payment separately and continuously on a 24x7x365 basis, participants will need adequate funds or available credit (liquidity) in their accounts at all times in order to settle each payment. In some circumstances, banks with account balances beyond their current needs may supply liquidity to those facing a shortfall. Typically, banks can use a service like the Fedwire® Funds Service to conduct such liquidity transfers. However, when those services are closed, participants in the FedNow Service or the existing private-sector service may need an alternative method to transfer liquidity.

To facilitate such transfers, the FedNow Service will provide a liquidity management tool to support instant payment services that will be a critical enabler not only of the FedNow service but also the existing private-sector service. The tool will enable participants in the FedNow Service to transfer funds to one another to support liquidity needs related to payment activity in the FedNow Service. The tool will also support participants in a private-sector instant payment service backed by a joint account at a Reserve Bank by enabling transfers between the master accounts of participants and a joint account.¹⁸ Access to the tool

would be available to users regardless of whether they are full participants using the FedNow Service to send instant payments between end users or if they use the FedNow Service only to make liquidity transfers.¹⁹ The tool will be available during specific hours, for example, when such transfers are not currently possible through other Federal Reserve services.

The Federal Reserve is committed to using widely accepted standards in designing the FedNow Service to aid in accomplishing the key goals of achieving nationwide reach for instant payments and promoting interoperability with the existing private-sector service. To support these goals, the service will use the widely accepted ISO 20022 standard and adopt other industry best practices, that would remove barriers to interoperability, in order to avoid unnecessary and burdensome incompatibilities, to the extent the existing private-sector service also uses publicly available, widely accepted standards.²⁰

The Federal Reserve intends to launch the FedNow Service as soon as practicably possible. Although the target release date remains 2023 or 2024, the Federal Reserve intends to announce a more specific time frame for launch, as well as earlier pilot programs, through established Reserve Bank channels once additional work is completed. This and other work related to the implementation of the FedNow Service is ongoing and includes development of the necessary infrastructure, integration with existing Federal Reserve systems, and continued engagement with industry stakeholders on features and design.

The Federal Reserve will take a phased approach to providing additional features and functionality over time. Although this may result in the introduction of certain desirable features after the initial release, this approach will ensure the core features

organization's proposed instant payment system. The use of a joint account at a Reserve Bank to support settlement mitigates certain risks by reproducing, as closely as possible, the risk-free nature of settlement in central bank money.

¹⁹ Throughout this notice, the term "end users" encompasses individuals and businesses.

²⁰ The ISO 20022 standard is a message format standard for payments, securities, trade services, payment cards, and foreign exchange. For more information, see <https://www.iso20022.org/>. The standard is published by the International Organization for Standardization (ISO), an independent, non-governmental organization comprised of 161 national standards bodies. For more information, see <http://www.iso.org>. The ISO 20022 standard is increasingly being adopted around the world as part of efforts to modernize payment services, including those used for instant payments.

¹³ The following discussion illustrates a completed payment through the FedNow Service in its simplest form. Other steps could occur; for example, a payment could be rejected. In addition, the Federal Reserve may also consider supplementing this message flow and settlement process with additional options to facilitate certain uses of the service in the future.

¹⁴ References to receiver and receiver's bank in this discussion are intended to refer to the beneficiary and the beneficiary's bank, respectively, of a funds transfer.

¹⁵ This does not prevent banks from implementing procedures to resolve erroneous payments, or the ability for the receiver to send a new transaction to return funds in certain circumstances (see the discussion of return transfers as part of the *Payment Flow and Message Types* discussion in section III).

¹⁶ Credit transfers are those where a sender initiates a payment to an intended receiver and require the sender to authorize and initiate each individual payment. Credit transfers are distinct from debit transfers, in which the party that wishes to be paid provides instructions that allow its bank to pull funds from the account of the party that needs to pay for a good or service, subject to the approval of that party and its bank.

¹⁷ Access to intraday credit in the FedNow Service would be provided during its business day under the same terms and conditions as for other Federal Reserve services.

¹⁸ In 2017, the Board approved guidelines for evaluating requests for joint accounts at the Reserve Banks intended to facilitate settlement between and among banks participating in private-sector payment systems. Board of Governors of the Federal Reserve System, "Guidelines for Evaluating Joint Account Requests," (Issued 2017). Available at https://www.federalreserve.gov/paymentsystems/joint_requests.htm. In 2016, Federal Reserve staff received a request from a private-sector service provider to open a new joint account for that

and functionality are delivered as quickly as possible. The Board believes this approach most appropriately balances the competing demands for the Federal Reserve to launch the FedNow service quickly and to provide enhanced features beyond core capabilities.

Specifically, the first release of the FedNow Service will provide baseline functionality that will support market needs and help banks manage the transition to a 24x7x365 service. The first release will also offer additional optional features where there is high demand, such as fraud prevention tools, the ability to join initially as a receive-only participant, request for payment capability, and tools to support participants in their handling of payment inquiries, reconciliations, and certain exceptions. Other aspects of the service, such as fee structures and governing terms, will be announced prior to the launch of the service through established Reserve Bank communication channels.

The Federal Reserve also recognizes that market needs and technology related to instant payments are constantly evolving and intends to continue engaging with stakeholders and remain flexible in its approach when building out additional features and functionality of the FedNow Service. Based on ongoing stakeholder engagement, additional features and service enhancements will be introduced over time. For example, the service will endeavor to offer additional features in the initial period following launch to support alias-based payments such as directories, as well as fraud prevention, error resolution, or case management tools. Other features in the future might include support for bulk payments or enhanced remittance information. The Federal Reserve will continue to engage with stakeholders on these and other, more complex considerations, such as cross-border capability.

B. Organization of Notice

This notice provides a high-level discussion of the comments received by the Board in response to the 2019 Notice (Section II). The notice details the core features and functionality of the FedNow Service at launch and related comments considered by the Board (Section III). Section III also outlines the Federal Reserve's approach to the introduction of additional features and service enhancements that may be offered in subsequent phases. Lastly, this notice provides a final competitive impact analysis of the FedNow Service (Section IV). Future communications about the FedNow Service, including

but not limited to technical specifications, detailed product offerings, pricing, and implementation timeline, will be provided through established channels, such as FRBservices.org.

II. Comment Summary

The Board received 182 comments in response to the 2019 Notice. Of those comment letters, 3 included signatures from multiple parties, for a total of 353 entities responding to the 2019 Notice. Comments were submitted by a wide variety of stakeholders from the following segments: Small and midsize banks, large banks, individuals, consumer organizations, merchants, service providers, private-sector operators, financial technology companies (fintechs), trade organizations, and other interested parties.²¹ Overall, small and midsize banks were the largest group of respondents, providing more than 40 percent of the total comment letters and representing institutions from 25 states. Trade organizations submitted letters representing several commenter segments, including small and midsize banks, large banks, merchants, fintechs, and service providers. Generally, these letters aligned with comments submitted by respondents in the same segment as a trade organization's membership. The majority of comments provided specific feedback on features and functionality of the FedNow Service. While this Section provides an overview of comments, a more detailed discussion of comments can be found in Sections III and IV.

The Board also received 2,246 form letters from individuals. These form letters argued that the Federal Reserve should not operate in competition with the private sector and viewed the decision to develop and implement the FedNow Service as an inappropriate expansion of the Federal Reserve's role that is inconsistent with its historical purpose. Generally, these commenters stated that the introduction of the

FedNow Service would lead to decreased innovation and unfair competition with the private sector. These topics were addressed by the Board as part of its analysis in the 2019 Notice. In the 2019 Notice, the Board provided the rationale for its conclusion that the Federal Reserve should offer the FedNow Service. This rationale was based on input received in response to the Board's 2018 notice requesting comment on the Federal Reserve's role in the payment system and whether to develop the FedNow Service.²²

Approximately 80 commenters, largely representing small and midsize banks, trade organizations and individuals, addressed the proposed implementation time frame for the service. Nearly all of these commenters stated that the Federal Reserve should accelerate development and bring the FedNow Service to market sooner than the anticipated implementation date of 2023 or 2024. In general, these commenters indicated that the FedNow Service should be made available as soon as possible. These commenters generally believed that market needs and technology for instant payments are rapidly evolving and that an earlier implementation would better support innovation and widespread adoption of the FedNow Service and instant payments more broadly.

Approximately 75 commenters, largely representing small and midsize banks, trade organizations, and service providers, recommended that the FedNow Service offer enhanced functionality that participants can use to mitigate fraud. While a majority of these commenters agreed that banks are primarily responsible for combatting fraud related to the accounts of their customers, most suggested that the Reserve Banks should nevertheless provide enhanced fraud prevention tools for FedNow Service participants. Most of these commenters offered

²¹ "Banks" include any type of depository institution, such as commercial banks, savings banks, savings and loan associations, and credit unions. For the purposes of this notice, large banks are defined as having assets of more than \$50 billion, while small and midsize banks are defined as having assets of less than \$50 billion. "Service providers" are entities, such as core payment processors, that provide payment services, processing, or operational and technical support to financial institutions. "Private-sector operators" are entities that operate payment systems, such as the existing private-sector service for instant payments and payment card networks. "Other interested parties" include payment standards organizations, a congressional member organization, research and academic groups, consultancies, and regulatory bodies.

²² As the Board explained in the 2019 notice, the Federal Reserve has played an operational role in the payment system by providing key clearing and settlement infrastructure since its founding in 1913. In fulfilling this role, the Reserve Banks operate services, including check, ACH, and funds transfer services, that provide core infrastructure for financial transactions. The Federal Reserve operating alongside the private sector is consistent with almost every major payment system in the United States. The Board therefore believes offering the FedNow Service is consistent with its historical role in the payment system and is not an expansion of the Federal Reserve's powers. Further, the Board continues to view the Reserve Banks' operation of the FedNow Service as the most effective approach to advance the Federal Reserve's and industry's objective of ubiquitous, safe, and efficient instant payments in the United States. The FedNow Service is expected to provide public benefits ranging from enhanced resiliency, healthy competition, increased innovation, and more equitable access.

specific recommendations as to how fraud prevention tools should be designed and implemented. Two commenters, however, stated that fraud prevention tools for the FedNow Service should be provided by the private sector and not the Reserve Banks.

Approximately 80 commenters, largely representing small and midsize banks, trade organizations, and fintechs, addressed the inclusion of directory services to support alias-based payments as part of the FedNow Service.²³ Nearly all these commenters noted that availability of a directory, whether provided by the Reserve Banks or the private sector, would support widespread adoption of the service for person-to-person (P2P) payments and reduce payment routing errors. Approximately 40 commenters, largely representing small and midsize banks, trade organizations, and individuals, described potential approaches to the development of directory services, with most of these commenters recommending that the FedNow Service provide either a centralized link to existing directories or build its own directory. Several commenters raised various other considerations with respect to directory services and highlighted potential complexities with day-to-day management of a directory service, such as protecting data privacy and security.

Approximately 100 commenters, representing all commenter segments, expressed views related to interoperability. Nearly all 100 commenters highlighted the benefits of interoperability between the FedNow Service and the existing private-sector service. Approximately 40 commenters, representing small and midsize banks, trade organizations and service providers, expressed the view that interoperability would promote ubiquitous access to instant payments in the United States and support widespread usage and adoption of instant payments. Approximately 35 commenters, largely representing small and midsize banks, trade organizations, and other interested parties, noted that interoperability would streamline operations for banks and service providers, allow for a consistent end-user experience with respect to funds

availability, and generally promote efficiencies and savings. Very few commenters expressed views on how interoperability should be achieved, and many commenters appeared to use varying operational definitions of interoperability.²⁴

Commenters also addressed considerations related to participant and service provider preparedness for FedNow Service onboarding and, more broadly, the transition to 24x7x365 real-time operations for instant payments. Approximately 40 commenters, largely representing small and midsize banks, trade organizations, and individuals, noted that successful integration of existing core service-provider systems is critical to achieving widespread adoption of the FedNow Service.²⁵ These commenters noted that small and midsize banks rely on core service providers and that the Reserve Banks should share technical and operational requirements with such service providers well in advance of service implementation so that small and midsize banks are not disadvantaged. More generally, approximately 15 commenters highlighted various challenges related to transitioning to 24x7x365 real-time processing of instant payments. The majority of these commenters raised concerns that increased staffing costs and upgrades to technology required to maintain continuous operations may limit adoption of the service.

Other groups of commenters raised relevant topics beyond specific features and functionality of the FedNow Service. For example, approximately 35 commenters, largely representing small and midsize banks, trade organizations, and other interested parties, emphasized the importance of effective governance for the FedNow Service and suggested, more generally, that the Reserve Banks take part in any future industry efforts that may arise to develop common rules and standards for instant payments. Another 8 commenters noted that introduction of the FedNow Service may necessitate revisions of existing regulations. These commenters cited a wide range of rules and regulations that may need to be adjusted, including

regulations related to funds availability and funds transfers through Federal Reserve services. Another 6 commenters emphasized that the FedNow Service design should incorporate robust cybersecurity controls (for example, endpoint security requirements). Finally, approximately 10 commenters suggested that the Reserve Banks design the FedNow Service to minimize the possibility that the service might be used in a way that can cause consumer harm. Additionally, these commenters recommended that the Reserve Banks develop industry standards for disputing payments in the event of a fraudulent or erroneous transfer.

III. The FedNow Service

In the 2019 Notice, the Board proposed potential features and functionality for the FedNow Service. Based on additional analysis informed by the comments received in response to the 2019 Notice, the Board has approved the FedNow Service as described in this notice. Recognizing that market needs and technology for instant payments are rapidly evolving, the Board also expects that additional service modifications or features, other than those described here, could be included in the service at launch and in the future. The Federal Reserve intends to take a phased approach to developing and enhancing the FedNow Service, with flexibility to adjust features and functionality in response to available technology, industry developments, and evolving needs of banks and their customers. Additions or changes to the features described in this notice will be announced through established Reserve Bank communication channels. Consistent with the Board's pricing principles, the Board will request public comment when changes in fees and service arrangements are proposed that would have significant longer-run effects on the nation's payment system.²⁶

A. General Description of the FedNow Service

In the 2019 Notice, the Board explained that the FedNow Service would be designed to process individual payments continuously, 24 hours a day,

²³ Alias-based payments provide a sender with the ability to send payments to a receiver based solely on public identifiers, or aliases, of the receiver, without a sender having to know the bank account number of the receiver. Aliases are generally linked to an email or phone number, or other personal identifier. Directory services can support alias-based payments by connecting an alias with a receiver's banking information to ensure that a payment is routed to the correct end user in a way that is private and secure.

²⁴ For example, some commenters discussed adoption of standardized messaging formats between the FedNow Service and existing private-sector service, which would allow customers to choose to route a payment to either service. Other commenters discussed intermingling and sharing key processing steps between the services.

²⁵ Most of these commenters were specifically referring to service providers that manage core banking systems for their bank customers. Typically, core service providers support their customers' daily transaction processing and account management.

²⁶ Section 11A of the Federal Reserve Act requires the Board to adopt a set of pricing principles for Reserve Bank services and a schedule of fees based on those principles. 12 U.S.C. 248a. The principles adopted by the Board incorporate statutory requirements and include additional provisions consistent with the purposes of section 11A. Board of Governors of the Federal Reserve System, "Principles for the Pricing of Federal Reserve Bank Services," (Issued 1980). Available at https://www.federalreserve.gov/paymentsystems/pfs_principles.htm.

7 days a week, 365 days a year. The Board did not receive comments related to modifying the hours or days over which the service would be available, and the 24x7x365 functionality of the service will be adopted as proposed.

In the 2019 Notice, the Board indicated the service would support credit transfers, where a sender initiates a payment to an intended receiver. Three commenters suggested that the Board also consider inclusion of debit transfer functionality, such that a receiver would be able to initiate a transfer that “pulls” funds from a sender’s account.²⁷ These commenters expressed the view that debit transfers would facilitate certain types of payments (for example, recurring bill payments) and support broader adoption of the service.

Although debit transfer functionality may facilitate some increased adoption of the FedNow Service and instant payments more broadly based on specific use cases, the Board believes that the risks of the FedNow Service supporting debit transfers outweigh the potential benefits, at least at the outset. Credit transfers require the sender to authorize and initiate each payment, which can decrease the risk of fraudulent or otherwise unauthorized payments and enhance the safety of the payment system.²⁸ In addition, recurring bill payments and other payments that are typically made by debit transfer can also be supported by a “request for payment” functionality that builds on credit transfer functionality (see the *Request for Payment* section). Therefore, the FedNow Service will only support credit transfers as proposed.

In the 2019 Notice, the Board explained that the FedNow Service would facilitate domestic payments. Four commenters suggested that the FedNow Service should be designed to accommodate nondomestic (that is, cross-border) payments. The Board recognizes that the ability to send and

receive instant payments to and from other countries is functionality that could facilitate certain types of payments, including remittances to family members abroad and corporate trade payments. A number of regulatory and operational considerations, including cooperation with international operators, would need to be addressed before cross-border payments could be supported by the FedNow Service. In line with prioritization of a timely launch, the FedNow Service will only support domestic instant payments initially. The Board will continue to evaluate the costs and benefits of expanding the FedNow Service to allow for cross-border payments in the future, recognizing the need to address the heightened risks and compliance issues associated with cross-border payments.

In the 2019 Notice, the Board indicated that the FedNow Service would be available to institutions eligible to hold accounts at the Reserve Banks, pursuant to applicable federal statutes and Federal Reserve rules, policies, and procedures.²⁹ Seven commenters stated that eligibility to participate in the FedNow Service should be expanded to other institutions, including nonbanks that are not eligible for Federal Reserve accounts. These commenters stated that nonbanks’ reliance on banks to access the service would result in increased costs and other inefficiencies. Additionally, these commenters emphasized that participation by entities such as nonbank lenders, money transmitters, and fintechs would promote competition and broader adoption of instant payment services. In contrast, approximately 20 commenters, largely representing small and midsize banks and trade organizations, emphasized that participation in the FedNow Service should be limited to federally insured institutions. Nearly all of these commenters noted that allowing nonbanks to participate directly in the FedNow Service would introduce risk to the service and the broader payment system.

While the Board recognizes the variety of perspectives offered by commenters, federal statutes and Federal Reserve rules, policies, and procedures limit the scope of entities

eligible to receive Federal Reserve accounts, as the Board indicated in the 2019 Notice. Although the service will be available only to institutions eligible to hold accounts at the Reserve Banks, entities that are not eligible to hold accounts at the Reserve Banks may nevertheless be able to act as service providers or agents for participants in the FedNow Service, as described later.

In the 2019 Notice, the Board proposed that the FedNow Service would settle interbank obligations through debit and credit entries to balances in master accounts held at the Reserve Banks.³⁰ Nine commenters expressed support for settlement of payments in master accounts. Another group of four commenters suggested that, instead of using master accounts, the Reserve Banks should establish separate accounts to settle payments through the FedNow Service. These commenters stated that use of a separate settlement account would reduce the overall complexity of managing instant payments and allow banker’s banks and corporate credit unions to manage and reconcile their customers’ account balances more easily.

As discussed in the 2019 Notice, the Board previously sought comment on and analyzed a two-account structure, with a separate account dedicated to settlement of instant payments, but determined based on those comments that such a structure would introduce significant operational complexity for both the Federal Reserve and participating banks.³¹ Therefore, as proposed, the FedNow Service will settle payments in master accounts held at the Reserve Banks.

In the 2019 Notice, the Board also proposed that settlement entries for transactions through the FedNow Service would be final. The finality of settlement entries would mean that interbank settlement is irrevocable. The Board did not receive comments on the topic of finality and therefore interbank settlement for transactions through the service will be final, as proposed.³²

³⁰ A master account is the record of financial rights and obligations between account-holding banks and a Reserve Bank.

³¹ The Board’s proposal that the FedNow Service would rely on a single account structure using master accounts at the Reserve Banks was in response to feedback from the public to the 2018 Notice, in which the Board requested comment on the operational burden banks would face if an instant payment service were designed using a settlement account separate from a master account. Commenters indicated that the benefits of such a design would have to outweigh the added costs of managing two accounts.

³² The finality of settlement entries does not preclude institutions from implementing procedures to resolve erroneous payments, or the

²⁷ Many payments in the United States, such as debit card payments and some electronic bill payments, have traditionally been conducted as debit transfers, with the sender providing information and authorization to the receiver that allows the receiver’s bank to initiate a debit to the sender’s bank account with funds subsequently credited to the receiver’s bank account.

²⁸ According to a 2018 Federal Reserve study on U.S. payments fraud, in 2015, the fraud rate for ACH debit payments from general-purpose transaction accounts was more than double the rate for ACH credit payments. See Board of Governors of the Federal Reserve System, “Changes in U.S. Payments Fraud from 2012 to 2016: Evidence from the Federal Reserve Payments Study,” (Oct. 2018). Available at <https://www.federalreserve.gov/publications/files/changes-in-us-payments-fraud-from-2012-to-2016-20181016.pdf>.

²⁹ Section 13(1) of the Federal Reserve Act permits Reserve Banks to receive deposits from member banks or other depository institutions. 12 U.S.C. 342. Section 19(b)(1)(A) of the act includes as depository institutions any federally insured bank, mutual savings bank, savings bank, savings association, or credit union. 12 U.S.C. 461(b). The Reserve Banks also maintain accounts for additional entities under other statutory authorities.

In the 2019 Notice, the Board proposed that participating banks would be required to make the funds associated with individual payments available to their end-user customers immediately after receiving notification of settlement from the service. Several commenters suggested that the Board further clarify funds availability expectations through industry standards or amendments to existing regulations.

To be consistent with the goal of supporting instant payments for individuals and businesses, participating banks must agree to make the funds associated with individual payments available to their customers in near real time after receiving notification of settlement from the service, as proposed.³³ The Board is assessing applicable laws and regulations, and, to the extent changes to the Board's regulations are identified as necessary to clarify funds availability, the Board will request public comment.

In the 2019 Notice, the Board indicated that a participating bank would be permitted to designate a service provider or agent to submit or receive payment instructions to and from the FedNow Service on its behalf. The Board also stated that a participating bank could choose to settle payments in the master account of a correspondent bank.³⁴ The Board received 5 comments that supported the ability for a bank to designate a service provider to process FedNow payments on its behalf. These commenters noted that this ability would be especially important for community banks that rely on service provider relationships to access existing Federal Reserve services. Approximately 10 commenters expressed support for the inclusion of correspondent/respondent settlement relationships in the FedNow Service. These commenters emphasized that to support the management of correspondent/respondent relationships, respondent-level information, including settlement activity and account balances, should be provided to correspondents.

ability for the receiver to send a new transaction to return funds in certain circumstance (see the discussion of return transfers as part of the *Payment Flow and Message Types* section).

³³ Details for participating banks will be specified in technical or operational documentation that will describe the service or in terms as part of the Reserve Banks' Operating Circular for the FedNow Service.

³⁴ A correspondent bank is a bank that has authorized a Reserve Bank to settle debit and credit transaction activity to its master account for a respondent bank. Correspondent/respondent relationships are established under Federal Reserve Operating Circular 1.

The Board agrees with commenters that use of service providers and correspondent banks will facilitate access to the FedNow Service, and these features will be adopted as proposed. In addition, the FedNow Service will be designed to provide correspondent banks with transaction-level and summary reports for respondent banks to which they provide services (see the *Reporting* section).

Finally, banks will have the option of enrolling in the FedNow Service as a "receive-only" participant, a feature that was not proposed in the 2019 Notice. Such a participant will not be required to have the ability to originate payments through the FedNow Service but can still receive instant payments. The Federal Reserve expects that this option may ease the burden of adopting the FedNow Service, especially for small banks as they gain experience with instant payments.

B. Implementation

In the 2019 Notice, the Board acknowledged the time-to-market pressure for the payment industry related to instant payment services and indicated that the Federal Reserve is committed to launching the FedNow Service as soon as practicably possible. Many commenters raised concerns about the Federal Reserve's anticipated implementation in 2023 or 2024. Commenters largely representing small and midsize banks, trade organizations and service providers stated that the Federal Reserve's key role as a provider of payment and settlement services to most of the nation's banks warranted an accelerated implementation timeline for the service to better support innovation related to instant payments, as well as development of third-party services. Other commenters, largely representing small and midsize banks, raised concerns that the current timeline would limit small and midsize banks' ability to meet growing customer demand for instant payments services. These commenters also suggested that many smaller banks will delay offering their own instant payment services until the FedNow Service is available.

The Board understands these timing concerns, and the Reserve Banks are working to bring the FedNow Service to market as soon as practicably possible, while also ensuring the requisite level of security and resiliency. Although the target release date remains 2023 or 2024, the Federal Reserve will announce a more specific time frame for launch, as well as earlier pilot programs, through established Reserve Bank channels. This and other work related to the implementation of the FedNow Service

is ongoing and includes development of the necessary infrastructure, integration with existing Federal Reserve systems, and continuous engagement with industry stakeholders on features and design. As the development of the FedNow Service progresses, the Federal Reserve is committed to providing specific details in advance that will allow industry partners to take appropriate steps to ensure they are prepared to use the FedNow Service when it becomes available.

Deployment of the FedNow Service will take a phased approach so that the service can be launched expeditiously while maintaining flexibility to augment features and functionality over time. The first release of the FedNow Service will provide baseline functionality that will support market needs and help banks manage the transition to a 24x7x365 service. The Federal Reserve will continue to engage with stakeholders as market needs and technology evolve and the service matures. Based on this ongoing engagement, additional features and service enhancements will be released over time. While this phased approach may result in the introduction of certain desirable features after the initial release, it will ensure core features and functionality are delivered as quickly as possible with a high level of security and resiliency. The Board believes this approach most appropriately balances the industry's desires for the Federal Reserve to both move quickly and provide features beyond core clearing and settlement capabilities.

C. Core Features of the FedNow Service

1. Payment Flow and Message Types

In the 2019 Notice, the Board proposed a payment flow that described how a standard payment message could be processed and settled by the FedNow Service.³⁵ The Board received approximately 15 comments that addressed the payment flow. All of these commenters expressed support for the flow as proposed. In particular, most commenters were in favor of the proposed process where, before interbank settlement occurs over the service, the receiver's bank has an opportunity to confirm that it holds a valid account for the receiver and intends to accept the payment message. Several of these commenters noted that this confirmation step could reduce

³⁵ References to the FedNow Service in this section are intended to refer to one or more Reserve Banks acting as sending and receiving banks, in connection with the FedNow Service.

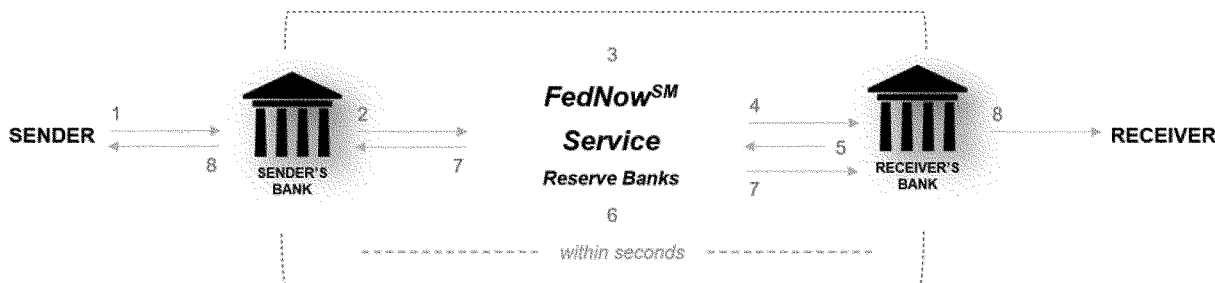
errors and increase end-user confidence in the service.

The flow of a standard payment message, called a credit transfer

message, will operate largely as proposed.³⁶ Figure 1 illustrates a completed credit transfer over the

FedNow Service in its simplest form.³⁷ This process is intended to take place within seconds.³⁸

Figure 1: Standard FedNow Service Credit Transfer Payment Flow



- In step 1, a sender (that is, an individual or business) initiates a payment by sending a payment message to its bank through an end-user interface outside the FedNow Service.³⁹ The sender's bank is responsible for screening the payment according to its internal processes and requirements.⁴⁰

- In step 2, the sender's bank submits a payment message to the FedNow Service.

- In step 3, the FedNow Service validates the payment message, for example, by verifying that the message meets message format specifications.

- In step 4, the FedNow Service sends the contents of the payment message to the receiver's bank to seek confirmation that the receiver's bank intends to accept the payment message. At this point, the receiver's bank will have the opportunity to confirm or deny that it maintains the specified account.

- In step 5, the receiver's bank sends a positive response to the FedNow Service, confirming that it intends to accept the payment message.⁴¹ Steps 4

and 5 are intended to reduce the number of misdirected payments and resulting exception cases that can occur in high-volume systems.

- In step 6, the FedNow Service debits and credits the designated master accounts of the sender's and receiver's banks (or their correspondent banks), respectively.

- In step 7, the FedNow Service sends a payment message forward to the receiver's bank with an advice of credit and in parallel sends an acknowledgement to the sender's bank notifying it that settlement is complete.⁴²

- In step 8, the receiver's bank credits the receiver's account.⁴³ As a condition of the FedNow Service, the receiver's bank must agree to make funds available to the receiver almost immediately after step 7. This crediting to the receiver's account as well as the debiting of the sender's account by their respective banks happens outside the FedNow Service.⁴⁴

In addition to the standard credit transfer message type, the FedNow Service will also include at least two additional payment message types and several nonvalue message types in the first release of the FedNow Service.⁴⁵ One of the additional payment message types will be a return transfer. The return transfer will be part of a payment return process that will be included in the service to assist participating banks with exception processing. This process will enable the sender's bank to request and potentially obtain a return of the previous payment. In this process, a sender's bank will send a nonvalue "request for return" message to a receiver's bank, requesting that funds previously sent through the FedNow Service be returned. After investigating the payment, the receiver's bank will either initiate a return transfer to the sender's bank to return the amount of the previous payment or send a nonvalue "status" message indicating it will not return funds. The return transfer will be a type of credit transfer,

³⁶ The payment flow proposed in the 2019 Notice included a provisional hold on funds between steps 3 and 4, which may be included in future releases of the service but will not be a component of the first release.

³⁷ Aspects of the payment flow would be different, for example, if either the sender's bank or the receiver's bank were to use an agent, service provider, or correspondent bank.

³⁸ More specifically, steps 2–6 will have a defined maximum time period such that transactions not completed within the defined time will be rejected. As a result, the sender's bank will know that it should receive notification of a completed payment or a rejection within the defined time period. In addition, other payment message types, including return transfers, will also have a defined maximum time period. The defined time period will be specified in technical or operational documentation that will describe the service or in terms as part of the Reserve Banks' Operating Circular for the FedNow Service.

³⁹ The end-user interface will most likely be provided by the sender's bank or a service provider working with the sender's bank.

⁴⁰ While specific internal bank processes vary, this step could include authenticating the sender, validating the payment, and performing any screening or other procedures on the payment.

⁴¹ As noted previously, Figure 1 illustrates a completed payment through the FedNow Service in its simplest form. Other steps could occur, for example, if the receiver's bank responds with a negative response. As another alternative, if the receiver's bank needs additional time to determine whether to refrain from crediting the receiver's account for legal or compliance reasons, the service will accommodate such need, with associated notifications, up to an additional specified time period. Additional information and specifications for all the payment flows and processes that will be available as part of the FedNow Service will be provided through existing Reserve Bank communication channels.

⁴² In sending a payment message forward to the receiver's bank with an advice of credit, the

FedNow Service "executes" the payment message that it received from the sender's bank.

⁴³ At this stage in the flow, the receiver's bank will have the option of sending a message through the FedNow Service to the sender's bank indicating that the payment has been posted to the receiver's account.

⁴⁴ The receiver's bank agrees to make the funds associated the payment available to their customer in near real time after receiving notification of settlement in step 7. The sender's bank debits the sender according to its internal processes or policies, which could occur at various points in the payment flow, for example, as part of step 2. In addition, the sending and receiving banks may notify their customers that the payment has been completed.

⁴⁵ Nonvalue message types include a request for return, discussed as part of the return transfer payment message type in this section; request for payment, discussed later (see the *Request for Payment* section); and administrative messages such as payment status request, report request, or request for additional information about a payment.

but the message will be distinct from a standard credit transfer message. In particular, a return transfer will carry information associating it with the original credit transfer that the sender's bank requested to be returned.

The second additional payment message type in the FedNow Service will be for interbank funds transfers that do not involve end users. This message type is intended primarily to support the liquidity management needs of participants in either the FedNow Service or a private-sector instant payment service that is backed by a joint account at a Reserve Bank (see the *Liquidity Management Tool* section.)

2. Message Standard

In the 2019 Notice, the Board proposed that payment messages in the FedNow Service would use the ISO 20022 standard and its implementation with respect to instant payments in the United States. Approximately 30 commenters, largely representing small and midsize banks, trade organizations, and other interested parties, addressed payment message formats for the FedNow Service. Nearly all of these commenters supported use of ISO 20022, noting that this standard is flexible enough to support various use cases and enables the transmission of payment data (for example, remittance and invoice information) along with a payment. Over half of these commenters noted that ISO 20022 is rapidly becoming the global standard for messaging frameworks and expressed the view that use of the ISO 20022 standard would align the FedNow Service with international and domestic payment systems. These comments indicated that adoption of a common messaging framework would support FedNow Service interoperability with other services for instant payments and facilitate the possibility of cross-border capabilities in the future. A group of 5 commenters specifically recommended that the Reserve Banks implement the ISO 20022 messaging framework in a way that is consistent with the ISO 20022 Real-Time Payments Group guidelines.⁴⁶

The Board recognizes the benefits of ISO 20022 and agrees with commenters that the message standard could provide a common foundation for exchanging

payment messages domestically and internationally in the future. As proposed, the FedNow Service will be based on the ISO 20022 standard. The Federal Reserve intends to continue engaging with the industry on topics related to the ISO 20022 standard and will provide ISO message specifications, including specific message types and interpretation of ISO formats prior to the launch of the FedNow Service through established Reserve Bank communication channels. As the standard evolves, the Reserve Banks will review changes to the standard and consider adjustments to message formats for the FedNow Service.

3. Transaction Value Limit

In the 2019 Notice, the Board proposed that the FedNow Service would include a transaction value limit of \$25,000, with the potential to increase the limit over time. The \$25,000 value limit was intended to restrict the size of potential fraudulent transactions, while also supporting payments associated with a variety of use cases. Approximately 25 commenters, largely representing small and midsize banks, trade organizations, and other interested parties, addressed the \$25,000 limit, stating that the Federal Reserve should increase the initial value limit at service launch or shortly thereafter. Many commenters recommended that the Federal Reserve adjust the transaction limit to be consistent with market practices at service launch and that the limit should continue to align with those practices over time. Commenters noted that the \$25,000 limit could inhibit use of the FedNow Service for many use cases, such as large-value business-to-business payments.

The Board agrees that the FedNow Service should support a wide variety of uses, including certain large-value transfers, and that the limit should be consistent with market practices and needs for instant payments. Therefore, prior to the launch of the service, the Reserve Banks will establish a transaction limit consistent with market practices and needs at the time and will announce the limit through established Reserve Bank communication channels. In addition, participating banks will have the ability to establish lower transaction value limits (see the *Fraud Prevention Tools* section).

4. Business Day

In the 2019 Notice, the Board proposed that the FedNow Service would have a 24-hour business day each day of the week, with defined opening and closing times. The Board

specifically proposed that the FedNow Service should align with the business day of the Fedwire Funds Service to maintain consistency with practices for existing Federal Reserve services. Given the continuous operation of the FedNow Service, the opening time would occur immediately after the closing time, and the transition between closing and opening would not disrupt continuous processing.⁴⁷ The Board also proposed that, for the purpose of the Reserve Banks' accounting processes, transactions processed after the FedNow Service's close but before midnight eastern time each calendar day would be recorded on Federal Reserve accounting records as transactions occurring on the next calendar day.⁴⁸ For example, a FedNow Service transaction that occurs after the closing time and before midnight eastern time on a Saturday would be recorded as occurring on Sunday. The Board also explained in the 2019 Notice that the account recording convention used by the Federal Reserve would not dictate that participating banks adopt the same convention or preclude other conventions.

The Board received approximately 10 comments that addressed the proposed FedNow Service business day and accounting processes. A few of these commenters recommended that the business day for the FedNow Service align with the calendar day.⁴⁹ Two commenters expressed support for allowing banks to determine their own business day and accounting conventions, whereas one commenter suggested that the Federal Reserve develop a standard for transaction posting and funds availability.

While the Board recognizes potential challenges that the proposed business day of the FedNow Service may pose, a business day based on calendar day would mean the closing time for the FedNow Service would not align with other Federal Reserve services, which would introduce significant complexity to the service. Therefore, to maintain consistency with other Federal Reserve services, the FedNow Service business

⁴⁷ Transactions that are in process when the FedNow Service switches from one day to the next will continue to be processed. The settlement date of such transactions will be the date when Step 6 shown in *Figure 1* occurs (debits and credits to the designated master accounts of the sender and receiver banks or their correspondent banks).

⁴⁸ This approach mirrors the approach used by the Reserve Banks for recording Fedwire Funds Service transactions that occur after the service's opening at 9 p.m. eastern time (ET) and before midnight ET, where these transactions are recorded as occurring on the next business day.

⁴⁹ Most of these commenters did not suggest a specific time zone for the calendar day.

⁴⁶ The ISO 20022 Real-Time Payments Group (RTPG) is composed of more than 70 international stakeholders, with representation from payment associations, payment service providers, financial institutions, international and domestic clearinghouses, regulators, and others. The RTPG publishes usable sets of ISO 20022 usage guidelines that can be found here: <https://www.iso20022.org/catalogue-messages/additional-content-messages/iso-20022-real-time-payments-group-rtpg>.

day will be adopted as proposed with the following additional clarifying detail. The Board has determined that the closing time of the FedNow Service will align on all calendar days with the scheduled close of the Fedwire Funds Service.⁵⁰ If the Fedwire Funds Service close is extended on any given day, the FedNow Service close would be extended to maintain alignment.

Additionally, the Board expects that participating banks will record FedNow Service transactions in their customer accounts according to their own business day and accounting conventions (while still providing immediate access to funds received through the FedNow Service). The Board recognizes that a bank's definition of a business day may also affect its conventions for reporting and recording transactions that occur on weekends and holidays, which is discussed in the next section, *Seven-Day Accounting*.

5. Seven-Day Accounting

In the 2019 Notice, the Board proposed that the Reserve Banks implement a seven-day accounting regime as part of implementing the FedNow Service. Under this regime, an end-of-day balance would be calculated for each day of the week, with transactions occurring on weekends and holidays recorded and reported in the same way as transactions occurring Monday through Friday (see the *Business Day* section).⁵¹ Approximately 15 commenters addressed topics related to implementation of a seven-day accounting regime. Although the majority of commenters were supportive of seven-day accounting for FedNow Service transactions, commenters recommended that the Federal Reserve provide guidance to banks that prefer to maintain a five-day accounting regime, in order to assist those institutions with calculating reserve balances over the weekend and on holidays. Commenters noted that this guidance would be particularly helpful for small and midsize banks that may participate in the FedNow Service but do not wish to

conduct all of their internal operations on a 24x7x365 basis.

The Board recognizes that seven-day accounting is a significant shift from current practice in the banking industry and will require FedNow Service participants to update accounting systems and practices. A seven-day accounting regime adopted by the Federal Reserve, however, does not dictate or preclude use of specific other accounting regimes by participating banks. Based on the specific applicability of accounting principles, participating banks may choose to use alternative accounting approaches for recording and reporting FedNow Service transactions on weekends and holidays to their financial records (though still providing immediate access to funds received through the FedNow Service). In addition, the service will provide reports to support reconciliation and reporting by participating banks under their chosen internal accounting approaches. The Board also believes that as adoption of instant payments grows over the long term, seven-day accounting is likely to become the industry standard. Implementing seven-day accounting is therefore likely to be less disruptive and more efficient than switching from five- to seven-day accounting in the future. For these reasons, the Board has determined that a seven-day accounting regime is appropriate.

6. Reports

In the 2019 Notice, the Board stated that the FedNow Service would provide reports to participating banks to support transaction monitoring, reporting, and reconciliation. Eight commenters agreed that the FedNow Service should provide reporting capabilities and recommended that account balance information be available to participants on a 24x7x365, real-time basis. These commenters explained that such reporting capabilities would assist banks with management of their account balances at the Reserve Banks.

The Board agrees that reporting capabilities will be important to facilitate participants' effective use of the FedNow Service, and the FedNow Service will offer reports as proposed. Reports about FedNow Service payment activity, such as transaction-level or summary-level activity reports, will be available as part of existing end-of-day reports provided for other Federal Reserve services or by request.⁵²

⁵² Banks will be able to choose whether to receive daily reports according to business day, for example, if participants do not wish to receive reports on weekends and holidays.

FedNow Service participants will also have the ability to request intraday account balances, which would reflect a master account balance inclusive of FedNow Service payment activity. Summary-level reports will provide the total dollar value of sent and received transactions, the number of completed and rejected transactions, and other information. Correspondent banks will also be able to obtain these transaction-level and summary reports for their respondents. Details on reports available through the FedNow Service will be announced prior to the launch of the service through established Reserve Bank communication channels.

7. Liquidity and Credit

In the 2019 Notice, the Board stated that it would consider providing intraday credit on a 24x7x365 basis to support FedNow Service transactions. The Reserve Banks currently provide liquidity in the form of intraday credit, also known as daylight overdrafts, to eligible banks in support of Federal Reserve services and subject to the Federal Reserve's Policy on Payment System Risk, Part II (PSR Policy).⁵³ Approximately 10 commenters addressed intraday credit, and all were supportive of the Reserve Banks providing intraday credit on a 24x7x365 basis to support FedNow Service transactions. Several commenters noted that access to intraday credit would provide flexibility for banks of varying sizes as they look to manage their account balances at the Reserve Banks and emphasized the importance of intraday credit to the smooth functioning of the FedNow Service. Commenters also stated that account balance management will become more complex in a 24x7x365 environment where payments settle continuously in master accounts.

The Board agrees with commenters that access to 24x7x365 intraday credit would support the smooth functioning of the FedNow Service.⁵⁴ Accordingly, access to intraday credit will be provided for participants in the FedNow Service during its business day under

⁵³ Intraday credit is generally available to banks that are financially healthy and have regular access to the discount window (the Federal Reserve's program for overnight lending to banks). See Board of Governors of the Federal Reserve System, "The Federal Reserve Policy on Payment System Risk," Available at https://www.federalreserve.gov/paymentsystems/psr_about.htm.

⁵⁴ In particular, over the weekend or on a holiday, a FedNow Service participant that faced an unexpected outflow of payments could experience a depletion of its master account balance. Absent intraday credit, a FedNow Service participant in this situation could have its payments rejected by the FedNow Service, to the detriment of that participant and its end-user customers.

⁵⁰ Today, the Fedwire Funds Service closes at 6:30 p.m. ET and re-opens for the next business day at 9:00 p.m. ET on the same calendar day. As of March 2021, the service is expected to close at 7:00 p.m. ET. On weekends and holidays when the Fedwire Funds Service is closed, the FedNow Service close will still align with this closing time. The schedule for funds transfers through the Fedwire Funds Service is provided in the Reserve Banks' Operating Circular 6.

⁵¹ For FedNow Service participants, interest on reserve account balances will be calculated each day of the week based on that day's closing balance.

the same terms and conditions as are available for other Federal Reserve services.⁵⁵ As is the case today, participating banks will be expected to manage their master accounts in compliance with Federal Reserve policies, including avoiding negative balances at the close of the business day, each day of the week, to avoid overnight overdrafts.⁵⁶ Therefore, some participating banks may need to adjust internal account monitoring practices to manage intraday liquidity.⁵⁷

In the 2019 Notice, the Board also explained that, while discount window loans would initially not be available on weekends and holidays, the Board would conduct an analysis to determine when it may be beneficial to expand discount window availability times.⁵⁸ Approximately 10 commenters recommended that the Federal Reserve extend discount window availability to include weekends and holidays. Commenters noted that the ability to access funding during weekends and holidays will be critical, particularly while participants are still familiarizing themselves with 24x7x365 payment operations after the FedNow Service first becomes available.

The Board recognizes that the ability of participants in the FedNow Service to access funding during weekends and holidays will be important. The Board also expects that initially the need for overnight credit on weekends and holidays will be limited, given that net

value of payment inflows and outflows related to FedNow Service transactions will likely represent a small portion of banks' master account balances. In addition, as outlined in the next section, the FedNow Service will provide participants with a liquidity management tool that will assist with liquidity management in a 24x7x365 environment. Therefore, the Board has determined that, as proposed, the discount window will continue to be available until the close of the Fedwire Funds Service, Monday through Friday, under the same terms as today. The Reserve Banks will monitor account balance activity and review the need for overnight credit on weekends and holidays as the FedNow Service matures.

8. Liquidity Management Tool

In the 2019 Notice, the Board discussed the importance of banks' ability to manage liquidity needs associated with instant payments, given that such payments involve real-time gross settlement between banks on a 24x7x365 basis. For example, a participant in the FedNow Service could experience unexpectedly high outgoing payment volume that exceeds the participant's liquidity available in its master account for settlement. If this outflow occurs during hours when the Fedwire Funds Service is not operating, the participant may incur an overdraft of its master account that it cannot address through a liquidity transfer from another FedNow Service participant, possibly resulting in an overnight overdraft. An analogous liquidity management issue can arise for participants in a private-sector instant payment service that is backed by a joint account at a Reserve Bank.⁵⁹ The Board explained in the 2019 Notice that the Federal Reserve would explore expanded hours for the Fedwire Funds Service and National Settlement Service (NSS) as an option to provide such liquidity management functionality.⁶⁰

⁵⁹ A participant in such a service could find that its customers' payment activity has depleted its position on the service's ledger, but the participant has no way to provide supplemental funding to the joint account to support an increase in that ledger position when the Fedwire Funds Service is closed.

⁶⁰ In the 2018 Notice, the Board requested comment on the development of a liquidity management tool. Comments received in response to the 2018 Notice generally supported development of such a tool and also supported expansion of hours for existing Federal Reserve services to support other industry needs. Reflecting this input, the Board indicated in the 2019 Notice that the Reserve Banks would explore the expansion of Fedwire Funds Service and NSS hours to provide liquidity management functionality and for other purposes.

Approximately 20 commenters, largely representing small and midsize banks, trade organizations, and other interested parties, addressed the need for a liquidity management tool. Commenters noted that tools to manage liquidity on a 24x7x365 basis should be available at the launch of the FedNow Service and suggested that those tools could include automated transfers between FedNow Service participants, based on preestablished account thresholds and limits. Half of these commenters suggested that expansion of Fedwire Funds Service and NSS hours would allow for efficient liquidity management in a 24x7x365 environment.

The Board agrees with commenters that the ability to manage liquidity needs resulting from the 24x7x365 real-time nature of instant payments is important, both for the FedNow Service at launch and for instant payment services more broadly. As a 24x7x365 service, the FedNow Service will inherently be able to support liquidity transfers around the clock and therefore will incorporate a liquidity management tool (FedNow LMT) as a core feature.⁶¹ The FedNow LMT will enable participants in the FedNow Service to transfer funds between one another to support liquidity needs related to payment activity in the FedNow Service. The tool will also support participants in private-sector instant payment services backed by joint accounts at a Reserve Bank by enabling transfers between the master accounts of such participants and their joint account.

Because of the general importance of liquidity management for instant payment services, the Board recognizes the importance of flexibility related to the way that participants in such services might look to access the FedNow LMT. As a result, users of the FedNow LMT will not be required to be full FedNow Service participants. For example, participants in a private-sector joint account-based instant payment service, or providers of liquidity to FedNow Service participants, will be able to access the FedNow LMT functionality without joining as a full FedNow Service participant because they would not need the FedNow Service's full set of features for sending

⁶¹ The Federal Reserve continues to explore expanded hours for the Fedwire Funds Service and NSS. As explained in the 2019 Notice, further analysis is needed to fully evaluate the relevant operational, risk, and policy considerations with expanded hours for the Fedwire Funds Service and NSS, given the systemic importance of the Fedwire Funds Service.

⁵⁵ Specific changes to the Board's PSR policy will be proposed separately.

⁵⁶ To minimize Reserve Bank exposure to overnight overdrafts, the Board charges a penalty fee to discourage institutions from incurring overnight overdrafts. See Board of Governors of the Federal Reserve System, "Policy on Overnight Overdrafts," (Effective July 12, 2012). Available at https://www.federalreserve.gov/paymentsystems/oo_policy.htm. If a bank has a negative balance at the end of the business day, it is charged an overnight overdraft penalty for a 24-hour period. The Board expects this would continue to be the case after launch of the FedNow Service, even if an overdraft is cured shortly after on the next business day through incoming FedNow payments or a liquidity transfer from another FedNow Service participant (see the *Liquidity Management Tool* section). On weekends, the Board expects overnight overdrafts will be counted for a 24-hour period (as opposed to the current 72-hour period), since there will be an opportunity to use the FedNow Service to cure overdrafts on Saturday and Sunday. Specific changes to the Overnight Overdraft Policy will be proposed separately.

⁵⁷ Participating banks will be able to request intraday balances through the FedNow Service (see the *Reports* section).

⁵⁸ The discount window is a Federal Reserve lending facility that helps to relieve liquidity strains for individual banks and for the banking system as a whole by providing a reliable backup source of funding. Additional information on the discount window is available at <https://www.federalreserve.gov/regreform/discount-window.htm>.

and receiving instant payment transactions involving end users.⁶²

The Reserve Banks anticipate imposing certain controls on the FedNow LMT to ensure that use of the functionality is limited to liquidity transfers in support of instant payments. Such controls will include transaction-value limits or limits on the hours of the functionality, such as when transfers are not possible through other Federal Reserve services. Controls related to the FedNow LMT, service terms, eligibility requirements, and enrollment processes will be announced prior to the launch of the FedNow Service through established Reserve Bank communication channels.

9. Network Access

In the 2019 Notice, the Board explained that participating banks would access the FedNow Service through the FedLine® network, which would be enhanced to support the service's 24x7x365 processing.⁶³ The Board received seven comments related to network access, all of which were generally supportive of accessing the FedNow Service through the FedLine network. Several of these commenters noted that use of the FedLine network to access the FedNow Service will streamline onboarding processes generally, as the Federal Reserve has existing relationships with most banks in the United States. Several of these commenters also noted that it will be important for the Federal Reserve to work with service providers and processors in order to ensure that smaller institutions without direct FedLine connections are also able to access the service. One small bank commenter recommended that the Reserve Banks assess whether any contemplated upgrades to FedLine components could disproportionately affect smaller institutions that may not have the ability to test or maintain enhanced components.

As proposed, the FedLine network will serve as the channel through which

participating banks access the FedNow Service. Participating banks will need to test and deploy enhanced or upgraded FedLine components to enable the FedNow Service. Depending on their electronic connection with the FedLine network, banks would need to maintain adequate telecommunications services to support the transaction time requirement (see the *Payment Flow and Message Type* section). The Board recognizes that this need for adequate telecommunications services could present potential challenges for small and midsize banks that rely on telecommunication services through their internet service providers. As a result, the Federal Reserve intends to review and update its policies, standards, procedures and guidelines related to network access to provide direction and information to banks of all sizes regarding network access requirements for bandwidth, latency, and availability.

10. Request for Payment

In the 2019 Notice, the Board sought comment on the incremental value and timing of including request-for-payment functionality in the FedNow Service. Request-for-payment functionality would involve a specific nonvalue message type. This message type would support participants' ability to provide a potential receiver the capability, through an end-user service, to prompt a sender to initiate a standard credit transfer through the FedNow Service. The Board explained that this functionality may increase the use of instant payments by allowing end users to more easily conduct certain types of transactions, such as bill payments.

Approximately 30 commenters, largely representing trade organizations, small and midsize banks, and other interested parties, addressed request-for-payment functionality. Nearly all of these commenters agreed that such functionality would support widespread use of instant payments. Six commenters highlighted that request-for-payment functionality offers similar benefits to a debit ("pull") transfer but allows the payment sender to actively authorize any payment to the receiver. Of those that specified a timeline for introduction of request-for-payment functionality, approximately 10 commenters supported its inclusion as a feature at the launch of the FedNow Service. Seven commenters suggested that this functionality be considered for future releases of the FedNow Service, indicating that it may add unnecessary complexity to the first release.

The Board agrees that request-for-payment functionality may enable a

wider variety of transactions and help facilitate broader adoption of instant payments. The Board also does not believe that inclusion of the feature will introduce unnecessary complexity to the technical design of the FedNow Service. Therefore, the request-for-payment message type will be available as part of the FedNow Service at launch.

11. Fraud Prevention Tools

In the 2019 Notice, the Board stated that, while participating banks would continue to serve as a primary line of defense against fraudulent transactions, the FedNow Service could offer fraud prevention tools to support participating banks in fulfilling that role or other tools at the payment-system level. Approximately 75 commenters raised topics related to fraud prevention tools, and over half of these commenters, largely representing small and midsize banks, trade organizations, and service providers, indicated that tools for monitoring and alerting participants to potentially fraudulent transactions should be included in the FedNow Service. Many of these commenters made specific suggestions about how such tools should be designed. For example, approximately 15 commenters recommended that tools should automatically stop potentially fraudulent transactions. Approximately 15 commenters recommended that FedNow Service participants have the ability to set controls to restrict payments by value, volume, and other characteristics. Finally, a few commenters suggested that the Reserve Banks assign a "score" to payment transfers in order to communicate potential fraud risk to participants. Commenters also suggested other tools that could support a safe and secure instant payment ecosystem. Approximately 25 commenters, largely representing small and midsize banks, recommended that the Reserve Banks develop a database that facilitates sharing of payment fraud information among instant payment stakeholders. The majority of these commenters specified that the database would rely on information contributed by FedNow Service participants. Additionally, approximately 15 commenters recommended that the Reserve Banks leverage their position as network operator to analyze network-wide data in order to identify patterns of potentially fraudulent activity.

Based on public comments and analysis by the Reserve Banks of available fraud prevention tools and technology, the FedNow Service will include a set of fraud prevention tools at launch and in future phases. At

⁶² Liquidity providers may have an interest in providing liquidity to FedNow Service participants without making standard FedNow Service payments. Allowing participation by such liquidity providers could allow small and midsize banks to retain relationships with their existing liquidity providers for purposes of instant payment liquidity management.

⁶³ FedLine Solutions is a set of electronic connection products that over 10,000 banks (or their agents) use to access Federal Reserve payment and information services. More information is available at <https://frbsservices.org/fedline-solutions/index.html>. While the Board is not envisioning doing so at this time, it may consider in the future whether enabling access to the FedNow Service through alternate messaging networks would enhance resiliency or interoperability for instant payments.

implementation, the tools available to participating banks to assist them in their role as the primary line of defense against fraudulent transactions will include (1) the ability to set lower transaction value limits, (2) the ability to specify certain conditions under which transactions would be rejected, such as by account number, and (3) reporting features and functionality, including reports on the number of payment messages that were rejected based on a participant's settings. The first two tools will allow banks to proactively set parameters that limit transaction activity in the FedNow Service, based on banks' knowledge of their own customers. The third tool will provide summary information that banks can incorporate into their fraud-monitoring activities. The Federal Reserve intends to explore other features that could be made available as part of future releases to aid participating banks in managing fraud risk, such as value limits that could be tailored to certain uses, aggregate value or volume limits for specific periods (for example, per business day), or centralized monitoring performed by the FedNow Service such as functionality that leverages advanced statistical methods and historical patterns to identify potentially fraudulent payments.

D. Features for Consideration in Future Releases

The Reserve Banks intend to take a phased approach to developing and expanding the FedNow Service, as discussed earlier. The Board believes this approach will most effectively meet the need for the Federal Reserve to move quickly while still offering additional features as part of later releases intended to improve overall accessibility, safety, and efficiency of instant payments in the United States. For example, the service will seek to, as part of later releases, support alias-based payments through directories and application programming interfaces (APIs), both of which are discussed in further detail later in this section. Other features to be explored for later releases include support for bulk payments or enhanced remittance information. The Federal Reserve recognizes that market needs and the technology related to instant payments are constantly evolving and intends to continue engaging with stakeholders in order to be flexible in its approach when augmenting the features and functionality of the FedNow Service. Based on this engagement, additional features and service enhancements will be introduced over time. Any additional

functionality will be announced through established Reserve Bank communication channels.

1. Support for Alias-Based Payments

In the 2019 Notice, the Board explained that the Reserve Banks intended to engage with industry stakeholders to understand more fully the benefits and drawbacks of various approaches to providing directory services.⁶⁴ Directory services can enable alias-based payments by connecting a receiver's alias (such as phone number or email address) with the receiver's banking information to ensure that a payment is routed to the correct end user in a way that is private and secure. Approximately 80 commenters, largely representing small and midsize banks, trade organizations, and fintechs, addressed the inclusion of directory services as part of the FedNow Service. All of these commenters noted that directory services would be a critical tool to enable alias-based payments, and approximately 40 commenters provided specific recommendations as to how the Reserve Banks should provide access to directory services to FedNow Service participants. Commenters' recommendations varied widely, with approximately 20 commenters suggesting the Reserve Banks provide a centralized link to existing directories. Another 20 commenters suggested the Reserve Banks develop their own directory, either as an independent service or in addition to a centralized link to existing directories. Additionally, several commenters highlighted potential risks and complexities associated with implementation and maintenance of directory services, such as the need for controls to ensure secure collection, storage and management of public identifiers.

The Board recognizes that originating a payment using only the public alias of a receiver is becoming increasingly common, especially for individuals seeking a quick and convenient way to send money to each other. The Board also recognizes that banks of all sizes across the country wish to offer this type of service to their customers, and some of these banks are expecting the FedNow Service to provide the infrastructure necessary for them to

enable end-user services for alias-based payments.

The Board also agrees that facilitating alias-based payments, through a directory service or other means, is a desirable feature for the FedNow Service and could help drive adoption of instant payments. At the same time, as indicated elsewhere in this notice, the Federal Reserve's goal is to launch the service as soon as practicably possible. Therefore, the Federal Reserve has made a conscious decision to focus first on the core interbank clearing and settlement functionality necessary for supporting instant payments to facilitate an expeditious launch. Offering a directory service or similar feature at launch would add complexity that would extend the time frame necessary to launch the service. As a result, the FedNow Service will not include a directory service or other approach to support alias-based payments at launch, but instead will seek to provide this supplemental feature in a future release of the FedNow Service.⁶⁵

The Federal Reserve is actively exploring various approaches based on suggestions from commenters to provide participants in the FedNow Service the means to facilitate alias-based payments.⁶⁶ One approach would be to connect to one or more existing directories that could provide routing information for all or a subset of participants in the FedNow Service. Given that existing alias-based directories are typically embedded within proprietary payment services (mostly for person-to-person payments), contain information only for a closed user group, and are not designed for broader open access, this approach raises several considerations that will need to be further explored.⁶⁷ The Federal Reserve is also exploring options for building a directory, which could function independently or supplement existing directories. This approach would mean that all participants in the FedNow Service would be able to provide and update alias information for their account holders to a Federal Reserve directory, if they wish to accept alias-based payments through the FedNow Service. Both of these approaches present a host of legal, security, and operational

⁶⁵ As part of conducting FedNow transactions, participants in the FedNow Service are not precluded from using alias-based payment services that are unaffiliated with the FedNow Service.

⁶⁶ In support of alias-based payments, the Federal Reserve may also consider message flows and settlement processes different from the basic credit transfer flow described earlier.

⁶⁷ In this context, a closed user group is where the sender and receiver of a payment have signed up with a specific service.

⁶⁴ The 2018 Notice requested comment on whether a directory service is needed for an RTGS service for instant payments. The question generated a large number of responses, with commenters stating that directories are an important driver for adoption of instant payments because end users value the ability to send payments to receivers based solely on public identifiers, or aliases, without a sender having to know the bank account number of a receiver.

challenges that would need to be resolved. Because of these complexities and challenges, many of which were highlighted by commenters, additional analysis on the appropriate approach is needed.

In addition to these potential options, the Federal Reserve will continue to explore other avenues for how the Reserve Banks might offer alias-based payment functionality as a feature of the FedNow Service after launch. The Board fully acknowledges the industry's need for clarity regarding an alias-based capability in the FedNow Service, and the Federal Reserve will communicate its progress through established Reserve Bank communication channels.

2. Application Programming Interfaces (APIs)

The Board received approximately 20 comments regarding the use of APIs within the FedNow Service. An API is a type of software technology that enables computer systems or applications to connect to each other, allowing information to be shared across the systems.⁶⁸ Commenters, representing small and midsize banks, fintechs, and service providers, noted that APIs could be useful for allowing banks or their service providers to submit requests for various informational reports or allowing third parties to develop value-added services related to the FedNow Service.

The Board recognizes that the use of APIs facilitates the provision of value-added end-user services and provides useful tools for a number of purposes, such as providing real-time service status updates, providing downloadable information like message specifications as part of automated services, or even initiating and receiving transactions. The Federal Reserve will continue to engage with industry stakeholders as it explores the best ways to support APIs in the FedNow Service and will provide updates through established Reserve Bank communication channels.

E. Interoperability

In the 2019 Notice, the Board indicated that, in a market structure with multiple operators of instant payment services, the ability to achieve ubiquity in instant payments is advanced when customers of a bank participating in one instant payment

service are able to reach the customers of a bank participating in another instant payment service.

Over half of the comment letters received in response to the 2019 Notice emphasized the importance of the FedNow Service having interoperability with the existing private-sector service. Of the approximately 100 commenters that addressed interoperability, approximately 40, largely representing small and midsize banks and trade organizations, addressed issues related to timing. Approximately 20 commenters stated that interoperability should be available at service launch. Approximately 10 commenters did not specify whether the service should be interoperable at launch, but noted that the Federal Reserve should balance the importance of an expeditious launch against achieving interoperability. Another 10 commenters stated that interoperability is not critical at launch of the FedNow Service.

Approximately 25 commenters, largely representing large banks, small and midsize banks, and trade organizations, recommended that the FedNow Service rely on common rules and standards with the existing private-sector service to support interoperability. Many of these commenters recommended that the FedNow Service offer the same message types that are currently available with the existing private-sector service. Additionally, a group of approximately 20 small and midsize banks expressed the concern that they may be disadvantaged if they join the FedNow Service and cannot send payments to or receive payments from banks participating in the existing private-sector service that are not also FedNow Service participants.

The Board agrees with commenters on the importance of interoperability. Nationwide reach is one of the Federal Reserve's primary policy objectives for instant payments, and interoperability between the FedNow Service and the existing private-sector service can help advance this goal. The Federal Reserve, however, cannot accomplish interoperability for instant payments alone. The industry—banks, bank service providers, and service operators—must work towards this common goal, as it has in the past with other payment services.

Interoperability could take different forms. As noted in a recent paper by the U.S. Faster Payments Council, three primary models of interoperability have been used to accomplish nationwide reach in other types of payments, two of which the Board believes are more

suitable for instant payments.⁶⁹ The first model, which is used in card payments and wire transfers and is likely to be most relevant to instant payments, relies on the sending bank routing payments through a specific service based on the path(s) available to reach the receiver; if there is more than one path, the sending bank may choose the service it uses based on specific criteria, such as price and features. In this model, nationwide reach can be achieved if banks choose to participate in the same service, such that there is always at least one path between any two banks. Further, banks can choose to participate in additional services as part of this model.

The second model is interservice message exchange, in which banks choose to participate in one service, and a payment originated through that service can be cleared, settled, and received through another service. ACH payments use this model, which is designed for bilateral exchange between two service operators. This model can achieve nationwide reach by connecting individuals and businesses across the country through their banks, which are in turn connected to a service operator that enables the message exchange arrangement with the other service operator. The message exchange model, however, poses several additional complexities (such as technical message exchange and common settlement) and would require the commitment and active engagement by the existing private-sector service.

The form and timeline for achieving interoperability depends on the level of commitment and engagement across the industry. The Federal Reserve is committed to working towards compatible standards and operating procedures with the existing private-sector service, which will enable interoperability through the model of payment routing, and has initiated discussions on this subject with the existing private-sector service toward that end. The Federal Reserve is also committed to using the widely accepted ISO 20022 standard and other industry best practices to remove unnecessary and burdensome incompatibilities that

⁶⁹ The U.S. Faster Payments Council is an industry-led membership organization whose mission is to facilitate faster payments in the United States. The paper is available at https://fasterpaymentscouncil.org/userfiles/2080/files/Faster%20Payments%20Interoperability%20WP_June%202020.pdf. A third model outlined by the Faster Payments Council, currently used for check payments and certain international payments, is one in which a series of intermediary banks are expected to clear, settle, and route payments. This model can lead to friction in payment flows, which makes this approach less attractive for domestic instant payments.

⁶⁸ More specifically, in computer programming, an API is a set of routines, protocols and tools used to facilitate interactions between applications. An API specifies how software components should interact with each other, inclusive of formats and processes to facilitate data calls and requests. Among a variety of other uses, an API can be used to retrieve data from one application and process it in another application.

could be a barrier to payment routing interoperability. The Federal Reserve is open to interoperability based on interservice message exchange in the future, after introduction of the FedNow Service.

F. Cost Recovery & Service Fees

In the 2019 Notice, the Board concluded that, due to considerations specific to new services, long-run cost recovery for the FedNow Service will fall outside of the traditional 10-year period for cost recovery typically applied by the Board to mature services. Similar to how cost recovery has been applied to new services in the past, the Board determined that until the service reaches maturity with relatively stable costs and revenues, FedNow Service fees will be based on transaction costs associated with mature volume estimates.

In the 2019 Notice, the Board requested comment on factors that may be relevant to consider in evaluating the long-run cost recovery of new Federal Reserve services compared with mature services. Approximately 15 commenters raised topics related to long-run cost recovery for the FedNow Service. Of these comments, 9 supported the Board's proposed approach to cost recovery, with several commenters expressing the concern that if the traditional 10-year cost recovery were applied to the FedNow Service, fees would be prohibitively high. Two commenters stated that the Board should apply the traditional 10-year cost recovery period to the FedNow Service. Several commenters also suggested that the Federal Reserve make additional information public about its cost estimates and long-term cost-recovery strategy.

The Board agrees with the majority of commenters that applying the traditional 10-year cost recovery period to the FedNow Service, when volumes are low and potentially variable while fixed costs are high, could result in unnecessarily volatile prices or prohibitively high service fees. Such an outcome would negatively affect service usage, and ultimately undermine the Federal Reserve's public policy objectives in providing the FedNow Service. In addition, the cost recovery provisions in section 11A of the Federal Reserve Act state that the Board's pricing principles for Federal Reserve services should give due regard to competitive factors and the provision of an adequate level of service nationwide.

Therefore, the Board continues to expect long-run cost recovery for the FedNow Service to occur outside the 10-year period typically applied by the

Board to mature services. The Board also expects that fees will be based on transaction costs associated with mature volume estimates until the service reaches maturity with relatively stable revenues and costs. This approach will limit prohibitively high service fees, and allow for realization of the public benefits the Board identified in its approval of the FedNow Service. As part of this approach to cost recovery, the Board will monitor progress toward matching revenues and costs and will regularly confirm its expectation that the service will meet cost recovery objectives over the long run. To provide transparency as part of this process, the Board will also regularly disclose the service's cost recovery.

In addition, approximately 40 commenters, representing small and midsize banks, trade organizations and individuals, raised topics related to FedNow Service fees. Approximately 15 of these commenters recommended that the FedNow Service rely on a per-item fee schedule, as opposed to volume-based pricing. Additionally, 4 commenters suggested that FedNow Service fees align with market practices at the time of service launch. Another group of 4 commenters recommended that both the sender's and receiver's banks be assessed fees for a FedNow Service transfer. Other commenters recommended that the Reserve Banks communicate the service fee schedule as soon as possible, to provide participants adequate time to prepare for onboarding.

The Board recognizes the need for additional specificity on service fees in advance of the FedNow Service's launch. Based on prevailing market practices, the Board expects that the fee structure will include a combination of per-item fees, charged to the sender's bank and potentially to the receiver's bank, and fixed participation fees. The ultimate fee structure and schedule will be informed by the Federal Reserve's assessment of market practices at the time of implementation. The Reserve Banks will publish the initial fee schedule for the FedNow Service well before its launch through established communication channels.⁷⁰

IV. Competitive Impact Analysis

The Board conducts a competitive impact analysis when considering an operational or legal change to a new or existing service, such as the FedNow

Service.⁷¹ In the 2019 Notice, the Board conducted an initial competitive impact analysis for the FedNow Service and requested comment on that analysis. In light of the comments received and the Board's additional assessment, the Board has conducted a final competitive impact analysis.

As part of a competitive impact analysis, the Board determines whether the proposal has a direct and material adverse effect on the ability of other service providers to compete effectively with the Federal Reserve in providing similar services. In order to do so, the Board first identifies relevant private-sector providers of similar services and then compares those providers' services with the FedNow Service. In instances where any differences create direct and material adverse effects on the ability of the private-sector providers to compete effectively, the Board then considers whether such effects were due to either legal differences or a dominant market position deriving from such legal differences. If the Board determines that the material adverse effects were the result of legal differences or the Federal Reserve's dominant market position, the Board evaluates the potential public benefits of the new service in order to determine whether those benefits could be reasonably achieved with a lesser or no adverse competitive impact. Based on these considerations, the Board then either modifies the proposal to lessen or eliminate the adverse impact on competitors' ability to compete or determines that the payment system objectives may not be reasonably achieved if the proposal is modified. If reasonable modifications would not mitigate the material adverse effect, the Board then determines whether the anticipated benefits of the new service are significant enough to proceed with the service even though it may adversely affect the ability of other service providers to compete with the Federal Reserve in that service.

A. Relevant Private-Sector Providers of Similar Services

In conducting a competitive impact analysis, the Board first identifies relevant private-sector providers of similar services. As part of its initial competitive impact analysis, the Board identified one comparable private-sector service for instant payments in the United States, which has been operational since November 2017 (the existing private-sector service). Like the

⁷⁰ Following the release of the FedNow Service's initial fee schedule, the Board will also publish FedNow Service fees in its annual service-pricing process for all services.

⁷¹ Board of Governors of the Federal Reserve System, "The Federal Reserve in the Payments System," (Issued 1984; revised 1990). Available at https://www.federalreserve.gov/paymentsystems/pfs_frpayssys.htm.

FedNow Service, the existing private-sector service conducts payment-by-payment final settlement of interbank obligations on a 24x7x365 basis for instant payments. Unlike the FedNow Service, which will settle in central bank money using master accounts, the existing private-sector service relies on an internal ledger maintained by its operator to conduct settlement, which is supported by funds held in a joint account at a Reserve Bank.⁷² One commenter suggested the Board broaden its definition of relevant service providers in performing its competitive impact analysis to include entities, such as card companies that offer end-user solutions that may compete with instant payment solutions. The Board recognizes that the FedNow Service may affect additional private-sector entities that may be indirect competitors to or users of the FedNow Service. However, because these entities do not provide interbank RTGS services for instant payments, the Board does not view them as private-sector providers of similar services and, therefore, has not considered them as part of its final competitive impact analysis.

B. Material Adverse Effects on the Ability of Relevant Service Providers To Compete Effectively

After identifying relevant private-sector providers of similar services, the Board compares those providers' services with the FedNow Service. The purpose of this comparison is to identify differences between private-sector and Federal Reserve services. Ultimately, it is difficult to create total parity between the Federal Reserve and private-sector providers in their provision of payment services. Certain differences may provide advantages in the Federal Reserve's provision of priced services, while other differences may provide competitive advantages to private-sector entities.⁷³ The Board's competitive impact analysis therefore focuses on those differences that could create a

direct and material adverse effect on the ability of the private-sector services to compete effectively with the Federal Reserve.

As part of its initial competitive impact analysis, the Board identified specific differences between the FedNow Service and the existing private-sector service. The Board requested comment on whether these differences, in addition to any other differences identified, had a direct and material adverse effect on the ability of the existing private-sector service to compete effectively with the Federal Reserve.

1. Use of Master Accounts

In order to participate in the FedNow Service, participants must use a master account at the Reserve Banks (directly or indirectly), whereas the existing private-sector service uses a separate joint account that each participant must prefund (directly or indirectly through a funding agent). As part of its initial analysis, the Board noted that use of master accounts may provide an advantage to the FedNow Service because funds remain in participants' Federal Reserve master accounts, earning interest and counting towards reserve requirements, and can be used for other purposes.⁷⁴ Unlike funds held in a master account, prefunding held in the existing private-sector service's joint account does not earn interest or count toward reserve requirements and is not available for other purposes that may arise, such as satisfying payment or liquidity needs outside the existing private-sector service.⁷⁵

Approximately 15 commenters addressed the potential competitive advantages that the use of master accounts may provide the FedNow Service. These commenters raised different options for ways the Federal Reserve could mitigate the effects of this difference. Approximately 10 commenters also stated the Federal Reserve should pay interest on the

balances held in the joint account and count these balances towards reserve requirements in order to mitigate the FedNow Service's potential competitive advantage of settling in master accounts. A few commenters also pointed to the excess balance account (EBA) model as a potential example that the Federal Reserve could follow with the existing private-sector service.⁷⁶ Two commenters suggested that expanding the Fedwire Funds Service and NSS hours to provide the ability to move funds to and from the joint account outside current operating hours for liquidity management purposes could ameliorate any adverse effect. In addition, one commenter suggested that the Federal Reserve could segregate funds used for transactions in the FedNow Service and not pay interest on those balances.

Commenters offered differing views on the impact of these potential advantages. Only two of these commenters offered views on the materiality of these potential advantages. One commenter suggested the decision to pay interest on balances in the joint account and allow balances in this account to count towards reserve requirements would materially influence its decision on how to route payments and manage funds. Another commenter stated that the FedNow Service's use of master accounts would not affect the existing private-sector service's ability to compete and that the FedNow Service enhances competition.

Taking into account the comments received and the provision of additional liquidity management features that will be available as discussed in Section III, the Board has assessed that the use of master accounts by the FedNow Service is a difference that will not create a direct and material adverse effect on the ability of the existing private-sector service to compete effectively.⁷⁷ Only

⁷⁶ An EBA is an interest-bearing account at a Reserve Bank established for one or more institutions that are eligible to earn interest on balances held at the Reserve Banks and managed by an agent. Only excess balances may be placed in an EBA; the account balance cannot be used to satisfy reserve balance requirements or for general payments or other activities.

⁷⁷ The Board recognizes that in addition to the payment of interest and treatment of balances for reserve purposes, additional differences may exist between the existing private-sector service's use of a joint account and the FedNow Service's use of the master account that require participants to manage their account positions in different ways. On the one hand, the FedNow Service's use of master accounts may create burden by requiring consideration of the defined closing and opening of other Federal Reserve services also settling in the same account. Use of master accounts for a service operating 24x7x365, such as the FedNow Service, also adds a layer of complexity to banks'

⁷² A joint account enables settlement for participants in a private-sector arrangement to be supported by funds held for the joint benefit of the service's participants. Accordingly, the operator of a private-sector arrangement that relies on a joint account can perform real-time, payment-by-payment settlement by adjusting participant positions on its own ledger, which, in the aggregate, will be equal to or less than the amount held in the joint account. Settlement supported by a joint account can occur at any time or on any day at the settlement-arrangement operator's discretion because settlement takes place on the ledger of the settlement-arrangement operator.

⁷³ For example, although private-sector providers generally do not need to publish their fees, the Federal Reserve publishes fees for their priced services in a manner that is transparent to competitors and customers alike.

⁷⁴ When the Board announced its decision that the Reserve Banks would develop the FedNow Service (August 2019), the maximum reserve ratio on net transaction accounts was 10 percent. On March 15, 2020, the Board announced reserve ratios on all transaction accounts would be reduced to zero effective March 26, 2020.

⁷⁵ In adopting guidelines for evaluating joint account requests, the Board explained that the treatment of joint account balances depends on the nature of the private-sector arrangement, including the rights and obligations of the parties involved. Therefore, determining whether balances held in a joint account can be used to meet reserve requirements or are eligible for interest is assessed for each request individually. See Board of Governors of the Federal Reserve System, "Final Guidelines for Evaluating Joint Account Requests," 82 FR 41951, 41956 (Sept. 5, 2017). Available at <https://www.federalregister.gov/d/2017-18705>.

one commenter stated that the inability of funds held in the joint account to earn interest would materially affect its decision to join the existing private-sector service. But, as discussed earlier, the Federal Reserve's provision of the liquidity management tool will enable banks to move excess funds in and out of the joint account, thereby allowing banks to minimize the balances in the joint account on an ongoing basis. Additionally, following the Board's decision to reduce reserve ratios on all transaction accounts to zero, which was announced on March 15, 2020, reserve requirements have been effectively eliminated for all depository institutions.⁷⁸ Thus, there is not at this time any advantage relating to master account balances' being eligible to count towards satisfaction of reserve requirements. The Board, however, remains committed to creating as much competitive parity as possible, including by paying interest on the joint account.

2. Access to Intraday Credit

Participants in the FedNow Service will have access to intraday credit under the same terms and conditions as apply to participation in other Federal Reserve services. Such intraday credit would lower the risk that payments will be rejected because of lack of funds. The Federal Reserve expects banks to manage their master accounts at all times in compliance with Federal Reserve policies.

In the existing private-sector service, participants are able to use intraday credit available to them under the Federal Reserve's PSR Policy to fund the joint account. Access to intraday credit in funding the joint account mitigates the risk of payment transactions in the existing private-sector service being rejected. As part of the Board's initial competitive impact analysis, the Board noted that access to intraday credit for funding a joint account would be

management of their positions to avoid overnight overdrafts and associated penalties. On the other hand, unlike the master account, use of a joint account requires participants to prefund that account, removing liquidity from their master accounts, and to manage their contributions to the joint account in order to ensure funding requirements are met to avoid rejected payments on the ledger of the existing private-sector service. Overall, the Board does not believe these differences are significant enough to have a direct and material adverse effect on the ability of the existing private-sector service to compete effectively. Moreover, the ability to transfer liquidity between master accounts and the joint accounts as described earlier in Section III will further minimize any potential impacts.

⁷⁸ See "Federal Reserve Actions to Support the Flow of Credit to Households and Businesses," March 15, 2020. <https://www.federalreserve.gov/newsevents/pressreleases/monetary20200315b.htm>.

limited to the current operating hours of the Fedwire Funds Service, resulting in continued risk of rejected payments because of lack of prefunding outside those hours. However, as noted in Section III, the Reserve Banks will provide a mechanism for transferring liquidity. As a result, participants in the existing private-sector service could use this functionality to transfer funds from their master accounts to the joint account, for example by using intraday credit if they so choose, including during times when transfers are not possible through other Federal Reserve services. Therefore, the Board has determined that there is no direct and material adverse effect on the ability of the existing private-sector service to compete effectively because participants in both the existing private-sector service and the FedNow Service will have access to intraday credit during non-Fedwire Funds Service hours.

3. Additional Differences

Commenters mentioned differences in addition to those noted in the Board's initial competitive impact analysis. One commenter stated that the Federal Reserve is not subject to antitrust laws and suggested that the private sector has no remedy if the Reserve Banks engage in monopolistic or anticompetitive activity, so the Federal Reserve should commit to act in the public interest and ensure strong competition in the instant payments market. The same commenter also suggested that the limits on number of participants and reporting required on joint accounts that support settlement of instant payments, which is not required for any other private-sector retail payment system, provides a competitive advantage for the FedNow Service if it is not subject to similar requirements.

The Reserve Banks are subject to section 11A of the Federal Reserve Act, which was added in part to ensure that the Reserve Banks were competing fairly with the private sector in the provision of financial services.⁷⁹ Because the requirements imposed by section 11A are designed to ensure a level playing field with the private sector, such as the establishment of pricing principles and requirements that the Reserve Banks recover costs over the long run, the Board does not believe that not being subject to antitrust laws creates a direct and material adverse effect on the ability of the existing private-sector service to compete effectively.

In addition, the Reserve Banks report significant amounts of data to the Board

on a regular basis and upon request for the purpose of policy analysis, including transaction-level data that the existing private-sector service does not report. The Board and Reserve Banks also make aggregate value and volume data available publicly. Further, while the Federal Reserve may initially impose limits on the number of participants in a joint account arrangement to ensure use of the account meets the public policy objectives set forth in the Board's joint account guidelines, such as efficient risk management, the Board in its oversight capacity expects the FedNow Service to meet the same public policy objectives before it can launch. In light of this analysis, the Board does not believe that any of these differences create a direct and material adverse effect on the ability of the existing private-sector service to compete with the FedNow Service.

C. Conclusion

Based on this analysis, the Board does not believe that any of the differences identified create a direct and material adverse effect on the ability of the existing private-sector service to compete effectively with the FedNow Service.

By order of the Board of Governors of the Federal Reserve System.

Margaret McCloskey Shanks,
Deputy Secretary of the Board.

[FR Doc. 2020-17539 Filed 8-10-20; 8:45 am]

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FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in or To Acquire Companies Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR part 225) to engage de novo, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal

⁷⁹ 12 U.S.C. 248a.

Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at <https://www.federalreserve.gov/foia/request.htm>. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551-0001, not later than August 26, 2020.

A. Federal Reserve Bank of Minneapolis (Chris P. Wangen, Assistant Vice President), 90 Hennepin Avenue, Minneapolis, Minnesota 55480-0291:

1. *First Holding Company of Park River, Inc., Park River, North Dakota*; to indirectly retain voting shares of AccuData Services, Inc., through its subsidiary bank, First United Bank, both of Park River, North Dakota, pursuant to section 225.28(b)(14)(i) of Regulation Y.

Board of Governors of the Federal Reserve System, August 6, 2020.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2020-17530 Filed 8-10-20; 8:45 am]

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GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090-0118; Docket No. 2020-0001; Sequence No. 4]

Submission for OMB Review; Federal Management Regulation; Standard Form 94, Statement of Witness

AGENCY: Office of Government-wide Policy (OGP), General Services Administration (GSA).

ACTION: Notice; request for comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve an existing information collection requirement regarding OMB Control No: 3090-0118; Standard Form 94, Statement of Witness.

DATES: Submit comments on or before September 10, 2020.

ADDRESSES: Written comments and recommendations for this information

collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under Review—Open for Public Comments" or by using the search function. If your comment cannot be submitted using www.reginfo.gov/public/do/PRAMain, call or email the points of contact in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

FOR FURTHER INFORMATION CONTACT: Mr. Ray Wynter, GSA, Office of Government-wide Policy (MAG), Office of Asset and Transportation Management, at telephone 202-501-3802 or via email to ray.wynter@gsa.gov.

SUPPLEMENTARY INFORMATION:

A. Purpose

GSA's Office of Government-wide Policy is announcing the availability of Standard Form 94, Statement of Witness that is publicly available on <http://www.gsa.gov/forms>. This form will be used to collect information from witnesses reporting accidents and/or damage to Federal Fleet Vehicles. Standard Form (SF) 94 provides additional accounts of motor vehicle accidents that supplement statements made by a motor vehicle operator. Use of the SF 94 is prescribed in Federal Management Regulation, 41 CFR 102-34.290(b) and Federal Property Management Regulations, 41 CFR 101-39.401(b). The SF 94 is usually completed at the time of an accident involving a motor vehicle owned or leased by the Government.

The SF 94 is an essential part of the investigation of motor vehicle accidents, especially those involving the public with a potential for claims against the United States. It is a vital piece of information in lawsuits and provides the Assistant United States Attorneys with a written statement to refresh recollection of accidents, as necessary.

B. Annual Reporting Burden

Respondents: 290.

Responses per Respondent: 1.

Total Annual Responses: 290.

Hours Per Response: 0.333.

Total Burden Hours: 97.

C. Public Comments

A 60-day notice was published in the **Federal Register** at 85 FR 34631 on June 5, 2020. No comments were received.

Obtaining Copies of Proposals:

Requesters may obtain a copy of the information collection documents from the Regulatory Secretariat Division, at GSARegSec@gsa.gov. Please cite OMB

Control No. 3090-0118, Standard Form 94, Statement of Witness, in all correspondence.

Beth Anne Killoran,

Deputy Chief Information Officer.

[FR Doc. 2020-17474 Filed 8-10-20; 8:45 am]

BILLING CODE 6820-14-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2020-N-0626]

Pulmonary-Allergy Drugs Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Pulmonary-Allergy Drugs Advisory Committee. The general function of the committee is to provide advice and recommendations to FDA on regulatory issues. The meeting will be open to the public. FDA is establishing a docket for public comment on this document.

DATES: The meeting will take place virtually on August 31, 2020, from 10 a.m. Eastern Time to 4 p.m. Eastern Time.

ADDRESSES: Please note that due to the impact of this COVID-19 pandemic, all meeting participants will be joining this advisory committee meeting via an online teleconferencing platform. Answers to commonly asked questions about FDA advisory committee meetings may be accessed at: <https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm>.

FDA is establishing a docket for public comment on this meeting. The docket number is FDA-2020-N-0626. The docket will close on August 28, 2020. Submit either electronic or written comments on this public meeting by August 28, 2020. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before August 28, 2020. The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of August 28, 2020. Comments received by mail/hand delivery/courier (for written/

paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Comments received on or before August 17, 2020, will be provided to the committee. Comments received after that date will be taken into consideration by FDA. In the event that the meeting is cancelled, FDA will continue to evaluate any relevant applications or information, and consider any comments submitted to the docket, as appropriate.

You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

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

Written/Paper Submissions

Submit written/paper submissions as follows:

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

Instructions: All submissions received must include the Docket No. FDA-2020-N-0626 for "Pulmonary-Allergy Drugs Advisory Committee; Notice of Meeting; Establishment of a Public

Docket; Request for Comments." Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. Eastern Time and 4 p.m. Eastern Time, Monday through Friday, 240-402-7500.

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

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

FOR FURTHER INFORMATION CONTACT: Philip Bautista, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993-0002, 301-796-9001, Fax: 301-847-8533, email: PADAC@fda.hhs.gov, or FDA Advisory Committee Information Line, 1-800-741-8138 (301-443-0572 in the

Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the FDA's website at <https://www.fda.gov/AdvisoryCommittees/default.htm> and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: The meeting will be heard, viewed, captioned, and recorded through an online teleconferencing platform. On August 31, 2020, the committee will discuss supplemental new drug application 209482/S-008, for TRELEGY ELLIPTA, a fixed-dose combination (fluticasone furoate, umeclidinium, and vilanterol inhalation powder oral inhalation), submitted by GlaxoSmithKline, for the following proposed labeling claim: Reduction in all-cause mortality in patients with chronic obstructive pulmonary disease (COPD). The focus of the discussion will be on the efficacy data submitted to support the proposed labeling claim, including the results from the Informing the Pathway of COPD Treatment trial and the influence of inhaled corticosteroids withdrawal on the results.

FDA intends to make the meeting's background material and pre-recorded presentations available to the public no later than 2 business days before the meeting. The pre-recorded presentations will be viewed by the committee prior to the meeting and will not be replayed on meeting day. If FDA is unable to post the background material and/or pre-recorded presentations on its website prior to the meeting, the background material and/or pre-recorded presentations will be made publicly available on FDA's website at the time of the advisory committee meeting. The meeting will include brief summaries of the pre-recorded presentations. Background material and the link to the online teleconference meeting room will be available at <https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm>. Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. All electronic and written submissions submitted to the Docket (see **ADDRESSES**) on or before August 17, 2020, will be provided to the

committee. Oral presentations from the public will be scheduled on August 31, 2020, between approximately 12:50 p.m. Eastern Time and 1:50 p.m. Eastern Time. Those individuals interested in making formal oral presentations should notify the contact person (see **FOR FURTHER INFORMATION CONTACT**). The notification should include a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation, on or before August 14, 2020. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by August 17, 2020.

For press inquiries, please contact the Office of Media Affairs at fdaoma@fda.hhs.gov or 301-796-4540.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Philip Bautista (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at <https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm> for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: August 5, 2020.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2020-17533 Filed 8-10-20; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2018-D-4615]

Marketing Status Notifications Under Section 506I of the Federal Food, Drug, and Cosmetic Act; Content and Format; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a final guidance for industry entitled “Marketing Status Notifications Under Section 506I of the Federal Food, Drug, and Cosmetic Act; Content and Format.” This guidance is intended to assist holders of new drug applications (NDAs) and abbreviated new drug applications (ANDAs) approved under the Federal Food, Drug, and Cosmetic Act (FD&C Act) with their submission of required marketing status notifications. This guidance finalizes the draft guidance of the same title issued on January 31, 2019.

DATES: The announcement of the guidance is published in the **Federal Register** on August 11, 2020.

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

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a

written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand Delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”

Instructions: All submissions received must include the Docket No. FDA-2018-D-4615 for “Marketing Status Notifications Under Section 506I of the Federal Food, Drug, and Cosmetic Act; Content and Format.” Received comments will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

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

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

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

Submit written requests for single copies of this guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993-0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document. [For multi-center guidances, add appropriate addresses. No more than four addresses in this section per 1998 Document Drafting Handbook.]

FOR FURTHER INFORMATION CONTACT: Elizabeth Giaquinto Friedman, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 75, Rm. 1670, Silver Spring, MD 20993-0002, 240-402-7930, elizabeth.giaquinto@fda.hhs.gov.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled "Marketing Status Notifications Under Section 506I of the Federal Food, Drug, and Cosmetic Act; Content and Format." This guidance is intended to assist holders of NDAs and ANDAs approved under the FD&C Act with their submission of required marketing status notifications. The FDA Reauthorization Act of 2017 (Pub. L. 115-52) (FDARA) added section 506I to the FD&C Act (21 U.S.C. 356i), which imposes additional reporting requirements on NDA and ANDA holders regarding the marketing status of approved drug products. This guidance identifies the required content for these marketing status notifications and the format by which these notifications should be submitted to the Agency.

This guidance finalizes the draft guidance entitled Marketing Status Notifications Under Section 506I of the Federal Food, Drug, and Cosmetic Act; Content and Format issued on January 31, 2019 (84 FR 749). FDA considered

comments received on the draft guidance as the guidance was finalized. Changes from the draft to the final guidance were made to address requests for clarity in complying with the reporting requirements of section 506I of the FD&C Act.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on "Marketing Status Notifications Under Section 506I of the Federal Food, Drug, and Cosmetic Act; Content and Format." It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

FDA regulations require NDA and ANDA holders to notify the Agency of the marketing status of drug products approved under NDAs and ANDAs. FDARA added section 506I to the FD&C Act, which imposes marketing status reporting requirements for notification of withdrawal from sale; notification of drugs not available for sale, and reports on marketing status. This guidance contains no collection of information. Therefore, clearance by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501-3521) is not required. However, this guidance refers to previously approved FDA collections of information. These collections of information are subject to review by OMB under the PRA. The collections of information have been approved under OMB control numbers 0910-0001 and 0910-0759.

III. Electronic Access

Persons with access to the internet may obtain the guidance at either <https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs> or <https://www.regulations.gov>.

Dated: August 4, 2020.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2020-17463 Filed 8-10-20; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2009-N-0501]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Third Party Disclosure and Recordkeeping Requirements for Reportable Food

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments (including recommendations) on the collection of information by September 10, 2020.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be submitted to <https://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting "Currently under Review—Open for Public Comments" or by using the search function. The OMB control number for this information collection is 0910-0643. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A-12M, 11601 Landsdown St., North Bethesda, MD 20852, 301-796-5733, PRASStaff@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Third Party Disclosure and Recordkeeping Requirements for Reportable Food—21 U.S.C. 350f

OMB Control Number 0910-0643—Extension

The Federal Food, Drug, and Cosmetic Act (FD&C Act), as amended by the Food and Drug Administration Amendments Act of 2007 (FDAAA) (Pub. L. 110-85), requires the establishment of a Reportable Food Registry (the Registry) by which

instances of reportable food must be submitted to FDA by responsible parties and may be submitted by public health officials. Section 417 of the FD&C Act (21 U.S.C. 350f) defines “reportable food” as an article of food (other than infant formula) for which there is a reasonable probability that the use of, or exposure to, such article of food will cause serious adverse health consequences or death to humans or animals. (See section 417(a)(2) of the FD&C Act.) We believe that the most efficient and cost-effective means to implement the Registry is by utilizing our electronic Safety Reporting Portal. The information collection provisions associated with the submission of reportable food reports has been approved under OMB control number 0910-0643.

In conjunction with the reportable foods requirements, section 417 of the FD&C Act also establishes third-party disclosure and recordkeeping burdens. Specifically, we may require the responsible party to notify the immediate previous source(s) and/or immediate subsequent recipient(s) of a reportable food (sections 417(d)(6)(B)(i) to (ii) of the FD&C Act). Similarly, we may also require the responsible party that is notified (*i.e.*, the immediate previous source and/or immediate subsequent recipient) to notify their own immediate previous source(s) and/or immediate subsequent recipient(s) of a reportable food (sections 417(d)(7)(C)(i) to (ii) of the FD&C Act).

Notification to the immediate previous source(s) and immediate subsequent recipient(s) of the article of food may be accomplished by electronic communication methods such as email, fax, or text messaging or by telegrams, mailgrams, or first-class letters. Notification may also be accomplished by telephone call or other personal contacts, but we recommend that such notifications also be confirmed by one of the previous methods and/or documented in an appropriate manner. We may require that the notification include any or all of the following data elements: (1) The date on which the article of food was determined to be a reportable food; (2) a description of the

article of food including the quantity or amount; (3) the extent and nature of the adulteration; (4) the results of any investigation of the cause of the adulteration if it may have originated with the responsible party, if known; (5) the disposition of the article of food, when known; (6) product information typically found on packaging including product codes, use-by dates, and the names of manufacturers, packers, or distributors sufficient to identify the article of food; (7) contact information for the responsible party; (8) contact information for parties directly linked in the supply chain and notified under section 417(d)(6)(B) or 417(d)(7)(C) of the FD&C Act, as applicable; (9) the information required by FDA to be included in the notification provided by the responsible party involved under section 417(d)(6)(B) or 417(d)(7)(C) of the FD&C Act or required to report under section 417(d)(7)(A) of the FD&C Act; and (10) the unique number described in section 417(d)(4) of the FD&C Act (section 417(d)(6)(B)(iii)(I), (d)(7)(C)(iii)(I), and (e) of the FD&C Act). We may also require that the notification provides information about the actions that the recipient of the notification will perform and/or any other information we may require (section 417(d)(6)(B)(iii)(II) and (III) and (d)(7)(C)(iii)(II) and (III) of the FD&C Act).

Section 417(g) of the FD&C Act requires that responsible persons maintain records related to reportable foods for a period of 2 years.

The congressionally-identified purpose of the Registry is to provide a reliable mechanism to track patterns of adulteration in food which would support efforts by FDA to target limited inspection resources to protect the public health (see FDAAA, section 1005(a)(4)). The reporting and recordkeeping requirements described previously are designed to enable FDA to quickly identify and track an article of food (other than infant formula) for which there is a reasonable probability that the use of or exposure to such article of food will cause serious adverse health consequences or death to humans or animals. We use the information

collected under these regulations to help ensure that such products are quickly and efficiently removed from the market.

As required under section 1005(f) of FDAAA and to assist industry, we have issued the guidance entitled, “Guidance for Industry: Questions and Answers Regarding the Reportable Food Registry as Established by the Food and Drug Administration Amendments Act of 2007,” which is available at <https://www.fda.gov/regulatory-information/search-fda-guidance-documents/guidance-industry-questions-and-answers-regarding-reportable-food-registry-established-food-and-drug>. The guidance contains questions and answers relating to the requirements under section 417 of the FD&C Act, including: (1) How, when and where to submit reports to FDA; (2) who is required to submit reports to FDA; (3) what is required to be submitted to FDA; and (4) what may be required when providing notifications to other persons in the supply chain of an article of food. The guidance also refers to previously approved collections of information found in FDA regulations. The collections of information in questions 20 and 21 of the guidance have been approved under OMB control number 0910-0249.

Description of Respondents: Mandatory respondents to this collection of information are the owners, operators, or agents in charge of a domestic or foreign facility engaged in manufacturing, processing, packing, or holding food for consumption in the United States (“responsible parties”) who have information on a reportable food. Voluntary respondents to this collection of information are Federal, State, and local public health officials who have information on a reportable food.

In the **Federal Register** of May 14, 2020 (85 FR 28951), we published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN¹

Activity	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
Notifying immediate previous source of the article of food under section 417(d)(6)(B)(i) of the FD&C Act (mandatory reporters only).	1,200	1	1,200	0.6 (36 minutes)	720
Notifying immediate subsequent recipient of the article of food under section 417(d)(6)(B)(ii) of the FD&C Act (mandatory reporters only).	1,200	1	1,200	0.6 (36 minutes)	720

TABLE 1—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN¹—Continued

Activity	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
Notifying immediate previous source of the article of food under section 417(d)(7)(C)(i) of the FD&C Act (mandatory reporters only).	1,200	1	1,200	0.6 (36 minutes)	720
Notifying immediate subsequent recipient of the article of food under section 417(d)(7)(C)(ii) of the FD&C Act (mandatory reporters only).	1,200	1	1,200	0.6 (36 minutes)	720
Total .....	.....	.....	.....	.....	2,880

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

Based on a review of the information collection since our last request for OMB approval, we have made no adjustments to our burden estimate.

Third Party Disclosure: We estimate that approximately 1,200 reportable food events with mandatory reporters occur annually. Based on past FDA experiences, we estimate that we could receive 200 to 1,200 “reportable” food reports annually from 200 to 1,200 mandatory and voluntary users of the electronic reporting system. We utilized the upper-bound estimate of 1,200 for these calculations.

We estimate that notifying the immediate previous source(s) takes 0.6

hours per reportable food and notifying the immediate subsequent recipient(s) takes 0.6 hours per reportable food. We also estimate that it takes 0.6 hours for the immediate previous source and/or the immediate subsequent recipient to also notify their immediate previous source(s) and/or immediate subsequent recipient(s). The Agency bases its estimate on its experience with mandatory and voluntary reports submitted to FDA.

Although it is not mandatory under section 1005 of FDAAA that responsible persons notify the sources and recipients of instances of reportable food, for purposes of the burden

estimate we are assuming FDA would exercise its authority and require such notifications in all such instances for mandatory reporters. This notification burden does not affect voluntary reporters of reportable food events. Therefore, we estimate that the total burden of notifying the immediate previous source(s) and immediate subsequent recipient(s) under section 417(d)(6)(B)(i) and (ii), (d)(7)(C)(i) and (ii) of the FD&C Act for 1,200 reportable foods is 2,880 hours annually (1,200 × 0.6 hours) + (1,200 × 0.6 hours) + (1,200 × 0.6 hours). This annual burden is shown in table 1.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN¹

Activity	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Maintenance of reportable food records under section 417(g) of the FD&C Act—mandatory reports.	1,200	1	1,200	0.25 (15 minutes)	300
Maintenance of reportable food records under section 417(g) of the FD&C Act—voluntary reports.	4	1	4	0.25 (15 minutes)	1
Total .....	.....	.....	.....	.....	301

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

Recordkeeping: As noted previously, section 417(g) of the FD&C Act requires that responsible persons maintain records related to reportable foods reports and notifications for a period of 2 years. Based on past FDA experiences, we estimate that each mandatory report and its associated notifications requires 30 minutes of recordkeeping for the 2-year period, or 15 minutes per record per year. The annual recordkeeping burden for mandatory reportable food reports and their associated notifications is thus estimated to be 300 hours (1,200 × 0.25 hours).

We do not expect that records will always be kept in relation to voluntary reportable food reports. Therefore, we estimate that records will be kept for 4 voluntary reports we expect to receive annually. The recordkeeping burden

associated with voluntary reports is thus estimated to be 1 hour annually (4 × 0.25 hours). The estimated total annual recordkeeping burden is 301 hours annually (1,200 × 0.25 hours) + (4 × 0.25 hours). This annual burden is shown in table 2.

Dated: July 30, 2020.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2020–17506 Filed 8–10–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2020–N–0001]

Vaccines and Related Biological Products Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) announces a forthcoming public advisory committee meeting of the Vaccines and Related Biological Products Advisory Committee (VRBPAC). The general function of the

committee is to provide advice and recommendations to the Agency on FDA's regulatory issues. Members will participate via teleconference.

DATES: The meeting will be held on October 2, 2020, from 11 a.m. Eastern Time to 3:30 p.m. Eastern Time.

ADDRESSES: Please note that due to the impact of this COVID-19 pandemic, all meeting participants will be joining this advisory committee meeting via an online teleconferencing platform. Answers to commonly asked questions including information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: <https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm>.

FOR FURTHER INFORMATION CONTACT: Kathleen Hayes or Monique Hill, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 6307C, Silver Spring, MD 20993-0002, 301-796-7864, Kathleen.Hayes@fda.hhs.gov, or 301-796-4620, monique.hill@fda.hhs.gov, respectively; or FDA Advisory Committee Information Line, 1-800-741-8138 (301-443-0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's website at <https://www.fda.gov/AdvisoryCommittees/default.htm> and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: The meeting presentations will be heard, viewed, captioned, and recorded through an online teleconferencing platform. In open session, the committee will discuss and make recommendations on the selection of strains to be included in an influenza virus vaccine for the 2021 southern hemisphere influenza season.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available on FDA's website at the time of the advisory committee meeting. Background material and the link to the online teleconference meeting room will be available at <https://www.fda.gov/AdvisoryCommittees/Calendar/>

default.htm. Scroll down to the appropriate advisory committee meeting link. The meeting will include slide presentations with audio components to allow the presentation of materials in a manner that most closely resembles an in-person advisory committee meeting.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before September 25, 2020. Oral presentations from the public will be scheduled between approximately 1:30 p.m. Eastern Time and 2:30 p.m. Eastern Time. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before September 17, 2020. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by September 18, 2020.

For press inquiries, please contact the Office of Media Affairs at fdaoma@fda.hhs.gov or 301-796-4540.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Kathleen Hayes (Kathleen.Hayes@fda.hhs.gov) at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at: <https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm11462.htm> for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: July 30, 2020.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2020-17495 Filed 8-10-20; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the Advisory Committee on Blood and Tissue Safety and Availability

AGENCY: Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: As required by the Federal Advisory Committee Act, the U.S. Department of Health and Human Services is hereby giving notice that the Advisory Committee on Blood and Tissue Safety and Availability (ACBTSA) will hold a meeting. The meeting will be open to the public. The committee will discuss recommendations to improve the blood community's response to future public health emergencies. In order to facilitate this discussion, key stakeholders from across the nation will present on their lessons learned during the latest pandemic. The committee will analyze strengths and weaknesses from the COVID-19 response on the blood community and blood supply.

DATES: The meeting will take place virtually on Wednesday, August 26, 2020 from approximately 12:30 p.m.–5:15 p.m. and Thursday, August 27, 2020 from approximately 8:00 a.m.–5:00 p.m. Meeting times are tentative and subject to change. The confirmed times and agenda items for the meeting will be posted on the ACBTSA web page at <https://www.hhs.gov/oidp/advisory-committee/blood-tissue-safety-availability/meetings/2020-08-26/index.html> when this information becomes available.

FOR FURTHER INFORMATION CONTACT: James Berger, Designated Federal Officer for the ACBTSA; Office of Infectious Disease and HIV/AIDS Policy, Office of the Assistant Secretary for Health, Department of Health and Human Services, Mary E. Switzer Building, 330 C Street SW, Suite L600, Washington, DC 20024. Email: ACBTSA@hhs.gov; Phone: 202-795-7608.

SUPPLEMENTARY INFORMATION: The registration link for the meeting will be posted at <https://www.hhs.gov/oidp/advisory-committee/blood-tissue-safety-availability/meetings/2020-08-26/index.html> when it becomes available. After registering, you will receive an email confirmation with a personalized link to access the webcast on August 26–27.

The public will have an opportunity to present their views to the ACBTSA orally during the meeting's public

comment session or by submitting a written public comment. Comments should be pertinent to the meeting discussion. Persons who wish to provide verbal or written public comment should review instructions at <https://www.hhs.gov/oidp/advisory-committee/blood-tissue-safety-availability/meetings/2020-08-26/index.html> and respond by midnight August 19, 2020, ET. Verbal comments will be limited to three minutes each to accommodate as many speakers as possible.

The ACBTSA provides advice to the Secretary through the Assistant Secretary for Health. The Committee advises on a range of policy issues to include: (1) Identification of public health issues through surveillance of blood and tissue safety issues with national survey and data tools; (2) identification of public health issues that affect availability of blood, blood products, and tissues; (3) broad public health, ethical, and legal issues related to the safety of blood, blood products, and tissues; (4) the impact of various economic factors (e.g., product cost and supply) on safety and availability of blood, blood products, and tissues; (5) risk communications related to blood transfusion and tissue transplantation; and (6) identification of infectious disease transmission issues for blood, organs, blood stem cells and tissues. The Committee has met regularly since its establishment in 1997.

Dated: July 22, 2020.

James J. Berger,

Designated Federal Officer, Tick-Borne Disease Working Group, Office of Infectious Disease and HIV/AIDS Policy.

[FR Doc. 2020-17508 Filed 8-10-20; 8:45 am]

BILLING CODE 4150-28-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; 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 of Neurological Disorders and Stroke Special Emphasis Panel; Opportunities for Collaborative Research at the NIH Clinical Center (U01 Clinical Trials Optional).

Date: August 14, 2020.

Time: 10:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, NSC Building, 6001 Executive Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Mirela Milescu, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS/NIH, NSC, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20892, mirela.milescu@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. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: August 5, 2020.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020-17439 Filed 8-10-20; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; 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 Cancer Institute Special Emphasis Panel; Co-Clinical Imaging—Quantitative Methods.

Date: September 17, 2020.

Time: 10:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W108, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Clifford W. Schweinfest, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W108, Rockville, MD 20850, 240-276-6343, schweinfestcw@mail.nih.gov.

Name of Committee: National Cancer Institute Special Emphasis Panel; Provocative Question 7.

Date: September 24, 2020.

Time: 11:00 a.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W640, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Saejeong J. Kim, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W640, Rockville, MD 20850, 240-276-7684, saejeong.kim@nih.gov.

Name of Committee: National Cancer Institute Special Emphasis Panel; Mechanisms of Cancer Drug Resistance.

Date: September 28, 2020.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W246, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Jun Fang, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W246, Rockville, MD 20850, 240-276-5460, jfang@mail.nih.gov.

Name of Committee: National Cancer Institute Special Emphasis Panel; SEP-4: NCI Clinical and Translational R21 and Omnibus R03 Review.

Date: October 1-2, 2020.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W254, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Eduardo Emilio Chufan, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W254, Rockville, MD 20850, 240-276-7975, chufanee@mail.nih.gov.

Name of Committee: National Cancer Institute Special Emphasis Panel; SEP-1: Research Answers to NCI Provocative Questions.

Date: October 8, 2020.

Time: 8:00 a.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room

7W612, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Shari Williams Campbell, DPM, MSHS, Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W612, Rockville, MD 20850, 240-276-7381, shari.campbell@nih.gov.

Name of Committee: National Cancer Institute Initial Review Group; Subcommittee F—Institutional Training and Education.

Date: October 21–22, 2020.

Time: 9:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W234, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Adriana Stoica, Ph.D., Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W234, Rockville, MD 20850, 240-276-6368, stoicaa2@mail.nih.gov.

Name of Committee: National Cancer Institute Special Emphasis Panel; SEP-2: NCI Clinical and Translational R21 and Omnibus R03 Review.

Date: October 22–23, 2020.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W264, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Ombretta Salvucci, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W264, Rockville, MD 20850, 240-276-7286, salvucco@mail.nih.gov.

Name of Committee: National Cancer Institute Special Emphasis Panel; SEP-1: NCI Clinical and Translational R21 and Omnibus R03 Review.

Date: November 3, 2020.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W238, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Jeffrey E. DeClue, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W238, Rockville, MD 20850, 240-276-6371, decluej@mail.nih.gov.

Name of Committee: National Cancer Institute Special Emphasis Panel; Feasibility and Planning Studies for SPORes to Investigate Cancer Health Disparities (P20).

Date: November 5, 2020.

Time: 10:00 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room

7W126, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Caron A. Lyman, Ph.D., Chief and Scientific Review Officer, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W126, Rockville, MD 20850, 240-276-6348, lymanca@mail.nih.gov.

Name of Committee: National Cancer Institute Special Emphasis Panel; Big Data IT for Cancer Research.

Date: November 5–6, 2020.

Time: 11:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W264, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Reed A. Graves, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W264, Rockville, MD 20850, 240-276-6384, gravesr@mail.nih.gov.

Name of Committee: National Cancer Institute Special Emphasis Panel; Training Grants.

Date: November 9, 2020.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W234, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Adriana Stoica, Ph.D., Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W234, Rockville, MD 20850, 240-276-6368, stoicaa2@mail.nih.gov.

Name of Committee: National Cancer Institute Special Emphasis Panel; SEP-3: Research Answers to NCI Provocative Questions.

Date: November 18, 2020.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W238, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Jeffrey E. DeClue, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W238, Rockville, MD 20850, 240-276-6371, decluej@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: August 5, 2020.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020-17442 Filed 8-10-20; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG-2020-0322]

Great Lakes Pilotage Advisory Committee Meeting

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Notice of Federal advisory committee meeting.

SUMMARY: The Great Lakes Pilotage Advisory Committee (Committee) will meet in Sault Ste. Marie, Michigan, to discuss Committee matters relating to Great Lakes pilotage, including review of proposed Great Lakes pilotage regulations and policies. The meeting will be open to the public.

DATES:

Meeting: The Committee will meet on Tuesday, September 1, 2020, from 8 a.m. to 5:30 p.m. Eastern Daylight Time. Please note that this meeting may adjourn early if the Committee has completed its business.

Comments and supporting

documentations: To ensure your comments are received by Committee members before the meeting, submit your written comments no later than August 24, 2020.

ADDRESSES: The meeting will be held at the Hotel Ojibway ballroom, 240 W Portage Ave., Sault Ste. Marie, Michigan 49783. <https://ojibwayhotel.com>.

Pre-registration Information: Pre-registration is not required for access. Attendees will be required to follow as closely as possible COVID-19 safety guidelines promulgated by the CDC, which includes social distancing and wearing masks when in an enclosed space or within six feet of another person. Some CDC guidance here: <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/community-based.html>.

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Instructions: You are free to submit comments at any time, including orally at the meetings, but if you want

Committee members to review your comment before the meetings, please submit your comments no later than August 24, 2020. We are particularly interested in comments on the issues in the "Agenda" section below. We encourage you to submit comments through the Federal eRulemaking Portal at <https://www.regulations.gov>. If your material cannot be submitted using <https://www.regulations.gov>, call or email the individual in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. You must include the words "Department of Homeland Security" and the docket number USCG-0322. Comments received will be posted without alteration at <https://www.regulations.gov>, including any personal information provided. For more about privacy submissions in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020). If you encounter technical difficulties with comment submission, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Docket Search: Documents mentioned in this notice as being available in the docket, and all public comment, will be in our online docket at <https://www.regulations.gov> and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign-up for email alerts, you will be notified when comments are posted.

FOR FURTHER INFORMATION CONTACT: Ms. Ellen Engleman Connors, Alternate Designated Federal Officer of the Great Lakes Pilotage Advisory Committee, telephone (202) 578-2815, or email Ellen.EnglemanConnors@uscg.mil.

SUPPLEMENTARY INFORMATION: Notice of this meeting is in compliance with the *Federal Advisory Committee Act* (5 U.S.C. Appendix). The Great Lakes Pilotage Advisory Committee is established under the authority of 46 U.S.C. 9307, and makes recommendations to the Secretary of Homeland Security and the Coast Guard on matters relating to Great Lakes pilotage, including review of proposed Great Lakes pilotage regulations and policies.

Agenda: The Great Lakes Pilotage Advisory Committee will meet on Tuesday, September 1, 2020 to review, discuss, deliberate and formulate recommendations, as appropriate on the following topics:

1. Status of GLPAC members terms and appointments.

2. St. Lawrence River flow/Lake Ontario flooding/Seaway closure.
3. Individual pilot compensation reporting.
4. Limited Pilot Registration.
5. Compensation Benchmark for Apprentice Pilots.
6. Staffing Model.
7. Annual review and report comparing previous rate-setting projections with actual data.
8. Designation of the Straits of Mackinac.
9. Training surcharge.
10. Pilot Association project and updates.
11. Stakeholder Outreach.
12. Joint Stakeholder comments.
13. Host Pilots Association presentation.
14. Public Comments.

A copy of all meeting documentation will be available at <https://dco.uscg.afpims.mil/Our-Organization/Assistant-Commandant-for-Prevention-Policy-CG-5P/Marine-Transportation-Systems-CG-5PW/Office-of-Waterways-and-Ocean-Policy/Office-of-Waterways-and-Ocean-Policy-Great-Lakes-Pilotage-Div/> by August 24, 2020. Alternatively, you may contact Ms. Ellen Engleman Connors as noted in the **FOR FURTHER INFORMATION CONTACT** section above.

Public comments or questions will be taken throughout the meeting as the Committee discusses the issues and prior to deliberations and voting. There will also be a public comment period at the end of the meeting. Speakers are requested to limit their comments to 5 minutes. Please note that the public comment period will end following the last call for comments. Contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section above, to register as a speaker.

Dated: August 6, 2020.

Michael D. Emerson,
Director, Marine Transportation Systems.
[FR Doc. 2020-17540 Filed 8-10-20; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG-2019-0698]

RIN 1625-AC54

Request for Information on Integration of Automated and Autonomous Commercial Vessels and Vessel Technologies Into the Maritime Transportation System

AGENCY: Coast Guard, DHS.

ACTION: Request for information (RFI).

SUMMARY: The Coast Guard is seeking input regarding the introduction and development of automated and autonomous commercial vessels and vessel technologies subject to U.S. jurisdiction, on U.S. flagged commercial vessels, and in U.S. port facilities. The Coast Guard is also seeking input regarding barriers to the development of autonomous vessels. This document solicits the public's view on issues related to the opportunities, challenges, and impacts of automated and autonomous commercial vessels and vessel technologies.

DATES: Comments must be received by the Coast Guard on or before October 13, 2020.

ADDRESSES: You may submit comments 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: For information about this document call or email Ted J. Kim, Coast Guard; telephone 202-372-1528, email Ted.J.Kim3@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

The Coast Guard views public participation as essential to understanding the emerging automated and autonomous commercial vessels and vessel technologies, how vessel owners and operators foresee implementing such technologies, and the Coast Guard's role with regard to such technologies. The Coast Guard will consider all information, comments, and material received during the comment period. If you submit a comment, please indicate the specific question from this document to which each comment applies.

Please submit comments (or related material) through the Federal eRulemaking Portal at <https://www.regulations.gov>. Enter the docket number "USCG-2019-0698" into the search bar to find the relevant docket and submit comments. Documents mentioned in this notice, and all public comments, will be available in the online docket as well. Additionally, if you visit the online docket and sign up for email alerts, you will be notified when comments are posted.

If you cannot submit your material by using <https://www.regulations.gov>, call or email the person in the **FOR FURTHER**

INFORMATION CONTACT section of this document for alternative instructions.

The Coast Guard accepts 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 the Department of Homeland Security's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

II. Request for Information

On February 11, 2019, the President issued Executive Order (E.O.) 13859, "Maintaining American Leadership in Artificial Intelligence."¹ The executive order announced the policy of the United States Government to sustain and enhance the scientific, technological, and economic leadership position of the United States in artificial intelligence (AI) research and development and deployment through a coordinated Federal Government strategy. Automation is a broad category that may or may not incorporate many forms of technology, one of which is AI. This request for information (RFI) will support the Coast Guard's efforts to accomplish its mission consistent with the policies and strategies articulated in E.O. 13859. Input received from this RFI will allow the Coast Guard to better understand, among other things, the intersection between AI and automated or autonomous technologies aboard commercial vessels, and to better fulfill its mission of ensuring our Nation's maritime safety, security, and stewardship.

The transportation industry is currently undergoing a major transformation related to automated and autonomous technologies.² All modes of transportation have begun introducing and testing automated transportation systems. Highly automated and autonomous vessels have the potential to improve safety in the maritime system, where it is estimated that 75%³ of accidents are caused, at least in part, by human error. However, the introduction of automation and

autonomous technology into commercial vessel operations brings a new set of challenges that need to be addressed, affecting design, operations, safety, security, training, and the workforce.

Development of automated and autonomous vessel technology is happening quickly internationally. In light of this, in 2018, the International Maritime Organization (IMO) began a regulatory scoping exercise of its various international conventions for the effects autonomous technology could potentially have on current regulatory approaches and treaties. In 2019, the IMO developed interim guidelines for trials of autonomous ships.⁴ The Coast Guard recognizes the National Science & Technology Council and the U.S. Department of Transportation's (DOT) efforts to unify automated transportation technologies across the Federal government and independent agencies. This RFI aims to complement the principles outlined in the National Science & Technology Council and U.S. DOT report on "Ensuring American Leadership in Automated Vehicle Technologies: Automated Vehicles (AVs) 4.0,"⁵ and to coordinate across the agencies in its automation activities.

The Coast Guard is interested in hearing from the public on a range of issues related to the potential introduction and development of automated and autonomous technologies aboard commercial vessels or any automated and autonomous vessels subject to U.S. jurisdiction and U.S. port facilities. The Coast Guard recognizes that the phrase "automated and autonomous commercial vessels and vessel technologies" covers a wide range of maritime applications. For purposes of this RFI, automated and autonomous commercial vessels and vessel technologies are systems that use automation: (1) To perform operations without, or with less, human intervention, (2) related to one or more vessel functions, and (3) for the duration of operations or in limited time periods. These vessel functions may include, but are not limited to, navigation operation, communication, machinery operation, cargo management, emergency response, and maintenance. The Coast Guard intends for commenters to interpret the phrase, "automated and autonomous commercial vessels and vessel

technologies," expansively. Please provide relevant information on all issues, challenges, and solutions related to the development and implementation of automation and autonomous technologies aboard commercial vessels. In addition, the Coast Guard seeks public comments more broadly on automated and autonomous commercial vessels and vessel technologies that may not be covered in the following questions.

(1) What existing statutes or Coast Guard-issued regulations, policies, or standards may present a challenge or barrier to the development, demonstration, deployment, or evaluation of automated and autonomous commercial vessels and vessel technologies? Please provide specific examples of these statutes, regulations, policies, or standards. How would these statutes, regulations, policies, or standards need to be changed to remove barriers or challenges?

(2) What specific Coast Guard regulations, policies, or standards may become obsolete or serve as an impediment to overall industry participation, innovation, or implementation of automated and autonomous commercial vessels and vessel technologies? Please provide specific examples of such regulatory barriers that will affect such activities. If such barriers would have a particular impact on certain types of vessels or businesses (for example, small businesses), please specify.

(3) The Coast Guard currently applies its existing legal authorities to allow testing in various locations throughout the United States. There are current projects in various developmental stages across the nation. Are there any additional legislative, regulatory, or policy changes needed to facilitate testing or enhance coordination between the commercial sector and the U.S. government for testing? Please provide specific examples.

(4) What non-Coast Guard regulatory, policy, or legislative challenges, not otherwise specified in response to a previous question above, may present a challenge or barrier to the development, demonstration, deployment, or evaluation of automated and autonomous commercial vessels and vessel technologies? Please specify or describe these challenges, and propose resolutions, if possible.

(5) What additional regulations, policies, or voluntary consensus standards should the Coast Guard consider to provide better clarity or certainty to the maritime industry and communities related to the automated

¹ See 84 FR 3967.

² See generally U.S. Department of Transportation, Automated Vehicle Public Notices, <https://www.transportation.gov/av/publicnotices> (last visited on Dec. 5, 2019).

³ According to Allianz Global Corporate & Specialty an analysis of almost 15,000 marine liability insurance claims between 2011 and 2016 shows human error to be a primary factor in 75% of the value of all claims analyzed—equivalent to over \$1.6bn of losses. See <https://www.agcs.allianz.com/content/dam/onemarketing/agcs/agcs/reports/AGCS-Safety-Shipping-Review-2019.pdf>.

⁴ [http://www.imo.org/en/MediaCentre/HotTopics/Documents/MSC.1-Circ.1604%20-%20Interim%20Guidelines%20For%20Mass%20Trials%20\(Secretariat\).pdf](http://www.imo.org/en/MediaCentre/HotTopics/Documents/MSC.1-Circ.1604%20-%20Interim%20Guidelines%20For%20Mass%20Trials%20(Secretariat).pdf).

⁵ The report is available at: <https://www.transportation.gov/sites/dot.gov/files/2020-02/EnsuringAmericanLeadershipAVTech4.pdf>.

and autonomous commercial vessels and vessel technologies? Please specify areas where additional regulations, policies, standards, or common terminology contained within voluntary consensus standards might be necessary or appropriate to better ensure safety, security, or environmental stewardship, or for other reasons.

(6) What are the benefits (direct and indirect) and cost-savings of automated and autonomous commercial vessels and vessel technologies, if any? Please provide information and data that evidences such benefits and cost-savings.

(7) For what purposes and in what ways are commercial vessels already making use of automated and autonomous technologies? For instance, how are commercial vessels making use of automated and autonomous technologies for such purposes as navigation, machinery operation, maintenance, docking, security, or firefighting, or other purposes?

(8) What types of automated and autonomous commercial vessels and vessel technology (depending on vessel types, classes, and automation levels) may be adaptable for use on commercial vessels subject to U.S. jurisdiction?

(9) What vessel functions, procedures, equipment components, or systems can be replaced, augmented, or aided with automated and autonomous commercial vessels and vessel technologies?

(10) What changes should be made to ensure port facilities can accommodate automated and autonomous commercial vessels and vessel technologies?

(11) What potential economic factors (such as risks, costs, or practical limitations) will a commercial vessel owner or operator have to consider before implementing automated and autonomous commercial vessels and vessel technologies?

(12) What impacts to the maritime workforce do you anticipate would occur with the introduction of automated and autonomous commercial vessels and vessel technologies? Please provide information and data regarding any relevant costs or benefits to the maritime workforce associated with their introduction.

(13) What specific training may need to be developed in consideration of these new technologies? Please provide information and data (whether quantitative or qualitative) regarding costs that training providers might incur from having to update current courses and training requirements.

(14) What type of infrastructure (whether physical or cyber), procedures, and operational data, if available, would help facilitate the safe, secure, and

efficient deployment of automated and autonomous commercial vessels and vessel technologies on subject to U.S. jurisdiction?

(15) What threats do automated and autonomous commercial vessels and vessel technologies present to cybersecurity or privacy? How can vessel, facility, and port owners and operators mitigate or minimize the threat?

(16) What are the negative or positive safety and security implications of automated and autonomous commercial vessels and vessel technologies? Please explain and provide details, if possible.

Dated: August 2, 2020.

Karl L. Schultz,

Admiral, U.S. Coast Guard, Commandant.

[FR Doc. 2020–17496 Filed 8–10–20; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2020–0189]

Collection of Information Under Review by Office of Management and Budget; OMB Control Number 1625–0073

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0073, Alteration of Unreasonable Obstructive Bridges; without change.

Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: You may submit comments to the Coast Guard and OIRA on or before September 10, 2020.

ADDRESSES: Comments to the Coast Guard should be submitted using the Federal eRulemaking Portal at <https://www.regulations.gov>. Search for docket number [USCG–2020–0189]. Written comments and recommendations to OIRA for the proposed information collection should be sent within 30 days

of publication of this notice to <https://www.reginfo.gov/public/do/PRAMain>.

Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

A copy of the ICR is available through the docket on the internet at <https://www.regulations.gov>. Additionally, copies are available from: COMMANDANT (CG–6P), ATTN: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, Stop 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: A.L. Craig, Office of Privacy Management, telephone 202–475–3528, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection’s purpose, the Collection’s likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. Consistent with the requirements of Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs, and Executive Order 13777, Enforcing the Regulatory Reform Agenda, the Coast Guard is also requesting comments on the extent to which this request for information could be modified to reduce the burden on respondents. These comments will help OIRA determine whether to approve the ICR referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG–2020–0189], and must be received by September 10, 2020.

Submitting Comments

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>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are 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.

We accept anonymous comments. All comments to the Coast Guard 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 to the Coast Guard in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020). For more about privacy and submissions to OIRA in response to this document, see the <https://www.reginfo.gov>, comment-submission web page. OIRA posts its decisions on ICRs online at <https://www.reginfo.gov/public/do/PRAMain> after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625–0073.

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (85 FR 32409, May 29, 2020) required by 44 U.S.C. 3506(c)(2). We received one unrelated comment in response to our 60 day notice. The commenter requested back pay and compensation related to injustices resulting from the Higher Education Act of 1965 and the Atomic Energy Act of 1954, which are unrelated to this collection of information for alteration of bridges. No changes have been made to the information collection request. Accordingly, no changes have been made to the Collection.

Information Collection Request

Title: Alteration of Unreasonable Obstructive Bridges.

OMB Control Number: 1625–0073.

Summary: The collection of information is a request to determine if the bridge is unreasonable obstructive.

Need: 33 U.S.C. 494, 502, 511, 513, 514, 515, 516, 517, 521, 522, 523 and 524 authorize the Coast Guard to require the removal or alteration of bridges and causeways over the navigable waters of the United States and that the Coast Guard deems to be unreasonably obstructive.

Forms: None.

Respondents: Public and Private Owners of bridges over navigable waters of the United States.

Frequency: Occasional.

Hour Burden Estimate: The estimated burden is 160 hours a year.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended.

Dated: August 6, 2020.

Kathleen Claffie,

Chief, Office of Privacy Management, U.S. Coast Guard.

[FR Doc. 2020–17535 Filed 8–10–20; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[CBP Dec. 20–15]

Country of Origin Marking of Products of Hong Kong

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: General notice.

SUMMARY: This document notifies the public that, in light of the President's Executive Order on Hong Kong Normalization, issued on July 14, 2020, suspending the application of section 201(a) of the United States-Hong Kong Policy Act of 1992 to the marking statute, section 304 of the Tariff Act of 1930, with respect to imported goods produced in Hong Kong, such goods may no longer be marked to indicate "Hong Kong" as their origin, but must be marked to indicate "China."

DATES: The position set forth in this document is applicable as of July 29, 2020. A transition period will be granted for importers to implement marking consistent with this position for imported goods produced in Hong Kong. Such goods, when entered or withdrawn from warehouse for consumption into the United States after

September 25, 2020, must be marked to indicate that their origin is "China" for purposes of 19 U.S.C. 1304.

FOR FURTHER INFORMATION CONTACT: For legal matters, contact Yuliya Gulis, Chief, Food, Textiles and Marking Branch, Regulations and Rulings, Office of Trade, (202) 325–0042 or yuliya.a.gulis@cbp.dhs.gov. For policy matters, contact Margaret Gray, Chief, Trade Agreements Branch, Office of Trade, (202) 253–0927 or FTA@cbp.dhs.gov.

SUPPLEMENTARY INFORMATION:

Background

Section 304 of the Tariff Act of 1930 as amended (19 U.S.C. 1304), provides that, unless excepted, every article of foreign origin (or its container) imported into the United States shall be marked in a conspicuous place as legibly, indelibly, and permanently as the nature of the article (or its container) will permit, in such a manner as to indicate to the ultimate purchaser in the United States the English name of the country of origin of the article. Failure to mark an article in accordance with the requirements of 19 U.S.C. 1304 shall result in the levy of a duty of ten percent *ad valorem*. Part 134 of title 19 of the Code of Federal Regulations (19 CFR part 134), implements the country of origin marking requirements and exceptions of 19 U.S.C. 1304.

On June 5, 1997, the U.S. Customs Service (U.S. Customs and Border Protection's predecessor agency) issued a **Federal Register** notice that goods produced in Hong Kong should continue to be marked to indicate their origin as "Hong Kong" under 19 U.S.C. 1304 after Hong Kong's reversion to the sovereignty of the People's Republic of China (China) on July 1, 1997. *See* 62 FR 30927 (June 5, 1997).

On July 14, 2020, the President issued Executive Order 13936 on Hong Kong Normalization. *See* 85 FR 43413 (July 17, 2020). Pursuant to section 202 of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5722), the President suspended the application of section 201(a) of the United States-Hong Kong Policy Act of 1992, as amended (22 U.S.C. 5721(a)), to certain statutes, including 19 U.S.C. 1304, due to the determination that Hong Kong is no longer sufficiently autonomous to justify differential treatment in relation to China. The President ordered that, within 15 days of the Executive Order, appropriate actions must be commenced by relevant agencies, consistent with applicable law.

Given the commercial realities, affected parties may need a transition

period to implement marking consistent with the position announced in this notice. Therefore, this document notifies the public that, unless excepted from marking, goods produced in Hong Kong, which are entered or withdrawn from warehouse for consumption into the United States after September 25, 2020, must be marked to indicate that their origin is “China” for purposes of 19 U.S.C. 1304.

Dated: August 6, 2020.

Brenda B. Smith,

Executive Assistant Commissioner, Office of Trade.

[FR Doc. 2020–17599 Filed 8–10–20; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. CISA–2020–0002]

Correction to 30-Day Notice Requesting Extension of a Currently Approved Information Collection for Chemical-Terrorism Vulnerability Information (CVI)

AGENCY: Cybersecurity and Infrastructure Security Agency, DHS.

ACTION: Correction; extension of comment period.

SUMMARY: The Infrastructure Security Division (ISD) within the Cybersecurity and Infrastructure Security Agency (CISA) is issuing a correction to the 30-day notice and request for comments to extend Information Collection Request (ICR) 1670–0015 published in the **Federal Register** on July 20, 2020. Because this notice also includes an update and corrects the docket number in the previously published 30-day notice, CISA is extending the comment period for ICR 1670–0015 for an additional 30 days.

DATES: Comments are due by September 10, 2020.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, OMB. Comments should be addressed to OMB Desk Officer, Department of Homeland Security, Cybersecurity and Infrastructure Security Agency, and sent via electronic mail to dhsdeskofficer@omb.eop.gov. All submissions must include the words “Department of Homeland Security” and the OMB Control Number 1670–0015.

Comments submitted in response to this notice may be made available to the public through relevant websites. For this reason, please do not include in

your comments information of a confidential nature, such as sensitive personal information or proprietary information. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comments that may be made available to the public notwithstanding the inclusion of the routine notice.

Comments that include trade secrets, confidential commercial or financial information, Chemical-terrorism Vulnerability Information (CVI),¹ Sensitive Security Information (SSI),² or Protected Critical Infrastructure Information (PCII)³ should not be submitted to the public docket. Comments containing trade secrets, confidential commercial or financial information, CVI, SSI, or PCII should be appropriately marked and packaged in accordance with applicable requirements and submitted by mail to the DHS/CISA/Infrastructure Security Division, CFATS Program Manager, 245 Murray Lane SW, Mail Stop 0610, Arlington, VA 20528–0610. The Department will forward all comments received by the submission deadline to the OMB Desk Officer.

FOR FURTHER INFORMATION CONTACT:

Lona Saccomando, 703–235–5263, CISARegulations@cisa.dhs.gov.

SUPPLEMENTARY INFORMATION: CISA published the required 30-day notice for ICR 1670–0015 in the **Federal Register** on July 20, 2020 which provided the incorrect docket number for this notice.⁴ See 85 FR 43863 (July 20, 2020). The correct docket number associated with ICR 1670–0015 is CISA–2020–0002. Additionally, since publication of the 30-day notice on July 20, 2020 the legal authority to conduct this collection was extended through July 27, 2023.⁵

Richard S. Libby,

Deputy Chief Information Officer, Department of Homeland Security, Cybersecurity and Infrastructure Security Agency.

[FR Doc. 2020–17443 Filed 8–10–20; 8:45 am]

BILLING CODE 9110–9P–P

¹ For more information about CVI see 6 CFR 27.400 and the CVI Procedural Manual at www.dhs.gov/publication/safeguarding-cvi-manual.

² For more information about SSI see 49 CFR part 1520 and the SSI Program web page at www.tsa.gov/for-industry/sensitive-security-information.

³ For more information about PCII see 6 CFR part 29 and the PCII Program web page at www.dhs.gov/pcii-program.

⁴ The 30-day notice may be viewed at <https://www.federalregister.gov/d/2020-15570>.

⁵ The Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2014 (also known as the CFATS Act of 2014, Pub. L. 113–254) codified the CFATS program into the Homeland Security Act of 2002. See 6 U.S.C. 621 *et seq.*, as amended Public Law 116–150 (2nd Sess. 2020).

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLAK940000.L14100000.BX0000.20X.LXSS001L0100]

Filing of Plats of Survey: Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of official filing.

SUMMARY: The plats of survey of lands described in this notice are scheduled to be officially filed in the Bureau of Land Management (BLM), Alaska State Office, Anchorage, Alaska. The surveys, which were executed at the request of the Bureau of Indian Affairs and BLM, are necessary for the management of these lands.

DATES: The BLM must receive protests by September 10, 2020.

ADDRESSES: You may buy a copy of the plats from the BLM Alaska Public Information Center, 222 W 7th Avenue, Mailstop 13, Anchorage, AK 99513. Please use this address when filing written protests. You may also view the plats at the BLM Alaska Public Information Center, Fitzgerald Federal Building, 222 W 8th Avenue, Anchorage, Alaska, at no cost.

FOR FURTHER INFORMATION CONTACT:

Douglas N. Haywood, Chief, Branch of Cadastral Survey, Alaska State Office, Bureau of Land Management, 222 W 7th Avenue, Anchorage, AK 99513; 907–271–5481; dhaywood@blm.gov. People who use a telecommunications device for the deaf may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the BLM 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 lands surveyed are:

Copper River Meridian, Alaska

U.S. Survey No. 13991, accepted July 6, 2020, situated in T. 19 N., R. 13 E.

Fairbanks Meridian, Alaska

T. 6 S., R. 27 E., accepted August 3, 2020
T. 7 S., R. 27 E., accepted August 3, 2020
T. 6 S., R. 28 E., accepted August 3, 2020
T. 7 S., R. 28 E., accepted August 3, 2020
T. 6 S., R. 29 E., accepted August 3, 2020
T. 7 S., R. 29 E., accepted August 3, 2020
T. 8 S., R. 29 E., accepted August 3, 2020
T. 6 S., R. 30 E., accepted August 3, 2020
T. 7 S., R. 30 E., accepted August 3, 2020
T. 8 S., R. 30 E., accepted August 3, 2020
T. 8 S., R. 31 E., accepted August 3, 2020
T. 8 S., R. 33 E., accepted August 3, 2020
T. 8 S., R. 34 E., accepted August 3, 2020

Seward Meridian, Alaska

U.S. Survey No. 3790, accepted June 6, 2020, situated in T. 8 N., R. 71 W.

T. 8 N., R. 71 W., Correction of Survey Plat, dated July 6, 2020, corrects the area of Lot 3, accretion (c), section 13 and the total area of the 2002 Lot 3 as depicted on the township plat officially filed, March 22, 2007.

T. 15 S., R. 49 W., Correction of Survey Plat, dated June 19, 2020, corrects the area of section 10 and the total area surveyed as depicted on the township plat officially filed, April 30, 1985.

A person or party who wishes to protest one or more plats of survey identified above must file a written notice of protest with the State Director for the BLM in Alaska. The notice of protest must identify the plat(s) of survey that the person or party wishes to protest. You must file the notice of protest before the scheduled date of official filing for the plat(s) of survey being protested. The BLM will not consider any notice of protest filed after the scheduled date of official filing. A notice of protest is considered filed on the date it is received by the State Director for the BLM in Alaska during regular business hours; if received after regular business hours, a notice of protest will be considered filed the next business day. A written statement of reasons in support of a protest, if not filed with the notice of protest, must be filed with the State Director for the BLM in Alaska within 30 calendar days after the notice of protest is filed.

If a notice of protest against a plat of survey is received prior to the scheduled date of official filing, the official filing of the plat of survey identified in the notice of protest will be stayed pending consideration of the protest. A plat of survey will not be officially filed until the dismissal or resolution of all protests of the plat.

Before including your address, phone number, email address, or other personally identifiable information in a notice of protest or statement of reasons, you should be aware that the documents you submit, including your personally identifiable information, may be made publicly available in their entirety at any time. While you can ask the BLM to withhold your personally identifiable information from public review, we cannot guarantee that we will be able to do so.

Authority: 43 U.S.C. Chap. 3.

Douglas N. Haywood,

Chief Cadastral Surveyor, Alaska.

[FR Doc. 2020-17445 Filed 8-10-20; 8:45 am]

BILLING CODE 4310-JA-P

DEPARTMENT OF THE INTERIOR**National Park Service**

[NPS-WASO-NAGPRA-NPS0030598; PPWOCRADNO-PCU00RP14.R50000]

Notice of Inventory Completion: Bruce Museum, Inc., Greenwich, CT

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Bruce Museum has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Bruce Museum. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Bruce Museum at the address in this notice by September 10, 2020.

ADDRESSES: Kirsten J. Reinhardt, NAGPRA Coordinator, Bruce Museum Inc., 1 Museum Drive, Greenwich, CT 06830, telephone (203) 413-6770, email kreinhardt@brucemuseum.org.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Bruce Museum Inc., Greenwich, CT. The human remains and associated funerary objects were removed from Goat Rock Dam Site, Lee County, AL.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal

agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Bruce Museum professional staff in consultation with representatives of the Alabama-Coushatta Tribe of Texas (previously listed as Alabama-Coushatta Tribes of Texas); Alabama-Quassarte Tribal Town; Coushatta Tribe of Louisiana; and The Muscogee (Creek) Nation (hereafter referred to as "The Consulted Tribes").

History and Description of the Remains

At an unknown date, human remains representing, at minimum, one individual were removed from Lee County, AL. The human remains, together with associated funerary objects, were donated to the Bruce Museum in April 1956, by sisters Elizabeth Barton and Edith Hoisington, who were active in the Ernest Thompson Seton Woodcraft Indian organization. Based on museum records, the site from which the human remains and objects were collected may reasonably be located on the west bank of the Chattahoochee River, near the outlet of Soap Creek, and in the vicinity of the Goat Rock Dam. Exhibition labels and accession cards read: "From a burial uncovered in the excavations of the Goat River (sic) Dam in Alabama." Goat Rock Dam, located on the Chattahoochee River, was completed in 1912, and created Goat Rock Lake. The caption on an undated photograph associated with this collection reads, "The Creek at Indian Mound, Alabama, where the Cranium and pieces of pottery were found," and in the background of the photo, the dam is visible. *Tchuko 'Lako*, a Lower Creek town on the Chattahoochee River settled by Okfuskee Indians, may reasonably be identified with a mound and village site located near the mouth of the Waucooche Creek, just north of Goat Rock Dam. The Okfuskee, a Muscogee tribe, formed part of the former Creek (Muscogee) Confederacy in Alabama prior to their removal to the Indian Territory during the 1830s.

The human remains were determined to be Native American by Connecticut State Archaeologist, Nicholas Bellantoni, who performed a skeletal and dentition analysis on October 25, 1995, together with Ed Sarabia, Tlingit, Indian Affairs Coordinator, Connecticut Commission on Indian Affairs. The human remains are comprised of one

cranial vault (frontal, left and right parietal partial occipital bones), and belong to a male 40–50 years old. No known individual was identified. The 32 associated funerary objects are 28 potsherds, three lithic implements, and one ceramic disk or gaming piece. The presence of pottery suggests a Woodland/Mississippian date for the human remains.

Geographical, oral traditional, and archeological information, in addition to the known historical presence of the Muscogee (Creek) Nation in the area encompassing the State of Alabama, support a relationship of shared group identity which can be reasonably traced between the present-day Muscogee (Creek) Nation and the pre-contact confederacy known as the Lower Creeks, who established *Etulwas* (tribal towns) along the Chattahoochee River in the region of present-day Lee County.

Determinations Made by the Bruce Museum, Inc.

Officials of the Bruce Museum, Inc. have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 32 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and The Muscogee (Creek) Nation.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request Kirsten J. Reinhardt, NAGPRA Coordinator, Bruce Museum Inc., 1 Museum Drive, Greenwich, CT 06830, telephone (914) 671–9321, email kreinhardt@brucemuseum.org, by September 10, 2020. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Muscogee (Creek) Nation may proceed.

The Bruce Museum, Inc. is responsible for notifying The Consulted Tribes that this notice has been published.

Dated: July 7, 2020.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2020–17488 Filed 8–10–20; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0030596; PPWOCRADNO–PCU00RP14.R50000]

Notice of Inventory Completion: Denver Museum of Nature & Science, Denver, CO, and U.S. Department of Agriculture, Forest Service, Gila National Forest, Silver City, NM

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Denver Museum of Nature & Science and the U.S. Department of Agriculture, Forest Service, Gila National Forest (USFS Gila National Forest) have completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and have determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Denver Museum of Nature & Science. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Denver Museum of Nature & Science at the address in this notice by September 10, 2020.

ADDRESSES: Stephen E. Nash, Director of Anthropology and Senior Curator of Archaeology, Denver Museum of Nature & Science, 2001 Colorado Blvd., Denver, CO 80205, telephone (303) 370–6056, email Stephen.Nash@dmns.org.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the

Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects, some of which are under the control of the Denver Museum of Nature & Science, Denver, CO, and some of which are under the control of the U.S. Department of Agriculture, Forest Service, Gila National Forest, Silver City, NM. The human remains and associated funerary objects were removed from Catron County, NM. The human remains of 49 individuals and 30 associated funerary objects were removed from private lands, and the human remains of five individuals were removed from Federal land belonging to the Gila National Forest.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Denver Museum of Nature & Science professional staff in consultation with representatives of the Hopi Tribe of Arizona; Pueblo of Acoma, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Zia, New Mexico; and the Zuni Tribe of the Zuni Reservation, New Mexico.

History and Description of the Remains

Between 1977 and 1993, human remains representing, at minimum, 54 individuals were removed from LA 3009 (a.k.a. the W.S. Ranch Site), LA 33704 (a.k.a. the Eva Faust Site), WS–5 (no known LA number), LA 29372 (a.k.a. WS–17 and HO Bar Site), LA 2949 (a.k.a. Apache Creek Pueblo), and LA 4437 (a.k.a. Devil's Park Pueblo) in Catron County, NM, during excavations by the University of Texas at Austin, under the direction of Dr. James Neely. Following excavation, these human remains and associated funerary objects were curated at the Texas Archaeological Research Laboratory (TARL) in Austin, TX. Since 2017, the Denver Museum of Nature & Science (DMNS) has had possession of the human remains and associated funerary objects removed during the excavations from private lands, and has had custody of the human remains removed during the excavations from Federal land

belonging to the Gila National Forest. No known individuals were identified.

Site number LA 3099 (a.k.a. the WS Ranch Site, McKeen Site, and NM 5:9:2) is located on both private lands and Federal land belonging to the Gila National Forest. Made up of at least six masonry room blocks that surround two or more great kivas, arranged around a possible plaza, it was excavated by the University of Texas from 1977 to 1993. The human remains of 45 individuals and 30 associated funerary objects were collected from private lands belonging to the WS Ranch Site, and the human remains of one individual were collected from Federal land belonging to the Gila National Forest. The 30 associated funerary objects are three bone tools, eight chipped stone tools, two ground stone tools, two miscellaneous stone objects, three whole ceramic vessels, four cloth fragments, one twine fragment, one hide fragment, one shell bracelet, three shells, one matrix sample, and one pigment sample. Based upon material culture, architecture, and site organization, this site has been identified as an Upland Mogollon pithouse and pueblo community that was occupied ca. A.D. 600–1300.

Site number LA 33704 (a.k.a. the Eva Faust Site) is located on private lands. A Late Pithouse (A.D. 600–1000) to early Pueblo (A.D. 1000–1175) Reserve/Three Circle Phase site, it was partially excavated by the University of Texas in 1986. The human remains of one individual were collected from LA 33704. Based upon material culture, architecture, and site organization, the site has been identified as an Upland Mogollon pithouse and pueblo community that was occupied ca. A.D. 600–1175.

The WS–5 site is located on private lands. It was heavily damaged in the 1970s by looters, whose bulldozer cuts exposed the central masonry room block of a purported early Pueblo structure. The human remains of two individuals were recovered in 1986. Based on material culture, architecture, and site organization, this site has been identified as an Upland Mogollon pueblo community that was occupied ca. A.D. 1000–1175.

WS–17 (a.k.a. LA29372, the HO BAR site) is located on private lands. It is a Late Archaic/Early Pithouse period site. The human remains of one individual were collected. Based upon material culture, architecture, and site organization, the site has been identified as an Upland Mogollon pithouse community that was occupied ca. A.D. 600–1175.

LA2949 (a.k.a. Apache Creek Pueblo) is located on Federal land belonging to the Gila National Forest. It is an Early/Late Pueblo site containing numerous room blocks and a kiva component. The human remains of two individuals were collected. Based upon material culture, architecture, and site organization, Apache Creek Pueblo has been identified as an Upland Mogollon pueblo community that was occupied ca. A.D. 1100–1250.

LA4437 (a.k.a. Devil's Park Pueblo) is located on Federal land belonging to the Gila National Forest. It is an Early Pueblo site containing visible masonry room blocks and a kiva. The human remains of two individuals were collected. Based upon material culture, architecture, and site organization, Devil's Park Pueblo has been identified as an Upland Mogollon pueblo community that was occupied ca. A.D. 1100–1175.

Archeologists have used the term Upland Mogollon to define the archaeological complex represented by the sites described in this notice. Material culture characteristics of these traditions include a temporal progression from earlier pit houses to later masonry pueblos, villages organized in room blocks of contiguous dwellings and associated with plazas, rectangular kivas, polished and painted decorated ceramics, unpainted corrugated ceramics, inhumation burials, cradleboard cranial deformation, grooved stone axes, and bone artifacts. Archeologists have observed strong similarities between these archeological groups and present-day Puebloan Tribes. The similarities in ceramic traditions, burial practices, architectural forms, and settlement patterns have led archeologists to believe the prehistoric inhabitants of the Mogollon Rim region migrated north and west to the Hopi mesas and north and east to the Zuni River Valley. Certain objects found in Upland Mogollon archeological sites strongly resemble ritual paraphernalia used by Puebloan Tribes in continuing religious practices.

Based on their material culture, architecture, and organizational structure, WS Ranch Site, Eva Faust Site, WS–5, WS–17, Apache Creek Pueblo, and Devil's Park Pueblo have been identified as Upland Mogollon masonry pueblo and pithouse complexes that were occupied between ca. A.D. 200 and 1300. Continuities between ethnographic and archeological materials, Native American oral traditions, geography, and expert opinion, support the determination by the Denver Museum of Nature & Science

and the U.S. Department of Agriculture, Forest Service, Gila National Forest, that the 54 individuals and 30 associated funerary objects in this notice are culturally affiliated with all 24 Puebloan tribes in the American Southwest.

Determinations Made by the Denver Museum of Nature & Science and the U.S. Department of Agriculture, Forest Service, Gila National Forest

Officials of the Denver Museum of Nature & Science and the U.S. Department of Agriculture, Forest Service, Gila National Forest have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 54 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 30 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Hopi Tribe of Arizona; Kewa Pueblo, New Mexico (previously listed as Pueblo of Santo Domingo); Ohkay Owingeh, New Mexico (previously listed as Pueblo of San Juan); Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; Ysleta del Sur Pueblo (previously listed as Ysleta Del Sur Pueblo of Texas); and the Zuni Tribe of the Zuni Reservation, New Mexico (hereafter referred to as "The Tribes").

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Stephen E. Nash, Director of Anthropology and Senior Curator of Archaeology, Denver Museum of Nature & Science, 2001 Colorado Blvd., Denver,

CO 80205, telephone (303) 370-6056, email Stephen.Nash@dmns.org, by September 10, 2020. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Tribes may proceed.

The Denver Museum of Nature & Science and the U.S. Department of Agriculture, Forest Service, Gila National Forest are responsible for notifying The Tribes that this notice has been published.

Dated: July 7, 2020.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2020-17486 Filed 8-10-20; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-WASO-NAGPRA-NPS0030600;
PPWOCRADNO-PCU00RP14.R50000]

Notice of Inventory Completion: Bruce Museum Inc., Greenwich, CT

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Bruce Museum has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Bruce Museum. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Bruce Museum at the address in this notice by September 10, 2020.

ADDRESSES: Kirsten J. Reinhardt, NAGPRA Coordinator, Bruce Museum Inc., 1 Museum Drive, Greenwich, CT 06830, telephone (914) 671-9321, email kreinhardt@brucemuseum.org.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Bruce Museum, Greenwich, CT. The human remains were removed from the Shorakapock Site in Inwood Hill Park, New York County, NY.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Bruce Museum professional staff in consultation with representatives of the Delaware Nation, Oklahoma; Delaware Tribe of Indians; and the Stockbridge Munsee Community, Wisconsin (hereafter referred to as "The Tribes").

History and Description of the Remains

Around 1930, human remains representing, at minimum, two individuals were removed from the Shorakapock Site in Inwood Hill Park, New York County, NY. The human remains are believed to have been removed by Charles L. Howes, whose brother was Bruce Museum curator Paul G. Howes. A Bruce Museum accession card referencing a donation by Charles Howes to the museum in 1930 states, "Colonial relics, bullets, buttons, etc. from a dump at Inwood Hill Park, NY. Near Indian shell heap." Human remains consisting of a cranial vault (I.01535.01) belong to a female 20-30 years old. These human remains were varnished and stabilized with copper wire in the Bruce Museum laboratory by curator Paul G. Howes. Human remains consisting of two mandible fragments with dentition, three maxillary fragments with dentition (one of them a shovel-shaped incisor), five loose teeth, one loose root, and six small cranium fragments (I.01535.02) belong to an adult male of unknown age. No known individuals were identified. No associated funerary objects are present. The human remains were determined to be Native American by Connecticut State Archaeologist, Nicholas Bellantoni, who with Ed Sarabia, Tlingit, Indian Affairs Coordinator, Connecticut Commission on Indian

Affairs; performed a skeletal and dentition analysis on October 25, 1995.

Although the exact date or pre-contact period associated with this site is unknown, as no reliable temporal indicators were recovered or recorded, the Shorakapock site is well documented in the New York archeological and historical literature. Records from 17th and 18th century documents indicate at least five settlements may have been located within or near the Inwood Hill Park vicinity. According to The Cultural Landscape Foundation, the site was inhabited by the Lenape tribe through the seventeenth century and was farmed by European settlers during the 17th and 18th centuries. In the 1930s, Works Progress Administration workers built or paved many of the roads at the site, often following earlier circulation patterns, and in 1954, a boulder and plaque were placed on the former location of a historic tulip tree under which Peter Minuit reportedly purchased Manhattan from the Lenape. Geographical, oral traditional, and historical information support a relationship of shared group identity which can be reasonably traced between the present-day Delaware Nation, Delaware Tribe of Indians, and the Stockbridge Munsee Community, and the pre-contact Eastern Lenape who inhabited Manhattan Island, New York County, New York, including the Shorakapock site in Inwood Hill Park, at the northernmost tip of the island.

Determinations Made by the Bruce Museum Inc.

Officials of the Bruce Museum Inc. have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and The Tribes.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Kirsten J. Reinhardt, NAGPRA Coordinator, Bruce Museum Inc., 1 Museum Drive, Greenwich, CT 06830, telephone (914) 671-9321, email kreinhardt@brucemuseum.org, by September 10, 2020. After that date, if no additional

requestors have come forward, transfer of control of the human remains to The Tribes may proceed.

The Bruce Museum Inc. is responsible for notifying The Tribes that this notice has been published.

Dated: July 7, 2020.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2020-17490 Filed 8-10-20; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

**[NPS-WASO-NAGPRA-NPS0030270;
PPWOCRADNO-PCU00RP14.R50000]**

Notice of Inventory Completion: Sandusky Library, Sandusky, OH

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Sandusky Library has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and associated funerary objects and any present-day Indian Tribes or Native Hawaiian organizations. Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Sandusky Library. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Sandusky Library at the address in this notice by September 10, 2020.

ADDRESSES: Jeremy Angstadt, Sandusky Library, 114 West Adams Street, Sandusky, OH 44870; telephone (419) 625-3834, email jangstadt@sanduskylib.org.

SUPPLEMENTARY INFORMATION: Notice is given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory

of human remains and associated funerary objects under the control of the Sandusky Library, Sandusky, OH. The human remains and associated funerary associated objects were removed from Mills Creek, Erie County, OH.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Sandusky Library professional staff in consultation with representatives of the Delaware Nation, Oklahoma; Shawnee Tribe; Stockbridge Munsee Community, Wisconsin; and the Wyandotte Nation (hereafter referred to as "The Consulted Tribes"). The following Indian Tribes were also invited to consult but did not participate: Absentee-Shawnee Tribe of Indians of Oklahoma; Delaware Tribe of Indians; Eastern Shawnee Tribe of Oklahoma; Forest County Potawatomi Community, Wisconsin; Hannahville Indian Community, Michigan; Little River Band of Ottawa Indians, Michigan; Little Traverse Bay Bands of Odawa Indians, Michigan; Miami Tribe of Oklahoma; Ottawa Tribe of Oklahoma; Peoria Tribe of Indians of Oklahoma; Seneca-Cayuga Nation (previously listed as Seneca-Cayuga Tribe of Oklahoma); and Seneca Nation of Indians (previously listed as Seneca Nation of New York) (hereafter referred to as "The Invited Tribes").

History and Description of the Remains

Between 1860 and 1870, human remains representing, at minimum, one individual were removed from the bank of Mills Creek in Erie County, OH, by Henry and William Graefe. The human remains remained part of the Graefes' personal collection until 1978, when their descendants, Alice and Henry Graefe, donated their personal collection to the Sandusky Library. No known individuals were identified. The 11 associated funerary objects are five shells, four pottery fragments, and two clay beads.

Determinations Made by the Sandusky Library

Officials of the Sandusky Library have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on information provided by the donors to the Sandusky Library.

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.

- Pursuant to 25 U.S.C. 3001(3)(A), the 11 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.

- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and associated funerary objects and any present-day Indian Tribe.

- According to final judgments of the Indian Claims Commission or the Court of Federal Claims, the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of Delaware Nation, Oklahoma; Delaware Tribe of Indians; Forest County Potawatomi Community, Wisconsin; Hannahville Indian Community, Michigan; Little River Band of Ottawa Indians, Michigan; Little Traverse Bay Bands of Odawa Indians, Michigan; Ottawa Tribe of Oklahoma; and the Wyandotte Nation.

- Treaties, Acts of Congress, or Executive Orders, indicate that the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of Absentee-Shawnee Tribe of Indians of Oklahoma; Eastern Shawnee Tribe of Oklahoma; Shawnee Tribe; and Stockbridge Munsee Community, Wisconsin.

- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains and associated funerary objects may be to the Absentee-Shawnee Tribe of Indians of Oklahoma; Delaware Nation, Oklahoma; Delaware Tribe of Indians; Eastern Shawnee Tribe of Oklahoma; Forest County Potawatomi Community, Wisconsin; Hannahville Indian Community, Michigan; Little River Band of Ottawa Indians, Michigan; Little Traverse Bay Bands of Odawa Indians, Michigan; Ottawa Tribe of Oklahoma; Shawnee Tribe; Stockbridge Munsee Community, Wisconsin; and the Wyandotte Nation (hereafter referred to as "The Aboriginal Land Tribes").

Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these

human remains and associated funerary objects should submit a written request with information in support of the request to Jeremy Angstadt, Sandusky Library, 114 West Adams Street, Sandusky, OH 44870, telephone (419) 625-3834, email jangstadt@sanduskylib.org, by September 10, 2020. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Aboriginal Land Tribes may proceed.

The Sandusky Library is responsible for notifying The Consulted Tribes and The Invited Tribes that this notice has been published.

Dated: July 7, 2020.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2020-17485 Filed 8-10-20; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-WASO-NAGPRA-NPS0030602;
PPWOCRADN0-PCU00RP14.R50000]

Notice of Inventory Completion: Bruce Museum, Inc., Greenwich, CT

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Bruce Museum has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Bruce Museum. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Bruce Museum at the

address in this notice by September 10, 2020.

ADDRESSES: Kirsten J. Reinhardt, NAGPRA Coordinator, Bruce Museum Inc., 1 Museum Drive, Greenwich, CT 06830, telephone (203) 413-6770, email kreinhardt@brucemuseum.org.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Bruce Museum Inc., Greenwich, CT. The human remains and associated funerary objects were removed from Terra Ceia Bay Shore Site, Manatee County, FL.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Bruce Museum professional staff in consultation with representatives of the Miccosukee Tribe of Indians and the Seminole Tribe of Florida (previously listed as Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)).

History and Description of the Remains

In 1894-95, human remains representing, at minimum, one individual were removed from a site on the eastern shore of Terra Ceia Bay, across from Terra Ceia Island, in present-day Palm View, Manatee County, FL. Edward S. Hubbard, founder of the East Coast Railroad, collected the human remains, and Wilbur F. Smith, of Norwalk, CT, collected the associated funerary objects. In 1937, Hubbard transferred the human remains to Smith, and in 1938, Smith donated the human remains to the Bruce Museum. Smith transferred the associated funerary objects to the Bruce Museum through donations in 1938 and 1940. In a 1937 letter to Bruce Museum curator Paul G. Howes, Smith described the site as a burial mound about twenty feet across and four feet high, which had been constructed with pure white sand that must have been imported from miles away, as there was no similar sand in

the vicinity. Smith also wrote, "From my study the mound was one of the Calusa Indians, the tribe that inhabited the Tampa Bay region and were very numerous at the time the Spaniards discovered the country in the middle 1500s and later exterminated the Indians." The mound was leveled when the land was made part of the Palm View development during the "Florida Boom."

The human remains were determined to be Native American by Connecticut State Archaeologist, Nicholas Bellantoni, who performed a skeletal and dentition analysis on October 25, 1995, together with Ed Sarabia, Tlingit, Indian Affairs Coordinator, Connecticut Commission on Indian Affairs. The human remains are comprised of a cranium belonging to a female 20-30 years old, based on dentition. Parts of the right condial, left coronoid process, and left and right zygomatic arches were restored with red "Marblex," and the mandible was reconstructed and reattached to the restored skull at the Bruce Museum in 1938, by curator Paul G. Howes. No known individual was identified. The 20 associated funerary objects are four strands of glass beads of various color and shape; one strand of brown and white puka shell beads; four loose blue glass beads; one large clear, faceted glass bead; one large black, faceted button; one single slot brass bell; and eight pottery sherds.

The exact date or period associated with the site is unknown, as few reliable temporal indicators were recovered or recorded. Nonetheless, the presence of European trade goods, St. Johns Checked pottery, and Safety Harbor Incised pottery suggests a Woodland/Mississippian-into-early Historic designation.

Geographical, archeological, historical, and legal information, in addition to the known historical presence of the Seminole Tribe of Florida in the area encompassing the State of Florida, support a relationship of shared group identity which can be reasonably traced between the present-day Seminole Tribe of Florida and the pre-contact tribes who established tribal towns recorded by European explorers in the region of present-day Manatee and Seminole Counties.

Determinations Made by the Bruce Museum, Inc.

Officials of the Bruce Museum, Inc. have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.

- Pursuant to 25 U.S.C. 3001(3)(A), the 20 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.

- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Seminole Tribe of Florida (previously listed as Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)).

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Kirsten J. Reinhardt, NAGPRA Coordinator, Bruce Museum Inc., 1 Museum Drive, Greenwich, CT 06830, telephone (203) 413-6770, email kreinhardt@brucemuseum.org, by September 10, 2020. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Seminole Tribe of Florida (previously listed as Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)) may proceed.

The Bruce Museum, Inc. is responsible for notifying the Miccosukee Tribe of Indians and the Seminole Tribe of Florida (previously listed as Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)) that this notice has been published.

Dated: July 7, 2020.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2020-17489 Filed 8-10-20; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-WASO-NAGPRA-NPS0030597;
PPWOCRADN0-PCU00RP14.R50000]

Notice of Inventory Completion: Bruce Museum, Inc., Greenwich, CT

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Bruce Museum has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate

Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Bruce Museum. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Bruce Museum at the address in this notice by September 10, 2020.

ADDRESSES: Kirsten J. Reinhardt, NAGPRA Coordinator, Bruce Museum Inc., 1 Museum Drive, Greenwich, CT 06830, telephone (203) 413-6770, email kreinhardt@brucemuseum.org.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Bruce Museum Inc., Greenwich, CT. The human remains and associated funerary objects were removed from the Cobb Island Drive Site, Greenwich Municipal Building Site, and the Gravel Pit Old Greenwich Site, Fairfield County, CT.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Bruce Museum professional staff in consultation with representatives of the Delaware Nation, Oklahoma; Delaware Tribe of Indians; Mashantucket Pequot

Indian Tribe (previously listed as Mashantucket Pequot Tribe of Connecticut); Mohegan Tribe of Indians of Connecticut (previously listed as Mohegan Indian Tribe of Connecticut); and the Narragansett Indian Tribe (hereafter referred to as "The Consulted Tribes").

History and Description of the Remains

In 1927, human remains representing, at minimum, seven individuals were removed from the Cobb Island Drive Site in Fairfield, CT, by Paul G. Howes. Howes, a curator at the Bruce Museum, examined local earth-moving construction projects after the initial digging was complete, where "unearthed in shallow ground 2½ feet deep, at Cos Cob, all pieces of bones and parts of several skulls, including infants and some deer bone were found together helter skelter" (Bruce Museum accession card number 6795). Howes described an "Extensive collection (four boxes) of badly deteriorated and incomplete human skeletal remains representing a woman and a child, possibly others, recovered from a shallow, 2'6" to 4' deep pit that also contained crushed white-tailed deer bones" (Bruce Museum exhibition label, c. 1927). Another label reads, "This badly broken cranium was found two feet below the surface at Cos Cob Connecticut in May, 1927. A few of the fragments have been fitted together showing a long narrow skull, the shape of which is doubtless due in part to pressure after burial. The skull is that of a female considerably younger than the Old Greenwich (Gravel Pit, Old Greenwich Site) find and was possibly an Indian burial." It appears that Howes returned to the site ten years later. Another exhibition label, c. 1938 reads, "The incomplete skeleton shown here is that of a woman. The bones were unearthed at Cos Cob in October 1937 and they are very old, so old indeed that it was necessary to especially treat them to prevent their eventual falling to pieces. They were in a shallow grave (four feet) and with them were other bones, some of the white-tailed deer and other mammals; others were human remains from which the frontal part of a child's skull was reconstructed."

The seven individuals include one probable male, 30-40 years old; one probable female, 20-25 years old; one probable male, 20-30 years old; one female, 15-20 years old; one female, 18-22 years old; one infant, one-to-two years old; and one infant one-and-a-half to two years old of indeterminate sex. No known individuals were identified. No associated funerary objects are present.

In 1959, human remains representing, at minimum, six individuals were removed from the Greenwich Municipal Building Site, in Fairfield, CT. The human remains were discovered and brought to the Bruce Museum by four boys, ages 12–15, Archie and Barry Walker, Eugene Angeley, and Charles Stumps. The exact location of burial site is unknown, but it is believed to be in the vicinity of the Town of Greenwich Department of Parks & Recreation storage facility building (built before 1951), located west of Indian Field Road and north of Davis Avenue, and in the public space known as Bruce Park. An accession record reads, “These bones, evidently parts of at least two skeletons were found on a dump (in) back of Building Department Work Shop. Evidently a disturbed burying ground and probably Indian, pierced shells and worn end of stone pestle having been found close to the remains by these boys.” Whether the human remains were unearthed elsewhere and dumped on this site, or were actually unearthed at the site is not clear. Although no record of a Town of Greenwich Building Department Work Shop exists, the Town of Greenwich Department of Parks & Recreation storage facility building in Bruce Park is still used as a dump site for soil.

The human remains include one probable female, 20–25 years old; two adolescents 9–10 years old of indeterminate sex; one probable male, 18–20 years old; one probable male, age unknown; and one possible female, 9–10 years old. No known individuals were identified. The seven associated funerary objects are three pierced oyster shells, two pierced clam shells, one basalt adze fragment, and one granite cobble.

In July 1936, human remains representing, at minimum, one individual were removed from the Gravel Pit Old Greenwich Site, in Fairfield County, CT. A steam shovel working in a gravel pit exposed the human remains of one partial human skull and possibly a kitchen midden or refuse pit. As reported by Bernard W. Powell (Bulletin of the Massachusetts Archaeological Society, Vol. 23, No. 2, January 1962, p. 28): “Workmen accidentally uncovered the burial while stripping gravel and turned the skull over to local police. After a lapse of some days, the find was brought to the attention of P.G. Howes, Curator of Bruce Museum. Together with P.T. Jones, (Bruce Museum custodian/caretaker) he went to the site and attempted to recover whatever else might be disclosed. Unfortunately, finds were minimal since most material had

by then been removed . . . H.L. Shapiro of the American Museum of Natural History subsequently examined the cranium, and Howes quotes him as having said that such an angular, flat-sided skull with pentagonal shaped roof is characteristic of Indians, but Shapiro would not say positively that the find was Indian. The record concluded that the burial was evidently about 3½’ deep in glacial sands and gravel, and was evidently a midden type interment.” Howes reported on an accession card that “the find was worked for days, but only the above items were recovered.” Howes indicated that the shells and quartz chips were “associated with the burial.”

The human remains are of a probable male, 40–50 years old. No known individuals were identified. The six associated funerary objects are one lot of common slipper shells/fragments, one lot of scallop shells/fragments, one lot of hard shell clams/fragments; one lot of softshell clams/fragments, one lot of oyster fragments, and one lot of quartz debitage.

All the human remains in this notice were determined to be Native American by Connecticut State Archaeologist, Nicholas Bellantoni, who with Ed Sarabia, Tlingit, Indian Affairs Coordinator, Connecticut Commission on Indian Affairs, performed a skeletal and dentition analysis on October 25, 1995. The period associated with these three sites is unknown, as no reliable temporal indicators were recovered or recorded. An absence of pottery suggests a Late Archaic designation, but no other diagnostic artifacts were recovered to provide confirmation. Published site reports include historical references to Native American peoples in this area (Suggs 1956; Powell 1958; Wiegand 1987; and Snow 1980:319–335).

The historical presence of both the Mashantucket Pequot and Mohegan Tribes in the area now encompassed within the State of Connecticut is known. Also, geographical, folkloric, oral traditional, and historical information support a relationship of shared group identity which can be reasonably traced between the present-day Mashantucket Pequot and Mohegan Tribes and the pre-contact Eastern Lenni Lenape who inhabited the region which includes the present Town of Greenwich. As presented in *The Lasting of the Mohegans Part I: The Story of the Wolf People* (1995) by Melissa Jane Fawcett, a Mohegan Tribal Historian, tribal tradition recounts the origin story of the Mohegan as one of the three original Lenni Lenape clans. Recounted in the Tale of Chahnameed, the Wolf Clan (known as the Mohiksinnug or

Mohegans) eventually migrated to upstate New York, “moved to the Connecticut coast, where they were named Pequotaug, translated as “Invaders.” The name was eventually shortened to Pequot and adopted by the Mohegans for regular use.”

Determinations Made by the Bruce Museum, Inc.

Officials of the Bruce Museum, Inc. have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 14 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 13 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Mashantucket Pequot Indian Tribe (previously listed as Mashantucket Pequot Tribe of Connecticut) and the Mohegan Tribe of Indians of Connecticut (previously listed as Mohegan Indian Tribe of Connecticut), hereafter referred to as “The Tribes.”

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request Kirsten J. Reinhardt, NAGPRA Coordinator, Bruce Museum Inc., 1 Museum Drive, Greenwich, CT 06830, telephone (914) 671–9321, email kreinhardt@brucemuseum.org, by September 10, 2020. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Tribes may proceed.

The Bruce Museum, Inc. is responsible for notifying The Consulted Tribes that this notice has been published.

Dated: July 7, 2020.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2020–17487 Filed 8–10–20; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR**Office of Natural Resources Revenue**

[Docket No. ONRR–2011–0012; DS63644000 DRT000000.CH7000 201D1113RT]

Major Portion Prices and Due Date for Additional Royalty Payments on Indian Gas Production in Designated Areas Not Associated With an Index Zone; Correction

AGENCY: Office of Natural Resources Revenue, Interior.

ACTION: Notice; correction.

SUMMARY: On August 4, 2020, the Office of Natural Resources Revenue (ONRR) published in the **Federal Register** a document that announced calendar year 2018's major portion prices for Indian leases and the due date for industry to pay additional royalties based on major portion prices. The document incorrectly stated in the **DATES** section that the due date to pay additional royalties is October 5, 2020 when it should have stated that the due date is October 31, 2020.

FOR FURTHER INFORMATION CONTACT: Luis Aguilar, (303) 231–3418.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of August 4, 2020, in FR Doc Number 2020–16902, on page 47240 (85 FR 47240), in the third column, correct the **DATES** caption to read:

DATES: The due date to pay additional royalties based on the major portion prices is October 31, 2020.

Kimbra G. Davis,
Director, Office of Natural Resources Revenue.

[FR Doc. 2020–17514 Filed 8–10–20; 8:45 am]

BILLING CODE 4335–30–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1210]

Certain Wrapping Material and Methods for Use in Agricultural Applications; Notice of Institution

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on July 7, 2020, under the Tariff Act of 1930, as amended, on behalf of Tama Group of Israel and Tama USA Inc. of Dubuque, Iowa. Supplements to the complaint

were filed on July 10 and 13, 2020. The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain wrapping material and methods for use in agricultural applications by reason of infringement of U.S. Patent No. 6,787,209 (“the ‘209 Patent”). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, as supplemented, except for any confidential information contained therein, may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>.

FOR FURTHER INFORMATION CONTACT: Katherine Hiner, Office of Docket Services, U.S. International Trade Commission, telephone (202) 205–1802.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission’s Rules of Practice and Procedure, 19 CFR 210.10 (2020).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on August 5, 2020, *ordered that—*

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1, 2, 4–16, 18, 28, 32, 33, and 35–45 of the ‘209 Patent, and whether an industry in

the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission’s Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is “wrapping material and/or methods of wrapping that are used for wrapping bales of cotton and are used exclusively in connection with Deere Machines”;

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

Tama Group, Kibbutz Mishmar HaEmek, 1923600 Israel.

Tama USA Inc., P.O. Box 506, Dubuque, Iowa 52004.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Zhejiang Yajia Cotton Picker Parts Co., Ltd., 18 Sanfeng Road, Diankou Town, Zhuji City, 311835 Zhejiang, China.

Southern Marketing Affiliates, Inc., 2623 Commerce Drive, Jonesboro, AR 72401.

Hai'an Xin Fu Yuan of Agricultural, Science and Technology Co., Ltd., 59 Kaiyuan North Road, Haian, Nantong, Jiangsu 226600, China.

Gosun Business Development Co. Ltd., 12922 Oak Road, Grande Prairie AB T8V 4N1, Canada.

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not participate as a party in this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission’s Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), as amended in 85 FR 15798 (March 19, 2020), such responses will be considered by the Commission if received not later than 20 days after the date of service by the complainant of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the

complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: August 5, 2020.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2020-17465 Filed 8-10-20; 8:45 am]

BILLING CODE 7020-02-P

JUDICIAL CONFERENCE OF THE UNITED STATES

Advisory Committees on Appellate, Bankruptcy, Civil, and Criminal Rules; Hearings of the Judicial Conference

AGENCY: Judicial Conference of the United States, Advisory Committees on the Federal Rules of Appellate, Bankruptcy, Civil, and Criminal Procedure.

ACTION: Notice of proposed amendments and open hearings.

SUMMARY: The Advisory Committees on Appellate, Bankruptcy, Civil, and Criminal Rules have proposed amendments to the following rules: Appellate Rule: 25

Bankruptcy Rules: Restyled Rules Parts I and II; Rules 1007, 1020, 2009, 2012, 2015, 3002, 3010, 3011, 3014, 3016, 3017.1, 3017.2 (new), 3018, 3019, 5005, 7004, and 8023; and Official Forms 101, 122B, 201, 309E-1, 309E-2, 309F-1, 309F-2, 314, 315, and 425A

Civil Rules: Rule 12 and Supplemental Rules for Social Security Review Actions Under 42 U.S.C. 405(g)

Criminal Rule: 16

The text of the proposed rules and the accompanying committee notes, along with the related forms, will be posted by August 14, 2020, on the Judiciary's website at: <http://www.uscourts.gov/rules-policies/proposed-amendments-published-public-comment>.

All written comments and suggestions with respect to the proposed amendments may be submitted on or after the opening of the period for public comment on August 14, 2020, but no later than February 16, 2021.

Written comments must be submitted electronically, following the instructions provided on the website. All comments submitted will be posted on the website and available to the public.

Remote public hearings via video or telephone conference are scheduled on the proposed amendments as follows:

- Appellate Rules on October 19, 2020 and January 4, 2021;
- Bankruptcy Rules on January 7, 2021 and January 29, 2021;
- Civil Rules on November 10, 2020 and January 22, 2021; and
- Criminal Rules on November 4, 2020 and January 25, 2021.

Those wishing to testify must contact the Secretary of the Committee on Rules of Practice and Procedure by email at: RulesCommittee_Secretary@ao.uscourts.gov, at least 30 days before the hearing.

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 5, 2020.

Shelly L. Cox,

Rules Committee Staff.

[FR Doc. 2020-17458 Filed 8-10-20; 8:45 am]

BILLING CODE 2210-55-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA-700]

Importer of Controlled Substances Application: Cambrex High Point, Inc.

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Cambrex High Point, Inc. applied to be registered as an importer of the following basic class(es) of a controlled substance: Poppy Straw Concentrate.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before September 10, 2020. Such persons may also file a written request for a hearing on the application on or before September 10, 2020.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152. All requests for a hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrisette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrisette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on July 15, 2020, Cambrex High Point, Inc., 4180 Mendenhall Oaks Parkway, High Point, North Carolina 27265-8017, applied to be registered as an importer of the following basic class(es) of a controlled substance:

Controlled substance	Drug code	Schedule
Poppy Straw Concentrate.	9670	II

The company plans to import the listed controlled substance for research purposes.

William T. McDermott,

Assistant Administrator.

[FR Doc. 2020-17436 Filed 8-10-20; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA-698]

Bulk Manufacturer of Controlled Substances Application: Cedarburg Pharmaceuticals

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Cedarburg Pharmaceuticals applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substances: Tetrahydrocannabinol, Methylphenidate, Nabilone, 4-Anilino-N-phenethyl-4-piperidine (ANPP), and Fentanyl.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before October 13, 2020.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.33(a), this is notice that on June 24, 2020, Cedarburg Pharmaceuticals, 870 Badger Circle, Grafton, Wisconsin 53024-0000, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substances:

Controlled substance	Drug code	Schedule
Tetrahydrocannabinols ..	7370	I
Methylphenidate	1724	II
Nabilone	7379	II
4-Anilino-N-phenethyl-4-piperidine (ANPP).	8333	II
Fentanyl	9801	II

The company plans to manufacture bulk active pharmaceutical ingredients (API) for distribution to its customers. In reference to drug code 7370 (Tetrahydrocannabinols) the company plans to bulk manufacture as synthetic. No other activity for this drug code is authorized for this registration.

William T. McDermott,
Assistant Administrator.

[FR Doc. 2020-17434 Filed 8-10-20; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA-695]

Importer of Controlled Substances Application: Epic Pharma, LLC

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Epic Pharma, LLC applied to be registered as an importer of the following basic class(es) of a controlled substance: Methadone.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before September 10, 2020. Such persons may also file a written request for a hearing on the application on or before September 10, 2020.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia

22152. All requests for a hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrisette Drive, Springfield, Virginia 22152. All request for a hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrisette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on July 10, 2020, Epic Pharma, LLC, 227-15 North Conduit Avenue, Laurelton, New York 11413 applied to be registered as an importer of the following basic class(es) of a controlled substance:

Controlled substance	Drug code	Schedule
Methadone	9250	II

The company plans to import the listed controlled substance for research and analytical purposes.

William T. McDermott,
Assistant Administrator.

[FR Doc. 2020-17432 Filed 8-10-20; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA-701]

Bulk Manufacturer of Controlled Substances Application: Purisys, LLC

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Purisys, LLC applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substances: Lysergic acid diethylamide and Pentobarbital.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before October 13, 2020.

ADDRESS: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.33(a), this is notice that on July 15, 2020, Purisys,

LLC, 1550 Olympic Drive, Athens, Georgia 30601-1602, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substances:

Controlled substance	Drug code	Schedule
Lysergic acid diethylamide.	7315	I
Pentobarbital	2270	II

The company plans to manufacture the above-listed controlled substances as analytical reference standards and clinical trial material for distribution to its customers. No other activities for these drug codes are authorized for this registration.

William T. McDermott,
Assistant Administrator.

[FR Doc. 2020-17438 Filed 8-10-20; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA-697]

Importer of Controlled Substances Application: GE Healthcare

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: GE Healthcare applied to be registered as an importer of the following basic class(es) of a controlled substance: Cocaine.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before September 10, 2020. Such persons may also file a written request for a hearing on the application on or before September 10, 2020.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152. All requests for a hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrisette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrisette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on July 20, 2020, GE Healthcare, 3350 North Ridge Avenue, Arlington Heights, Illinois 60004-1412, applied to be registered as an importer of the following basic class(es) of a controlled substance:

Controlled substance	Drug code	Schedule
Cocaine	9041	II

The company plans to import small quantities of Ioflupane, in the form of three separate analogues of cocaine, to validate production and quality control systems, for a reference standard, and for producing material for a future investigational new drug submission. Supplies of this particular controlled substances are not available in the form needed within the current domestic supply of the United States.

William T. McDermott,

Assistant Administrator.

[FR Doc. 2020-17437 Filed 8-10-20; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA-696]

Importer of Controlled Substances Application: Catalent CTS, LLC

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Catalent, CTS LLC applied to be registered as an importer of the following basic class(es) of controlled substances: Gamma Hydroxybutyric Acid, Marihuana Extract, Marihuana, and Tetrahydrocannabinols.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before September 10, 2020. Such persons may also file a written request for a hearing on the application on or before September 10, 2020.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152. All requests for a hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrisette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: (1) Drug

Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrisette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on July 17, 2020, Catalent, CTS LLC, 10245 Hickman Mills Drive, Kansas City, Missouri 64137, applied to be registered as an importer of the following basic class(es) of controlled substances:

Controlled substance	Drug code	Schedule
Gamma Hydroxybutyric Acid.	2010	I
Marihuana Extract	7350	I
Marihuana	7360	I
Tetrahydrocannabinols	7370	I

The company plans to import finished dosage unit products containing Gamma-Hydroxybutyric Acid and Marihuana Extracts for clinical trial studies. These Marihuana Extracts compounds are listed under drug code 7350. No other activity for these drug codes is authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of FDA-approved or non-approved finished dosage forms for commercial sale.

William T. McDermott,

Assistant Administrator.

[FR Doc. 2020-17435 Filed 8-10-20; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Mark D. Beale, M.D.; Decision and Order

On May 14, 2019, the Assistant Administrator, Diversion Control Division, Drug Enforcement Administration (hereinafter, DEA or Government), issued an Order to Show Cause (hereinafter, OSC) to Mark D. Beale, M.D. (hereinafter, Registrant) of Las Cruces, New Mexico. OSC, at 1. The OSC proposed the revocation of Registrant's Certificate of Registration No. FB0178194. *Id.* It alleged that Registrant has "no state authority to handle controlled substances." *Id.* (citing 21 U.S.C. 824(a)(3)).

Specifically, the OSC alleged that, "[o]n April 17, 2019, the New Mexico

Medical Board (hereinafter, NMMB) summarily suspended . . . [Registrant's] medical license." OSC, at 2. The OSC concluded that "DEA must revoke . . . [Registrant's] registration based on . . . [his] lack of authority to handle controlled substances in the State of New Mexico." *Id.*

The OSC notified Registrant of the right to request a hearing on the allegations or to submit a written statement, while waiving the right to a hearing, the procedures for electing each option, and the consequences for failing to elect either option. *Id.* (citing 21 CFR 1301.43). The OSC also notified Registrant of the opportunity to submit a corrective action plan. OSC, at 3 (citing 21 U.S.C. 824(c)(2)(C)).

Adequacy of Service

In a sworn Declaration dated January 17, 2020, a DEA Diversion Investigator assigned to the El Paso Division (hereinafter, EPDI) stated that she attempted personal service of the OSC on Registrant at his medical practice and at his residence on multiple occasions. Request for Final Agency Action, dated January 17, 2020 (hereinafter, RFAA), Exhibit (hereinafter, EX) 5 (Declaration of Attempted Service of Order to Show Cause, dated January 17, 2020), at 1-3. For the last attempt, EPDI was accompanied by two DEA Special Agents. *Id.* at 3. None of the attempts was successful. *Id.*

EPDI's Declaration also describes her attempts to reach Registrant by telephone. *Id.* at 2. Due to these attempts, EPDI succeeded in speaking with Registrant's wife. *Id.* Registrant's wife told EPDI that their attorney was handling the matter. *Id.* EPDI contacted the attorney whose name Registrant's wife gave her. *Id.* This attorney, however, stated that "he is only handling Registrant's criminal matter." *Id.*

EPDI's Declaration details multiple instances of her transmitting the OSC to Registrant by mail. *Id.* at 2-3. Two of the mailings, one to Registrant's registered address and one to his residential address, were transmitted through the United States Postal Service (hereinafter, USPS) by prepaid postage and return receipt requested. *Id.* at 2. The mailing to Registrant's registered address was returned "with a label stating 'RETURN TO SENDER UNCLAIMED UNABLE TO FORWARD.'" *Id.* Neither the mailing to Registrant's residence, nor the return receipt request attached to it, was returned. *Id.*

EPDI's Declaration states that she attempted to serve the OSC on

Registrant by Federal Express mail delivery directed to his registered address. *Id.* at 3. The “stickers on the returned package,” according to EPDI’s Declaration, “indicate that FedEx unsuccessfully attempted delivery of the package” on four dates. *Id.*

According to EPDI’s Declaration, she mailed the OSC to Registrant at his residence by USPS first-class mail, postage prepaid. *Id.* EPDI stated that this letter was not returned. *Id.*

Finally, EPDI stated that she emailed the OSC to Registrant at the email address Registrant provided for his registration. *Id.* The email “did not bounce back as ‘undeliverable’ and no response was received.” EPDI stated. *Id.*

Based on EPDI’s Declaration, the Government’s written representations, and my review of the record, I find that the Government’s service of the OSC on Registrant was legally sufficient.¹ According to the Supreme Court, “due process does not require actual notice.”² *Jones v. Flowers*, 547 U.S. 220, 225 (2006) (citing *Dusenbery v. United States*, 534 U.S. 161, 170 (2002)). Instead, the Court has repeatedly stated that, “due process requires the government to provide ‘notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.’” *Jones v. Flowers*, 547 U.S. at 226 (citing *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950)). Moreover, “the Due Process Clause does not require . . . heroic efforts by the government” to find Registrant. *Dusenbery*, 534 U.S. at 170.

Here, the Government made three attempts to accomplish personal service of the OSC on Registrant. RFAA, EX 5, at 1–3. In addition, the Government mailed the OSC to Registrant numerous times utilizing USPS and Federal Express, and directed to his registered address, his “mail to” address, and his residence. RFAA, EX 5, at 2–3; RFAA, EX 6, at 1. The Government also emailed the OSC to the email address Registrant had provided DEA. RFAA, EX 5, at 3. I find, therefore, that the Government’s service efforts were reasonably calculated under all of the circumstances to apprise Registrant of

the OSC and to afford him an opportunity to present his objections.

I also find that more than thirty days have now passed since the Government’s legally sufficient service of the OSC. Further, based on the Government’s written representations and my review of the record, I find that neither Registrant, nor anyone purporting to represent Registrant, requested a hearing, submitted a written statement while waiving Registrant’s right to a hearing, or submitted a corrective action plan. RFAA, at 2. Accordingly, I find that Registrant has waived his right to a hearing, to submit a written statement, and to submit a corrective action plan. 21 CFR 1301.43; 21 U.S.C. 824(c)(2)(C). I, therefore, issue this Decision and Order based on the record submitted by the Government, which constitutes the entire record before me. 21 CFR 1301.43(e). I make the following findings.

Findings of Fact

Registrant’s DEA Registration

Registrant is the holder of DEA Certificate of Registration No. FB0178194 at the registered address of 133 Wyatt Street, Suite 9, Las Cruces, New Mexico 88005 and the mail-to address of P.O. Box 13462, Las Cruces, New Mexico 88013. RFAA, EX 1 (Certification of Registration History for DEA No. FB0178194, dated May 16, 2019), at 1. Pursuant to this registration, Registrant is authorized to dispense controlled substances in schedules II through V as a practitioner. *Id.* Registrant’s registration expires on July 31, 2021. *Id.*

The Status of Registrant’s State License and Registration

The RFAA includes evidence in the form of a NMMB document concerning Registrant and his Medical License No. 93–208, entitled “Decision and Order Revoking Respondent’s License.” RFAA, EX 4 (NMMB Certified Decision and Order Revoking Respondent’s License, dated July 2, 2019 (hereinafter, Revocation Order)), at 1. According to the Revocation Order, Registrant “failed to request a hearing on the Notice of Contemplated Action [NCA] . . . issued by the . . . [NMMB] on April 28, 2019, within the twenty days allowed by Section 61–1–4(D)(3) of the Uniform Licensing Act.” *Id.* It explained that the failure to request a hearing allows the NMMB “to revoke . . . [Registrant’s] license based on the un rebutted and unexplained allegations contained in the NCA.” *Id.* Accordingly, the Revocation Order revoked Registrant’s New Mexico medical license, adding

that “this Order is not subject to judicial review.” *Id.*

According to New Mexico’s online records, of which I take official notice, Registrant’s Medical License No. 93–208 is revoked.³ New Mexico Medical Board Physician Profile, docfinder.docboard.org/nm/ (last visited July 21, 2020). As such, I find that Registrant’s New Mexico medical license remains revoked.

Further, according to other online records of New Mexico, of which I take official notice, Registrant’s Controlled Substance License No. CS00016359 is expired.⁴ New Mexico Regulation and Licensing Web Lookup/Verification, <http://verification.rld.state.nm.us> (last visited July 21, 2020). Accordingly, I find that Registrant currently has neither an active medical license nor an active controlled substance license in New Mexico.

Discussion

Pursuant to 21 U.S.C. 824(a)(3), the Attorney General is authorized to suspend or revoke a registration issued under section 823 of the CSA “upon a finding that the registrant . . . has had his State license or registration suspended . . . [or] revoked . . . by competent State authority and is no longer authorized by State law to engage in the . . . dispensing of controlled substances.” With respect to a practitioner, DEA has also long held that the possession of authority to dispense controlled substances under the laws of the state in which a practitioner engages in professional practice is a fundamental condition for obtaining and maintaining a practitioner’s registration. *See, e.g., James L. Hooper,*

³ Under the Administrative Procedure Act, an agency “may take official notice of facts at any stage in a proceeding—even in the final decision.” United States Department of Justice, Attorney General’s Manual on the Administrative Procedure Act 80 (1947) (Wm. W. Gaunt & Sons, Inc., Reprint 1979). Pursuant to 5 U.S.C. 556(e), “[w]hen an agency decision rests on official notice of a material fact not appearing in the evidence in the record, a party is entitled, on timely request, to an opportunity to show the contrary.” Accordingly, Applicant may dispute my finding by filing a properly supported motion for reconsideration of finding of fact within fifteen calendar days of the date of this Order. Any such motion shall be filed with the Office of the Administrator and a copy shall be served on the Government. In the event Applicant files a motion, the Government shall have fifteen calendar days to file a response. Any such motion and response shall be filed and served by email on the other party at the email address the party submitted for receipt of communications related to this administrative proceeding, and on the Office of the Administrator, Drug Enforcement Administration at dea.addo.attorneys@dea.usdoj.gov.

⁴ See footnote 3. If Registrant disputes this finding, he may do so according to the terms stated in footnote 3.

¹ The RFAA also includes evidence that personnel working at the DEA Office of Chief Counsel mailed a copy of the OSC by first-class USPS mail to Registrant at his registered address and his mail-to address. RFAA, at 2; RFAA, EX 6 (Declaration of Service of Order to Show Cause, dated December 10, 2019), at 1.

² Nevertheless, I note that only three of the Government’s multiple attempts to provide notice by mail were clearly ineffective; the others may very well have been effective.

M.D., 76 FR 71,371 (2011), *pet. for rev. denied*, 481 F. App'x 826 (4th Cir. 2012); *Frederick Marsh Blanton, M.D.*, 43 FR 27,616, 27,617 (1978).

This rule derives from the text of two provisions of the CSA. First, Congress defined the term “practitioner” to mean “a physician . . . or other person licensed, registered, or otherwise permitted, by . . . the jurisdiction in which he practices . . . , to distribute, dispense, . . . [or] administer . . . a controlled substance in the course of professional practice.” 21 U.S.C. 802(21). Second, in setting the requirements for obtaining a practitioner’s registration, Congress directed that “[t]he Attorney General shall register practitioners . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.” 21 U.S.C. 823(f). Because Congress has clearly mandated that a practitioner possess state authority in order to be deemed a practitioner under the CSA, DEA has held repeatedly that revocation of a practitioner’s registration is the appropriate sanction whenever he is no longer authorized to dispense controlled substances under the laws of the state in which he practices. *See, e.g., James L. Hooper, M.D.*, 76 FR at 71,371–72; *Sheran Arden Yeates, M.D.*, 71 FR 39,130, 39,131 (2006); *Dominick A. Ricci, M.D.*, 58 FR 51,104, 51,105 (1993); *Bobby Watts, M.D.*, 53 FR 11,919, 11,920 (1988); *Frederick Marsh Blanton, M.D.*, 43 FR at 27,617.

According to New Mexico statute, “A person who . . . dispenses a controlled substance or who proposes to engage in the . . . dispensing of a controlled substance shall obtain a registration issued by the board in accordance with its regulations.” N.M. Stat. Ann. § 30–31–12(A) (West, current with 2020 Regular Session laws in effect through May 20, 2020). In turn, “dispense” means “to deliver a controlled substance to an ultimate user . . . pursuant to the lawful order of a practitioner.” N.M. Stat. Ann. § 30–31–2(H) (West, current with 2020 Regular Session laws in effect through May 20, 2020). Further, “practitioner” means a “physician . . . licensed or certified to prescribe and administer drugs that are subject to the Controlled Substances Act.” N.M. Stat. Ann. § 30–31–2(S) (West, current with 2020 Regular Session laws in effect through May 20, 2020).

Here, the undisputed evidence in the record is that Registrant’s license to practice medicine is revoked. As such, he is not a “practitioner,” a physician licensed or certified to prescribe a controlled substance according to New

Mexico law. Further, under New Mexico law, a person who dispenses a controlled substance in New Mexico must be registered. The undisputed record evidence is that Registrant’s New Mexico controlled substance license is expired.

For all of these reasons, Registrant lacks authority to practice medicine and prescribe controlled substances in New Mexico. Accordingly, I will order that Registrant’s DEA registration be revoked.

Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a), I hereby revoke DEA Certificate of Registration No. FB0178194 issued to Mark D. Beale, M.D. This Order is effective September 10, 2020.

Timothy J. Shea,

Acting Administrator.

[FR Doc. 2020–17448 Filed 8–10–20; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–693]

Bulk Manufacturer of Controlled Substances Application: National Center for Natural Products Research NIDA MPROJECT

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before October 13, 2020.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.33(a), this is notice that on July 7, 2020, National Center for Natural Products Research National Institute of Drug Abuse (NIDA) MPROJECT, University of Mississippi, 135 Coy Waller Complex, P.O. Box 1848, University, Mississippi 36877–1848, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substances:

Controlled substance	Drug code	Schedule
Marijuana Extract	7350	I

Controlled substance	Drug code	Schedule
Marijuana	7360	I
Tetrahydrocannabinols ..	7370	I

The company plans to bulk manufacture the above-listed controlled substances to make a supply of marihuana available to the National Institute of Drug Abuse (NIDA) for distribution to research investigators in support of the national research program needs. No other activities for these drug codes are authorized for this registration.

William T. McDermott,

Assistant Administrator.

[FR Doc. 2020–17433 Filed 8–10–20; 8:45 am]

BILLING CODE P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[NOTICE: (20–067)]

Name of Information Collection: NASA Enterprise Salesforce COVID–19 Contact Tracing

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of information collection.

SUMMARY: The National Aeronautics and Space Administration, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections.

DATES: Comments are due by Monday, October 4, 2020.

ADDRESSES: All comments should be addressed to Roger Kantz, National Aeronautics and Space Administration, 300 E Street SW, Washington, DC 20546–0001.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Roger Kantz, NASA Clearance Officer, NASA Headquarters, 300 E Street SW, JF0000, Washington, DC 20546, 281–792–7885 or email Travis.Kantz@nasa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

The information will be used to determine whether NASA personnel have been exposed to the COVID–19 virus and to track and trace their interactions across the NASA community for identifying possible points of exposure.

Those individuals that volunteer, will be contacted by a NASA Contact Tracer, a to-be-designated NASA healthcare employee, and will be first read the privacy act, to understand their rights and what this information will be used for. Then they will be asked, orally, to confirm if they have symptoms or not (yes/no question). The Tracer will then enter that information, as well as the names, phone numbers, and emails of those they have been in contact with into the newly developed tracking and tracing digital application on NASA's enterprise solution, Salesforce.

While participation is voluntary, it is strongly encouraged as failure to provide the requested information may result in potential increased exposure of personnel to the virus.

NASA may share this information for authorized purposes with (1) private or other government health care providers or agencies for referral or special program responsibilities, and (2) other entities outlined under standard routine uses for all NASA systems of records.

II. Methods of Collection

The voluntary data is collected orally by a NASA Contact Tracer, a to-be-designated NASA healthcare employee, who will then enter all the information into the newly developed tracking and tracing digital application on NASA's enterprise solution, Salesforce.

The ability for the Tracer to keep records through this electronic method will ensure higher rate of inclusion and assists in the efficiency of the stages of report processing by human subject matter analysts.

III. Data

Title: NASA Enterprise Salesforce COVID-19 Contact Tracing.

OMB Number: 2700-0178.

Type of Review: New.

Affected Public: Individuals.

Estimated Annual Number of Activities: 5,400.

Estimated Number of Respondents per Activity: 1.

Annual Responses: 5,400.

Estimated Time per Response: 8 hours.

Estimated Total Annual Burden Hours: 43,200 hours.

Estimated Total Annual Cost: \$1,900,800.

IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden

(including hours and cost) of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including automated collection techniques or the use of other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. They will also become a matter of public record.

Roger Kantz,

NASA PRA Clearance Officer.

[FR Doc. 2020-17475 Filed 8-10-20; 8:45 am]

BILLING CODE 7510-13-P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request; NSF Surveys To Measure Customer Service Satisfaction

AGENCY: National Science Foundation.

ACTION: Submission for OMB Review; Comment Request.

SUMMARY: The National Science Foundation (NSF) has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1995. This is the second notice for public comment; the first was published in the **Federal Register**, and no comments were received. NSF is forwarding the proposed submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice.

DATES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT: Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314, or send email to splimpto@nsf.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including federal holidays).

Copies of the submission may be obtained by calling 703-292-7556.

SUPPLEMENTARY INFORMATION: NSF may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Title of Collection: NSF Surveys to Measure Customer Service Satisfaction.

OMB Number: 3145-0157.

Type of Request: Renewal without change of a new information collection.

Proposed project: On September 11, 1993, President Clinton issued Executive Order 12862, "Setting Customer Service Standards," which calls for Federal agencies to provide service that matches or exceeds the best service available in the private sector. Section 1(b) of that order requires agencies to "survey customers to determine the kind and quality of services they want and their level of satisfaction with existing services." The National Science Foundation (NSF) has an ongoing need to collect information from its customer community (primarily individuals and organizations engaged in science and engineering research and education) about the quality and kind of services it provides and use that information to help improve agency operations and services.

Estimate of Burden: The burden on the public will change according to the needs of each individual customer satisfaction survey; however, each survey is estimated to take approximately 30 minutes per response.

Respondents: Will vary among individuals or households; business or other for-profit; not-for-profit institutions; farms; federal government; state, local or tribal governments.

Estimated Number of Responses per Survey: This will vary by survey.

Comments: Comments are invited 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) ways to enhance the quality, utility, and clarity of the information on respondents, including through the use of automated collection techniques or other forms of information technology; and (d) ways to minimize the burden of the collection of information on those who are to

respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Dated: August 6, 2020.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2020-17492 Filed 8-10-20; 8:45 am]

BILLING CODE 7555-01-P

NEIGHBORHOOD REINVESTMENT CORPORATION

Sunshine Act Meetings; Regular Board of Directors Meeting

TIME AND DATE: 2:00 p.m., Thursday, August 20, 2020.

PLACE: Via Conference Call.

STATUS: Open (with the exception of Executive Session).

MATTERS TO BE CONSIDERED: The General Counsel of the Corporation has certified that in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552(b)(2) and (4) permit closure of the following portion(s) of this meeting:

- Executive Session

Agenda

- I. Call to Order
- II. Executive Session: Report from CEO
- III. Executive Session: Report of CFO
- IV. Action Item Recognition of Service for Board Member McWatters
- V. Action Item Approval of Minutes
- VI. Action Item Capital Corporations—New Master Investment Agreement
- VII. Action Item FY12 Preliminary Spend Plan
- VIII. Discussion Item FY22 Budget Submission
- IX. Discussion Item Setting Board Meeting Schedule for Calendar Year 2021
- X. Management Program Background and Updates
- XI. Adjournment

CONTACT PERSON FOR MORE INFORMATION: Lakeyia Thompson, Special Assistant, (202) 524-9940; Lthompson@nw.org.

Lakeyia Thompson,
Special Assistant.

[FR Doc. 2020-17582 Filed 8-7-20; 11:15 am]

BILLING CODE 7570-02-P

NUCLEAR REGULATORY COMMISSION

[NRC-2020-0177]

Biweekly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

AGENCY: Nuclear Regulatory Commission.

ACTION: Biweekly notice.

SUMMARY: Pursuant to section 189.a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular biweekly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued, and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration (NSHC), notwithstanding the pendency before the Commission of a request for a hearing from any person. This biweekly notice includes all amendments issued, or proposed to be issued, from July 14, 2020, to July 27, 2020. The last biweekly notice was published on July 28, 2020.

DATES: Comments must be filed by September 10, 2020. A request for a hearing or petitions for leave to intervene must be filed by October 13, 2020.

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

- *Federal Rulemaking website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2020-0177. Address questions about NRC Docket IDs in *Regulations.gov* to Jennifer Borges; telephone: 301-287-9127; email: Jennifer.Borges@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Mail comments to:* Office of Administration, Mail Stop: TWFN-7-A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see “Obtaining Information and Submitting Comments” in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Shirley J. Rohrer, Office of Nuclear

Reactor Regulation, 301-415-5411, email: shirley.rohrer@nrc.gov, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC-2020-0177, facility name, unit number(s), docket number(s), application date, and subject, when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2020-0177.
- *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. The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

B. Submitting Comments

Please include Docket ID NRC-2020-0177, facility name, unit number(s), docket number(s), application date, and subject, in your comment submission.

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

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

II. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Proposed No Significant Hazards Consideration Determination

For the facility-specific amendment requests shown below, the Commission finds that the licensee's analyses provided, consistent with title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.91 is sufficient to support the proposed determination that these amendment requests involve NSHC. Under the Commission's regulations in 10 CFR 50.92, operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves NSHC. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. If the Commission takes action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. If the Commission makes a final NSHC determination, any hearing will take place after issuance. The Commission expects that the need to take action on an amendment before 60 days have elapsed will occur very infrequently.

A. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in

accordance with the Commission's "Agency Rules of Practice and Procedure" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's website at <https://www.nrc.gov/reading-rm/doc-collections/cfr/>. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d) the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions which the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the "Electronic Submissions (E-Filing)" section of this document.

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to establish when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission no later than 60 days from the date of publication of this notice. The petition must be filed in accordance with the filing instructions in the "Electronic Submissions (E-Filing)" section of this document, and should meet the requirements for petitions set forth in this section, except that under 10 CFR 2.309(h)(2) a State, local governmental body, or Federally-recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. Alternatively, a State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a hearing is granted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC website at <https://www.nrc.gov/site-help/e-submittals.html>. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at hearing.docket@nrc.gov, or by telephone at 301-415-1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate).

Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at <https://www.nrc.gov/site-help/e-submittals/getting-started.html>. Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public website at <https://www.nrc.gov/site-help/electronic-sub-ref-mat.html>. A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the "Contact Us" link located on the NRC's public website at <https://www.nrc.gov/site-help/e-submittals.html>, by email to MSHD.Resource@nrc.gov, or by a toll-free call at 1-866-672-7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class

mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at <https://adams.nrc.gov/ehd>, unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click "cancel" when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

The table below provides the plant name, docket number, date of application, ADAMS accession number, and location in the application of the licensee's proposed NSHC determination. For further details with respect to these license amendment applications, see the application for amendment which is available for public inspection in ADAMS. For additional direction on accessing

information related to this document, see the “Obtaining Information and Submitting Comments” section of this document.

Dominion Energy South Carolina, Inc.; Virgil C. Summer Nuclear Station, Unit 1, Fairfield County, SC

Docket No	50–395.
Application Date	June 4, 2020.
ADAMS Accession No. of Application	ML20156A303.
Location in Application of NSHC	Pages 5 and 6 of Attachment 1.
Brief Description of Amendments	The proposed amendment would revise Technical Specifications 6.9.1.11, “Core Operating Limits Report,” analytical methods Item (c) with the full spectrum loss of coolant accident analysis (FSLOCA) approach.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	William S. Blair, Senior Counsel, Dominion Energy, Inc., 120 Tredegar St., RS–2, Richmond, VA 23219.
NRC Project Manager, Telephone Number	Vaughn Thomas, 301–415–5897.

Energy Harbor Nuclear Corp.; Beaver Valley Power Station, Units 1 and 2; Beaver County, PA

Docket Nos	50–334, 50–412.
Application Date	June 23, 2020.
ADAMS Accession No. of Application	ML20176A431.
Location in Application of NSHC	Pages 15 and 16 of the Enclosure.
Brief Description of Amendments	The proposed amendments would correct nonconservative Technical Specification (TS) 3.2.1, “Heat Flux Hot Channel Factor Fq(Z),” to ensure plant operation would remain bounded by the facility safety analyses. The list of NRC-approved analytical methods for the core operating limits in TS 5.6.3, “Core Operating Limits Report (COLR),” paragraph b, would also be updated.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Rick Giannantonio, General Counsel, Energy Harbor Nuclear Corp., 168 E. Market Street, Akron, OH 44308–2014.
NRC Project Manager, Telephone Number	Jennifer Tobin, 301–415–2328.

Exelon FitzPatrick, LLC and Exelon Generation Company, LLC; James A FitzPatrick Nuclear Power Plant; LLC; Oswego County, NY

Docket No	50–333.
Application Date	June 30, 2020.
ADAMS Accession No. of Application	ML20182A161.
Location in Application of NSHC	Page 3 of Attachment 1.
Brief Description of Amendments	The proposed amendment would revise the FitzPatrick Technical Specifications (TSs) consistent with NRC-approved Industry Technical Specifications Task Force Change Traveler, TSTF–478–A, Revision 2, “BWR [Boiling Water Reactor] Technical Specification Changes that Implement the Revised Rule for Combustible Gas Control.” The availability of this TS improvement was published in the Federal Register on November 21, 2007, as part of the Consolidated Line Item Improvement Process (CLIP) (72 FR 65610).
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Donald P. Ferraro, Assistant General Counsel, Exelon Generation Company, LLC, 200 Exelon Way, Suite 305, Kennett Square, PA 19348.
NRC Project Manager, Telephone Number	Justin Poole, 301–415–2048.

Exelon Generation Company, LLC; Braidwood Station, Units 1 and 2, Will County, IL; Byron Station, Unit Nos. 1 and 2, Ogle County, IL

Docket Nos	50–454, 50–455, 50–456, 50–457.
Application Date	June 26, 2020.
ADAMS Accession No. of Application	ML20178A467.
Location in Application of NSHC	Pages 16–18 of Attachment 1.
Brief Description of Amendments	The proposed amendments would modify TS 3.8.1, “AC Sources-Operating,” to revise certain minimum and maximum voltage and frequency acceptance criteria for steady-state standby diesel generator surveillance testing.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Tamra Domeyer, Associate General Counsel, Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, IL 60555.
NRC Project Manager, Telephone Number	Joel Wiebe, 301–415–6606.

Southern Nuclear Operating Company, Inc.; Joseph M Farley Nuclear Plant, Units 1 and 2; Houston County, AL

Docket Nos	50–364, 50–348.
Application Date	June 18, 2020.
ADAMS Accession No. of Application	ML20170B114.

Location in Application of NSHC	Page E-23, E-24, and E-25 of Enclosure.
Brief Description of Amendments	The proposed amendment would modify the Farley licensing basis, by the addition of a License Condition, to allow for the implementation of the provisions of 10 CFR, Part 50.69, "Risk-Informed Categorization and Treatment of Structures, Systems and Components for Nuclear Power Reactors."
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Millicent Ronnlund, Vice President and General Counsel, Southern Nuclear Operating Co., Inc., P. O. Box 1295, Birmingham, AL 35201-1295.
NRC Project Manager, Telephone Number	Shawn Williams, 301-415-1009.

Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Units 3 and 4; Burke County, GA

Docket Nos	52-025, 52-026.
Application Date	June 19, 2020.
ADAMS Accession No. of Application	ML20171A563.
Location in Application of NSHC	Pages 14 and 15 of Enclosure 1.
Brief Description of Amendments	The requested amendment would revise Technical Specification (TS) 3.6.3, Containment Isolation Valves, and TS 3.6.9, Vacuum Relief Valves, to exclude the vacuum relief containment isolation valves from TS Limiting Condition for Operation 3.6.3 and address the containment isolation function, operability, Actions, and Surveillances in TS 3.6.9.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	M. Stanford Blanton, Balch & Bingham LLP, 1710 Sixth Avenue North, Birmingham, AL 35203-2015.
NRC Project Manager, Telephone Number	Alina Schiller, 301-415-8177.

Tennessee Valley Authority; Sequoyah Nuclear Plant, Units 1 and 2; Hamilton County, TN

Docket Nos	50-327, 50-328.
Application Date	June 12, 2020.
ADAMS Accession No. of Application	ML20164A270.
Location in Application of NSHC	E16, E17 of 18 of Enclosure.
Brief Description of Amendments	The proposed amendments would revise each unit's Technical Specification 4.2.2, "Control Rod Assemblies," to permit the Sequoyah Nuclear Plant, Unit 1 Cycle 25 (U1C25) and Sequoyah Nuclear Plant, Unit 2 Cycle 25 (U2C25) cores to contain 52 full length control rods with no full length control rod assembly in core location H-08 for one additional cycle.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Sherry Quirk, Executive VP and General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, WT 6A, Knoxville, TN 37902.
NRC Project Manager, Telephone Number	Michael Wentzel, 301-415-6459.

Tennessee Valley Authority; Sequoyah Nuclear Plant, Units 1 and 2; Hamilton County, TN

Docket Nos	50-327, 50-328.
Application Date	June 16, 2020.
ADAMS Accession No. of Application	ML20169A497.
Location in Application of NSHC	E9 of 12 of Enclosure.
Brief Description of Amendments	The proposed amendments would revise Technical Specification (TS) Table 3.3.3-1, "Post Accident Monitoring Instrumentation," required actions and completion times for Functions 15 a, b, and c, "Reactor Vessel Level Instrumentation." Additionally, the proposed amendments would delete Note g from Table 3.3.3-1, Function 15.c from the Unit 2 TS and would remove License Condition 26 from the Unit 2 Renewed Facility Operating License.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Sherry Quirk, Executive VP and General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, WT 6A, Knoxville, TN 37902.
NRC Project Manager, Telephone Number	Michael Wentzel, 301-415-6459.

III. Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application

complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed NSHC determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these

amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action, see (1) the applications for

amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation, and/or Environmental Assessment as indicated. All of these items can be accessed as described in the "Obtaining Information and Submitting Comments" section of this document.

Dominion Nuclear Connecticut, Inc.; Millstone Power Station, Unit No. 3; New London County, WI

Date Issued	July 15, 2020.
ADAMS Accession No	ML20161A000.
Amendment No	276.
Brief Description of Amendment	The amendment revised Technical Specification 6.8.4.f, "Containment Leakage Rate Testing Program," by replacing the reference to Regulatory Guide (RG) 1.163, "Performance-Based Containment Leak-Test Program," dated September 1995, with NEI 94-01, Revision 3-A, "Industry Guideline for Implementing Performance-Based Option of 10 CFR Part 50, Appendix J," and the conditions and limitations specified in NEI 94-01, Revision 2-A. The amendment extends the Type A primary containment integrated leak rate test interval from 10 years to 15 years and the Type C local leak rate test interval from 60 months to 75 months, and incorporates the regulatory positions stated in RG 1.163.
Docket No	50-423.

Exelon FitzPatrick, LLC and Exelon Generation Company, LLC; James A FitzPatrick Nuclear Power Plant; LLC; Oswego County, NY

Date Issued	July 21, 2020.
ADAMS Accession No	ML20140A070.
Amendment No	338.
Brief Description of Amendment	The amendment adopted the alternative source term in accordance with 10 CFR 50.67 for use in calculating the loss-of-coolant accident dose consequences at FitzPatrick.
Docket No	50-333

Dated: July 31, 2020.
For the Nuclear Regulatory Commission.

David J. Wrona,

Acting Deputy Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2020-17206 Filed 8-10-20; 8:45 am]

BILLING CODE 7590-01-M

NUCLEAR REGULATORY COMMISSION

[NRC-2020-0183]

Fire Protection Program for Nuclear Power Plants During Decommissioning

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft regulatory guide; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment draft regulatory guide (DG), DG-1370, "Fire Protection Program for Nuclear Power Plants During Decommissioning." This proposed revision of the guide (Revision 1) addresses new information identified since Revision 0 of this guide was issued. The guidance in Revision 0 of the regulatory guide (RG) does not

include guidance for plants that have transitioned to the National Fire Protection Association (NFPA) Standard 805, "Performance-Based Standard for Fire Protection for Light Water Reactor Electric Generating Plants," 2001 Edition. This guide is being revised to include guidance for plants that have transitioned to NFPA 805, 2001 Edition.

DATES: Submit comments by October 13, 2020. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date. Although a time limit is given, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

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

- **Federal Rulemaking Website:** Go to <http://www.regulations.gov> and search for Docket ID NRC-2020-0183. Address questions about NRC docket IDs in [Regulations.gov](http://www.regulations.gov) to Jennifer Borges; telephone: 301-287-9127; email: Jennifer.Borges@nrc.gov. For technical questions, contact the individuals listed

in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- **Mail comments to:** Office of Administration, Mail Stop: TWFN-7-A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see "Obtaining Information and Submitting Comments" in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT:

Naeem Iqbal, Office of Nuclear Reactor Regulation, telephone: 301-415-3346, email: Naeem.Iqbal@nrc.gov and Harriet Karagiannis, Office of Nuclear Regulatory Research, telephone: 301-415-3346, email: Harriet.Karagiannis@nrc.gov. Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC-2020-0183 when contacting the NRC about the availability of information regarding

this action. You may obtain publicly-available information related to this action, by any of the following methods:

- *Federal Rulemaking Website*: Go to <http://www.regulations.gov> and search for Docket ID NRC-2020-0183.

- *NRC Agencywide Documents Access and Management System (ADAMS)*: You may obtain publicly available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room reference staff at 1-800-397-4209, 301-415-4737, or by email to pdr.resource@nrc.gov.

B. Submitting Comments

Please include Docket ID NRC-2020-0183 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at <http://www.regulations.gov> as well as enters the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

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

II. Additional Information

The NRC is issuing for public comment a draft guide in the NRC's "Regulatory Guide" series. This series was developed to describe methods that are acceptable to the NRC staff for implementing specific parts of the agency's regulations, to explain techniques that the staff uses in evaluating specific issues or postulated events, and to describe information that the staff needs in its review of applications for permits and licenses.

The DG, titled, "Fire Protection Program for Nuclear Power Plants During Decommissioning," is proposed Revision 1 of RG 1.191 and is temporarily identified by its task number, DG-1370. This proposed revision addresses new information

identified since Revision 0 of this guide was issued. The guidance in Revision 0 of the RG is for plants licensed under section 50.48(b) of title 10 of the Code of Federal Regulations (10 CFR) or 10 CFR part 50, appendix R, "Fire Protection Program for Nuclear Power Facilities Operating Prior to January 1, 1979." Revision 0 does not include guidance for plants that have transitioned to the NFPA 805 licensing basis (*i.e.*, 10 CFR 50.48(c)). This guide is being revised to include guidance for plants that have transitioned to NFPA 805, 2001 Edition, via 10 CFR 50.48(c). The DG is electronically available in ADAMS under Accession No. ML20078K920.

The staff is also issuing for public comment a draft regulatory analysis available in ADAMS under Accession No. ML20078K925. The staff develops a regulatory analysis to assess the value of issuing or revising a regulatory guide as well as alternative courses of action.

III. Backfitting, Forward Fitting, and Issue Finality

DG-1370 to RG 1.191, Revision 1, describes methods acceptable to the NRC staff for complying with the NRC's regulations for fire protection programs for licensees that have certified that their plants have permanently ceased operations and that the fuel has been permanently removed from the reactor vessels.

The staff does not, at this time, intend to impose the positions represented in the draft RG (if finalized) in a manner that would constitute backfitting or affect the issue finality of a 10 CFR part 52 approval. If, in the future, the staff seeks to impose a position in the draft RG (if finalized) in a manner that constitutes backfitting or does not provide issue finality as described in the applicable issue finality provision, then the staff would need to address the Backfit Rule or the criteria for avoiding issue finality as described in the applicable issue finality provision.

The staff does not, at this time, intend to impose the positions represented in the draft RG (if finalized) in a manner that would constitute forward fitting. If, in the future, the staff seeks to impose a position in the draft RG (if finalized) in a manner that constitutes forward fitting, then the staff would need to address the forward fitting criteria in Management Directive 8.4, "Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests" (ADAMS Accession No. ML18093B087).

Dated: August 6, 2020.

For the Nuclear Regulatory Commission.

Meraj Rahimi,

Chief, Regulatory Guidance and Generic Issues Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2020-17534 Filed 8-10-20; 8:45 am]

BILLING CODE 7590-01-P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2020-209 and CP2020-237; Docket Nos. MC2020-210 and CP2020-238]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning 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 13, 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)*: MC2020–209 and CP2020–237; *Filing Title*: USPS Request to Add Priority Mail Contract 645 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: August 5, 2020; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative*: Maya K. Moore; *Comments Due*: August 13, 2020.

2. *Docket No(s)*: MC2020–210 and CP2020–238; *Filing Title*: USPS Request to Add Priority Mail Contract 646 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: August 5, 2020; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative*: Maya K. Moore; *Comments Due*: August 13, 2020.

This Notice will be published in the **Federal Register**.

Erica A. Barker,
Secretary.

[FR Doc. 2020–17511 Filed 8–10–20; 8:45 am]

BILLING CODE 7710-FW-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89482; File No. SR–NYSEAMER–2020–58]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of Proposed Change To Modify the NYSE American Options Fee Schedule

August 5, 2020.

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 (the “Act”)² and Rule 19b–4 thereunder,³ notice is hereby given that, on July 30, 2020, NYSE American LLC (“NYSE American” or the “Exchange”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to modify the NYSE American Options Fee Schedule (“Fee Schedule”) to waive certain Floor-based fixed fees for August 2020. The Exchange proposes to implement the fee change effective July 30, 2020. The proposed change is available on the Exchange's website at www.nyse.com, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to modify the Fee Schedule to waive certain Floor-based fixed fees for August 2020 for market participants that have been unable to resume their Floor operations to a certain capacity level, as discussed below. The Exchange proposes to implement the fee change effective July 30, 2020.

On March 18, 2020, the Exchange announced that it would temporarily close the Trading Floor, effective Monday, March 23, 2020, as a precautionary measure to prevent the potential spread of COVID–19. Following the temporary closure of the Trading Floor, the Exchange temporarily modified certain fees for April, May and June 2020 (the “fee waiver”).⁴ Although the Trading Floor partially reopened on May 26, 2020 and Floor-based open outcry activity is supported, certain participants have been unable to resume pre-Floor closure levels of operations. As a result, the Exchange extended the fee waiver through July 2020, but only for Floor Broker firms that were unable to operate at more than 50% of their March 2020 on-Floor staffing levels and for Market Maker firms that have vacant or “unmanned” Podia for the entire month due to COVID–19 related considerations (the “Qualifying Firms”).⁵ Because the Trading Floor will continue to operate with reduced capacity, the Exchange proposes to extend the July fee waiver for Qualifying Firms through August 2020.

Specifically, the proposed fee waiver covers the following fixed fees for Qualifying Firms, which relate directly to Floor operations, are charged only to Floor participants and do not apply to participants that conduct business off-Floor:

- Floor Access Fee;

⁴ See Securities Exchange Act Release Nos. 88595 (April 8, 2020), 85 FR 20737 (April 14, 2020) (SR–NYSEAMER–2020–25) (waiving Floor-based fixed fees); 88840 (May 8, 2020), 85 FR 28992 (May 14, 2020) (SR–NYSEAMER–2020–37) (extending April 2020 fee changes through May 2020); and 89049 (June 11, 2020), 85 FR 36649 (June 17, 2020) (SR–NYSEAMER–2020–44) (extending April and May fee changes through June 2020). See also Fee Schedule, Section III., Monthly Trading Permit, Rights, Floor Access and Premium Product Fees, and IV. Monthly Floor Communication, Connectivity, Equipment and Booth or Podia Fees.

⁵ See Securities Exchange Act Release Nos. 89241 (July 7, 2020), 85 FR 42034 (July 13, 2020) (SR–NYSEAMER–2020–47) (the “July fee waiver”). See also Fee Schedule, Section III., Monthly Trading Permit, Rights, Floor Access and Premium Product Fees, and IV. Monthly Floor Communication, Connectivity, Equipment and Booth or Podia Fees.

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).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b–4.

- Floor Broker Handheld;
- Transport Charges;
- Floor Market Maker Podia;
- Booth Premises; and
- Wire Services.⁶

Like the July fee waiver, the proposed fee change is designed to reduce monthly costs for Qualifying Firms whose operations continue to be disrupted, despite the fact that the Trading Floor has partially reopened. In reducing this monthly financial burden, the proposed change would allow Qualifying Firms to reallocate funds to assist with the cost of shifting and maintaining their prior fully-staffed on-Floor operations to off-Floor and recoup losses as a result of the partial reopening of the Floor. Absent this change, such participants may experience an unexpected increase in the cost of doing business on the Exchange.⁷ The Exchange believes that all Qualifying Firms would benefit from this proposed fee change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,⁸ in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,⁹ in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange operates in a highly competitive market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system “has been remarkably successful in promoting market competition in its

broader forms that are most important to investors and listed companies.”¹⁰

There are currently 16 registered options exchanges competing for order flow. Based on publicly-available information, and excluding index-based options, no single exchange has more than 16% of the market share of executed volume of multiply-listed equity and ETF options trades.¹¹ Therefore, currently no exchange possesses significant pricing power in the execution of multiply-listed equity & ETF options order flow. More specifically, in June 2020, the Exchange had less than 10% market share of executed volume of multiply-listed equity & ETF options trades.¹²

This proposed fee change is reasonable, equitable, and not unfairly discriminatory because it would reduce monthly costs for Qualifying Firms whose operations have been disrupted despite the fact that the Trading Floor has partially reopened because of the social distancing requirements and/or other health concerns related to resuming operation on the Floor. In reducing this monthly financial burden, the proposed change would allow Qualifying Firms to reallocate funds to assist with the cost of shifting and maintaining their prior fully-staffed on-Floor operations to off-Floor and recoup losses as a result of the partial reopening. Absent this change, such participants may experience an unexpected increase in the cost of doing business on the Exchange.

The Exchange believes the proposed rule change is an equitable allocation of its fees and credits as it merely continues the July fee waiver, which affects fees charged only to Floor participants and does not apply to participants that conduct business off-Floor. The Exchange believes it is an equitable allocation of fees and credits to extend this fee waiver to Qualifying Firms because such firms have either less than half of their Floor staff (March 2020) levels or have vacant podia—and this reduction in physical capacity on the Floor impacts the speed, volume and efficiency with which these firms can operate, which is to their detriment.

The Exchange believes that the proposal is not unfairly discriminatory because the proposed continuation of

the fee waiver would affect all similarly-situated market participants on an equal and non-discriminatory basis.

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange’s statement regarding the burden on competition.

B. Self-Regulatory Organization’s Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act, the Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed changes would encourage the continued participation of Qualifying Firms, thereby promoting market depth, price discovery and transparency and enhancing order execution opportunities for all market participants. As a result, the Exchange believes that the proposed change furthers the Commission’s goal in adopting Regulation NMS of fostering integrated competition among orders, which promotes “more efficient pricing of individual stocks for all types of orders, large and small.”¹³

Intramarket Competition. The proposed change, which continues the fee waiver in place when the Floor was temporarily closed but only for Qualifying Firms, is designed to reduce monthly costs for Floor participants whose operations continue to be impacted, despite the fact that the Trading Floor has partially reopened. In reducing this monthly financial burden, the proposed change would allow Qualifying Firms to reallocate funds to assist with the cost of shifting and maintaining their previously on-Floor operations to off-Floor. Absent this change, such Qualifying Firms may experience an unintended increase in the cost of doing business on the Exchange, given that the Floor has only reopened in a limited capacity. The Exchange believes that the proposed waiver of fees for Qualifying Firms would not impose a disparate burden on competition among market participants on the Exchange because off-Floor market participants are not subject to these Floor-based fixed fees, and Floor-based firms that are not subject to the extent of staffing shortfalls as the Qualifying Firms—*i.e.*, have at least 50% of their March 2020 staffing levels on the Floor and/or have no vacant Podia during August 2020, do not face the same operational disruption and

⁶ See proposed Fee Schedule, Section III., Monthly Trading Permit, Rights, Floor Access and Premium Product Fees, and IV. Monthly Floor Communication, Connectivity, Equipment and Booth or Podia Fees.

⁷ The Exchange will refund participants of the Floor Broker Prepayment Program for any prepaid July and August 2020 fees that are waived. See proposed Fee Schedule, Section III.E.1 (providing that “the Exchange will refund certain of the prepaid Eligible Fixed costs that were waived for July and August 2020 for Qualifying Firms, as defined, and set forth in, Sections III.B and IV”).

⁸ 15 U.S.C. 78f(b).

⁹ 15 U.S.C. 78f(b)(4) and (5).

¹⁰ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (S7–10–04) (“Reg NMS Adopting Release”).

¹¹ The OCC publishes options and futures volume in a variety of formats, including daily and monthly volume by exchange, available here: <https://www.theocc.com/market-data/volume/default.jsp>.

¹² Based on OCC data, *see id.*, the Exchange’s market share in equity-based options increased slightly from 8.20% for the month of June 2019 to 8.32% for the month of June 2020.

¹³ See Reg NMS Adopting Release, *supra* note 10, at 37499.

potential financial impact during the partial reopening of the Floor.

Intermarket Competition. The Exchange operates in a highly competitive market in which market participants can readily favor one of the 16 competing option exchanges if they deem fee levels at a particular venue to be excessive. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and to attract order flow to the Exchange. Based on publicly-available information, and excluding index-based options, no single exchange currently has more than 16% of the market share of executed volume of multiply-listed equity and ETF options trades.¹⁴ Therefore, currently no exchange possesses significant pricing power in the execution of multiply-listed equity & ETF options order flow. More specifically, in June 2020, the Exchange had less than 10% market share of executed volume of multiply-listed equity & ETF options trades.¹⁵

The Exchange believes that the proposed rule change reflects this competitive environment because it waives fees for Qualifying Firms and is designed to reduce monthly costs for Floor participants whose operations continue to be disrupted despite the fact that the Trading Floor has partially reopened. In reducing this monthly financial burden, the proposed change would allow affected participants to reallocate funds to assist with the cost of shifting and maintaining their prior fully-staffed on-Floor operations to off-Floor. Absent this change, Qualifying Firms may experience an unintended increase in the cost of doing business on the Exchange, which would make the Exchange a less competitive venue on which to trade as compared to other options exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)¹⁶ of the Act and

subparagraph (f)(2) of Rule 19b-4¹⁷ thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)¹⁸ of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-NYSEAMER-2020-58 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-2020-58. 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-2020-58, and should be submitted on or before September 1, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁹

J. Matthew DeLesDernier,
Assistant Secretary.

[FR Doc. 2020-17456 Filed 8-10-20; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-89485; File No. 4-764]

Self-Regulatory Organizations; MEMX LLC; Notice of Filing of Proposed Minor Rule Violation Plan

August 5, 2020.

Pursuant to Section 19(d)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19d-1(c)(2) thereunder,² notice is hereby given that on August 5, 2020, MEMX LLC ("MEMX" or the "Exchange") filed with the Securities and Exchange Commission ("Commission") a proposed minor rule violation plan ("MRVP") with sanctions not exceeding \$2,500 which would not be subject to the provisions of Rule 19d-1(c)(1) of the Act³ requiring that a self-regulatory organization ("SRO") promptly file notice with the Commission of any final disciplinary action taken with respect to any person or organization.⁴ In

¹⁹ 17 CFR 200.30-3(a)(12).

¹⁵ U.S.C. 78s(d)(1).

² 17 CFR 240.19d-1(c)(2).

³ 17 CFR 240.19d-1(c)(1).

⁴ The Commission adopted amendments to paragraph (c) of Rule 19d-1 to allow SROs to submit for Commission approval plans for the abbreviated reporting of minor disciplinary infractions. See Securities Exchange Act Release No. 21013 (June 1, 1984), 49 FR 23828 (June 8, 1984). Any disciplinary action taken by an SRO against any person for violation of a rule of the SRO which has been designated as a minor rule violation pursuant to such a plan filed with and declared effective by the Commission is not considered "final" for purposes of Section 19(d)(1) of the Act if the sanction

Continued

¹⁴ See *supra* note 11.

¹⁵ Based on OCC data, *supra* note 12, the Exchange's market share in equity-based options was 8.20% for the month of June 2019 and 8.32% for the month of June 2020.

¹⁶ 15 U.S.C. 78s(b)(3)(A).

¹⁷ 17 CFR 240.19b-4(f)(2).

¹⁸ 15 U.S.C. 78s(b)(2)(B).

accordance with Rule 19d–l(c)(2) under the Act, the Exchange proposes to designate certain specified rule violations as minor rule violations and requests that it be relieved of the prompt reporting requirements regarding such violations, provided it gives notice of such violations to the Commission on a quarterly basis.

The Exchange proposes to include in its MRVP the procedures included in Exchange Rule 8.15 (“Imposition of Fines for Minor Violation(s) of Rules”) and the violations included in Rule 8.15.01 (“List of Exchange Rule Violations and Recommended Fine Schedule Pursuant to Rule 8.15”).⁵ According to the Exchange’s MRVP, under Rule 8.15(a), the Exchange may impose a fine (not to exceed \$2,500) on any Member, associated person of a Member, or registered or non-registered employee of a Member, for any violation of a Rule of the Exchange which violation the Exchange shall have determined is minor in nature, as set forth in Rule 8.15.01. The Exchange may aggregate similar violations generally if the conduct was unintentional, there was no injury to public investors, or the violations resulted from a single systemic problem or cause that has been corrected. In any action taken by the Exchange pursuant to Rule 8.15, the person against whom a fine is imposed shall be served with a written statement, signed by an authorized officer of the Exchange, setting forth (i) the Rule or Rules alleged to have been violated; (ii) the act or omission constituting each such violation; (iii) the fine imposed for each such violation; and (iv) the date by which such determination becomes final and such fine becomes due and payable to the Exchange. Pursuant to paragraph (c) of Rule 8.15, if the person against whom a fine is imposed pursuant to Rule 8.15 pays such fine, that payment shall be deemed to be a waiver by of such person’s right to a disciplinary proceeding under Rules 8.1 through 8.13 and any review of the

imposed consists of a fine not exceeding \$2,500 and the sanctioned person has not sought an adjudication, including a hearing, or otherwise exhausted his administrative remedies.

⁵ The Exchange received its grant of registration on May 4, 2020, which included approving the rules that govern the Exchange. Exhibit A includes the entirety of Rules 8.15 and 8.15.01. Terms not otherwise defined herein are defined in the Exchange Rules. Contemporaneous with this filing, the Exchange filed with the Commission a rule filing that proposes a minor amendment to Rule 8.15(a) and a proposed change to Rule 8.15.01 to add Rules 4.5 through 4.16 (Consolidated Audit Trail Compliance Rules). This submission proposes the Exchange’s MRVP, including those proposed changes to Rules 8.15 and 8.15.01. See SR–MEMX–2020–03, filed July 31, 2020, available at: <https://info.memxtrading.com/category/rule-filings/>.

matter by the Appeals Committee or by the Board. Any person against whom a fine is imposed pursuant to Rule 8.15 may contest such a finding pursuant to paragraph (d) of Rule 8.15 by filing with the Exchange not later than the date by which such determination must be contested (such date to be not less than 15 business days after the date of service of the written statement by the Exchange) a written response meeting the requirements provided in Rule 8.5 at which point the matter shall become a disciplinary proceeding subject to the provisions of Rules 8.1 through 8.13.

The Exchange proposes that, as set forth in Exchange Rule 8.15.01, violations of the following rules would be appropriate for disposition under the MRVP: Rule 4.2 and Interpretations thereunder (requiring the submission of responses to Exchange requests for trading data within specified time period); Rule 11.10(a)(5) (requirement to identify short sale orders as such); Rule 11.10(f) (requirement to comply with locked and crossed market rules); Rule 3.5 (Advertising Practices); Rule 12.11 Interpretations and Policy .01 and Exchange Act Rule 604 (failure to properly display limit orders); Rule 4.2 and Interpretations thereunder (related to the requirement to furnish Exchange-related order, market and transaction data, as well as financial or regulatory records and information); Rule 11.20(a)(1) (requirement for Market Makers to maintain continuous two-sided quotations); and Rules 4.5 through 4.16 (Consolidated Audit Trail Compliance Rules).

Upon the Commission’s declaration of effectiveness of the MRVP, the Exchange will provide to the Commission a quarterly report for any actions taken on minor rule violations under the MRVP. The quarterly report will include: The Exchange’s internal file number for the case, the name of the individual and/or organization, the nature of the violation, the specific rule provision violated, the fine imposed, the number of times the rule violation occurred, and the date of the disposition.

Based on compliance with the above, the Exchange requests that the rule violations designated in Exchange Rule 8.15.01 be designated as minor rule violations subject to a minor rule violation reporting plan and that the Exchange be relieved of the current reporting requirements regarding such violations. In addition, going forward, to the extent that there are any changes to the rules applicable to the Exchange’s MRVP, the Exchange requests that the Commission deem such changes to be modifications to the Exchange’s MRVP.

I. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the Exchange’s proposed MRVP, including whether the proposed MRVP 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 4–764 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 4–764. 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 MRVP that are filed with the Commission, and all written communications relating to the proposed MRVP 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 proposed MRVP 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 4–764, and should be submitted on or before August 26, 2020.

II. Date of Effectiveness of the Proposed Minor Rule Violation Plan and Timing for Commission Action

Pursuant to Section 19(d)(1) of the Act and Rule 19d–l(c)(2) thereunder,⁶ after

⁶ 15 U.S.C. 78s(d)(1); 17 CFR 240.19d–1(c)(2).

August 26, 2020, the Commission may, by order, declare the Exchange proposed MRVP effective if the plan is consistent with the public interest, the protection of investors, or otherwise in furtherance of the purposes of the Act. The Commission in its order may restrict the categories of violations to be designated as minor rule violations and may impose any other terms or conditions to the proposed MRVP, File No. 4–764, and to the period of its effectiveness, which the Commission deems necessary or appropriate in the public interest, for the protection of investors or otherwise in furtherance of the purposes of the Act.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁷

J. Matthew DeLesDernier,
Assistant Secretary.

[FR Doc. 2020–17453 Filed 8–10–20; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89484; File No. SR–MSRB–2020–04]

Self-Regulatory Organizations; Municipal Securities Rulemaking Board; Order Granting Approval of a Proposed Rule Change Consisting of Amendments to MSRB Rules A–3 and A–6 That Are Designed To Improve Board Governance

August 5, 2020.

I. Introduction

On June 5, 2020, the Municipal Securities Rulemaking Board (the “MSRB” or “Board”) filed with the Securities and Exchange Commission (the “SEC” or “Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act” or “Exchange Act”) ¹ and Rule 19b–4 thereunder,² a proposed rule change consisting of amendments to MSRB Rules A–3 and A–6, regarding Board governance (the “proposed rule change”). The proposed rule change was published for comment in the **Federal Register** on June 24, 2020.³

The Commission received five comment letters on the proposed rule change.⁴ On July 29, 2020, the MSRB

responded to those comments.⁵ This order approves the proposed rule change.

II. Description of Proposed Rule Change

As described further below and in the Notice of Filing, the MSRB proposed amendments designed to improve Board governance that would: (i) Extend to five years the length of time that an individual must have been separated from employment or other association with any regulated entity to serve as a public representative to the Board; (ii) reduce the Board’s size from 21 to 15 members through a transition plan that includes an interim year in which the Board will have 17 members; (iii) replace the requirement that at least one and not less than 30% of regulated members on the 21-member Board be municipal advisors with a requirement that the 15-member Board include at least two municipal advisors; (iv) impose a six-year limit on Board service; (v) remove overly prescriptive detail from the description of the Board’s nominations process while preserving in the rule the key substantive requirements; (vi) require that any Board committee with responsibilities for nominations, governance, or audit be chaired by a public representative; and (vii) make certain other reorganizational and technical changes.⁶

The MSRB requested that the proposed rule change become effective on October 1, 2020.⁷

Board members (collectively, “Former MSRB Board Members”), dated July 15, 2020 (the “Former MSRB Board Members Letter”); Letter to Secretary, Commission, from Emily Swenson Brock, Director, Federal Liaison Center, Government Finance Officers Association (“GFOA”), dated July 15, 2020 (the “GFOA Letter”); Letter to Secretary, Commission, from Emily Brock, GFOA, John Godfrey, American Public Power Association, Charles Thompson, International Municipal Lawyers Association, Eryn Hurley, National Association of Counties, Chuck Samuels, National Assn. of Health and Educational Facilities Finance Authorities, Cornelia Chebinou, National Association of State Auditors, Comptrollers and Treasurers, Brian Egan, National Association of State Treasurers, Michael Gleeson, National League of Cities, and Emery Real Bird, Native American Finance Officers Association (collectively, the “Issuer Organizations”), dated July 15, 2020 (the “Issuer Organizations Letter”); Letter to Secretary, Commission, from Susan Gaffney, Executive Director, National Association of Municipal Advisors (“NAMA”), dated July 15, 2020 (the “NAMA Letter”); and Letter to Secretary, Commission, from Mike Nicholas, Chief Executive Officer, Bond Dealers of America (“BDA”), dated July 15, 2020 (the “BDA Letter”).

⁵ See Letter to Secretary, Commission, from Jacob N. Lesser, Associate General Counsel, Municipal Securities Rulemaking Board (“MSRB”), dated July 29, 2020 (the “MSRB Response Letter”).

⁶ See Notice of Filing, 85 FR at 37974.

⁷ *Id.*

Background

The Exchange Act establishes basic requirements for the Board’s size and composition and requires the Board to adopt rules that establish “fair procedures for the nomination and election of members of the Board and assure fair representation in such nominations and elections.”⁸ As amended by the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (the “Dodd-Frank Act”), the Exchange Act categorizes Board members in two broad groups: Individuals who must be independent of any dealer⁹ or municipal advisor (“public representatives”) and individuals who must be associated with a dealer or municipal advisor (“regulated representatives”).¹⁰ The Exchange Act requires the Board to establish by rule requirements regarding the independence of public representatives and provides that all Board members—whether public or regulated representatives—must be “knowledgeable of matters related to the municipal securities markets.”¹¹

Within the public representative category, at least one Board member must be representative of institutional or retail investors in municipal securities, at least one must be representative of municipal entities, and at least one must be a member of the public with knowledge of or experience in the municipal industry.¹² Within the regulated representative category, at least one Board member must be associated with a dealer that is a bank, at least one must be associated with a dealer that is not a bank, and at least one must be associated with a municipal advisor.¹³

The MSRB states that the Exchange Act, as amended by the Dodd-Frank Act, recognizes the benefits that a Board composed of both public and regulated representatives brings to regulation of the municipal securities market in the public interest and the protection of investors, municipal entities, and obligated persons.¹⁴ The MSRB further states that, although regulated representatives may bring specialized expertise to the regulation of a market with features and functions that are markedly different from those of other financial markets, public representatives

⁸ 15 U.S.C. 78o–4(b)(2)(B).

⁹ As used herein, the term “dealer” refers to a broker, dealer, or municipal securities dealer.

¹⁰ 15 U.S.C. 78o–4(b)(1).

¹¹ 15 U.S.C. 78o–4(b)(1); 15 U.S.C. 78o–4(b)(2)(B)(iv).

¹² 15 U.S.C. 78o–4(b)(1).

¹³ *Id.*

¹⁴ See Notice of Filing, 85 FR at 37975.

⁷ 17 CFR 200.30–3(a)(44).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ Securities Exchange Act Release No. 89092 (June 18, 2020) (the “Notice of Filing”), 85 FR 37974 (June 24, 2020).

⁴ See Letter to Secretary, Commission, from Steve Apfelbacher, Renee Boicourt, Marianne Edmonds, Robert Lamb and Noreen White, former MSRB

may bring a broader perspective of the public interest and the protection of investors, municipal entities, and obligated persons.¹⁵ The MSRB observes that, striking the balance between the two perspectives—public and regulated—in the Dodd-Frank Act, Congress specified that the Board at all times must be majority public but that it also must be as evenly divided between public and regulated representatives as possible.¹⁶

The MSRB states that, since the enactment of the Dodd-Frank Act, the Board has elected public representatives with a range of backgrounds and experience.¹⁷ The MSRB observes that, in addition to the statutorily specified municipal entity and investor representatives, they have included individuals with prior municipal securities regulated industry experience, academics and individuals with rating agency experience.¹⁸ The MSRB further observes that, in most years, municipal entity representation on the Board has exceeded the statutory minimum.¹⁹ The MSRB states that it has also required, either by rule or by policy, that committees responsible for nominations, governance and audit be chaired by a public representative.²⁰

The Exchange Act sets the number of Board members at 15 but provides that the rules of the Board “may increase the number of members which shall constitute the whole Board, provided that such number is an odd number.”²¹ The MSRB notes that, in response to the enactment of the Dodd-Frank Act, which established a new registration requirement and regulatory framework for municipal advisors, the Board increased the size of the Board to 21 members (11 public and 10 regulated) in October 2010.²² The MSRB further notes that, at the same time, the Board also provided for municipal advisor membership on the Board that was greater than the statutory minimum, requiring that at least 30% of the regulated representatives be associated with municipal advisors.²³ The MSRB states that these changes were designed to ensure the Board could achieve appropriately balanced representation

and would have sufficient knowledge and expertise to implement the new municipal advisor regulatory framework without detracting from its ability to continue fulfilling its existing rulemaking responsibilities with respect to dealer activity.²⁴ The MSRB further states that, although its expanded duties with regard to the protection of municipal entities and obligated persons and the regulation of municipal advisors are ongoing, the Board has completed the rulemaking activity associated with implementation of the Dodd-Frank Act, including establishment of the core municipal advisor regulatory regime.²⁵

In September 2019, the Board announced the formation of a special committee to examine all aspects of the Board’s governance.²⁶ In January 2020, the Board published a Request for Comment on potential changes to MSRB Rule A–3 (the “RFC”) to solicit comment on changes to MSRB Rule A–3,²⁷ and the MSRB states that the proposed rule change reflects the Board’s consideration of the comments it received.²⁸

Independence Standard

The Exchange Act requires the Board to establish by rule “requirements regarding the independence of public representatives.”²⁹ MSRB Rule A–3 currently defines the term “independent of any municipal securities broker, municipal securities dealer, or municipal advisor” to mean that an individual has “no material business relationship with” such an entity. MSRB Rule A–3 further provides that

the term “no material business relationship” is defined to mean, at a minimum, that: (i) The individual is not, and within the last two years was not, associated with a dealer or municipal advisor; and (ii) the individual does not have a relationship with any dealer or municipal advisor, compensatory or otherwise, that reasonably could affect the individual’s independent judgment or decision making.

The proposed rule change includes an amendment to MSRB Rule A–3 that would increase the two-year separation period in the definition of “no material business relationship” to five years.³⁰ The MSRB states that this amendment is intended to enhance the independence of public representatives who have prior regulated entity associations and better avoid any appearance of a conflict of interest on the part of a public representative.³¹

The MSRB states that it continues to believe that the Board’s public representatives have acted with the independence required by the Exchange Act, MSRB rules and their duties as public representatives, notwithstanding any prior affiliation with a regulated entity.³² At the same time, the MSRB states that it believes that a five-year separation period would further enhance not only independence in fact but also the appearance of independence, which should, in turn, provide additional assurance that the Board’s decisions are made in furtherance of its mission to protect investors, municipal entities, obligated persons and the public interest, and to promote a fair and efficient municipal securities market.³³

Board Size

The Exchange Act establishes a 15-member Board but permits the MSRB to increase the size, provided that:

- The number of Board members is an odd number;
- A majority of the Board is composed of public representatives; and
- The Board is as closely divided in number as possible between public and regulated representatives.³⁴

MSRB Rule A–3 currently sets the size of the Board at 21 members.

The proposed rule change includes an amendment to MSRB Rule A–3 that would return the Board’s size to 15 members, the original number

¹⁵ *Id.*

¹⁶ See Notice of Filing, 85 FR at 37975; 15 U.S.C. 78o–4(b)(2)(B)(i).

¹⁷ See Notice of Filing, 85 FR at 37975.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ 15 U.S.C. 78o–4(b)(1); 15 U.S.C. 78o–4(b)(2)(B)(iii).

²² See Notice of Filing, 85 FR at 37975.

²³ *Id.* MSRB Rule A–3 provides that these municipal advisors may not be associated with dealers.

²⁴ See Notice of Filing, 85 FR at 37975; Exchange Act Release No. 65158 (Aug. 18, 2011), 76 FR 61407, 61408 (Oct. 4, 2011); Exchange Act Release No. 63025 (Sept. 30, 2010), 75 FR 61806, 61809 (Oct. 6, 2010).

²⁵ See Notice of Filing, 85 FR at 37975.

²⁶ MSRB, “MSRB to Begin FY 2020 With a Focus on Governance” (Sept. 23, 2019), available at <http://www.msrb.org/News-and-Events/Press-Releases/2019/MSRB-to-Begin-FY-2020-with-Focus-on-Governance.aspx>.

²⁷ MSRB Notice 2020–02 (Jan. 28, 2020), available at <http://www.msrb.org/-/media/Files/Regulatory-Notices/RFCs/2020-02.ashx?n=1>. Comments on the RFC are available on the Board’s website at <http://www.msrb.org/Rules-and-Interpretations/Regulatory-Notices/2020/2020-02.aspx?c=1>. The MSRB states that, after it issued the RFC, the special committee focused on, among other things, reorganizational and technical changes to the Board’s administrative rules that would improve interested persons’ ability to locate and understand MSRB requirements. These reorganizational and technical amendments, which were not included in the RFC, are included in the proposed rule change, as described herein.

²⁸ See Notice of Filing, 85 FR at 37975. The comments received by the MSRB on the RFC, along with the Board’s responses to those comments, are described in the Notice of Filing, 85 FR at 37981–5.

²⁹ 15 U.S.C. 78o–4(b)(2)(B)(iv).

³⁰ See Notice of Filing, 85 FR at 37975.

³¹ See Notice of Filing, 85 FR at 37976.

³² *Id.*

³³ *Id.* See also MSRB Mission Statement, available at <http://www.msrb.org/About-MSRB/About-the-MSRB/Mission-Statement.aspx>.

³⁴ 15 U.S.C. 78o–4(b)(1); 15 U.S.C. 78o–4(b)(2)(B).

established by the Exchange Act.³⁵ The MSRB states that, although the 21-member Board size was particularly valuable during the period of heightened rulemaking activity required to implement the Dodd-Frank Act, particularly the complex rulemaking necessary to establish the core regulatory framework for municipal advisors as a new type of regulated entity, that rulemaking activity is now complete.³⁶ Thus, the MSRB states that it believes that it can now return to the statutorily prescribed Board size of 15, and the attendant efficiency and lower cost of such a smaller Board, without decreasing its ability to discharge its expanded responsibilities under the Exchange Act, as amended by the Dodd-Frank Act.³⁷

The MSRB states that it believes that the 15-member Board size established by Congress will continue to allow for a broad range of viewpoints as the Board fulfills its statutory mission.³⁸ The MSRB observes that, each year, through its annual nominations and elections process, the Board seeks to constitute a Board that not only meets the requirements of the Exchange Act and MSRB rules but that also provides the Board with a broad and diverse range of perspectives.³⁹ Although there will be fewer Board members, the MSRB states that it believes that the 15-member size contemplated by the Exchange Act allows the Board to continue to assemble a Board that reflects the wide range of backgrounds and experiences within each of the statutorily required Board member categories.⁴⁰

Board Composition

The MSRB states that, when it established the 21-member Board, the MSRB required that municipal advisor representation be greater than the statutory minimum.⁴¹ Specifically, the Board provided in MSRB Rule A-3:

at least one, and not less than 30 percent of the total number of regulated representatives, shall be associated with and representative of municipal advisors and shall not be associated with a broker, dealer, or municipal securities dealer.⁴²

Along with the increased Board size, the MSRB states that the change was

intended to ensure that the Board could achieve appropriately balanced representation and would have sufficient knowledge and expertise to implement the new municipal advisor regulatory framework without detracting from its ability to continue fulfilling its existing rulemaking responsibilities with respect to dealer activity.⁴³

In connection with reducing the Board's size to 15 members, the proposed rule change amends MSRB Rule A-3 to provide that at least two of the regulated representatives shall be associated with and representative of municipal advisors and shall not be associated with a broker, dealer or municipal securities dealer.⁴⁴ The MSRB states that it believes that it remains appropriate, in light of the broad range of municipal advisors subject to MSRB regulation, to require municipal advisor representation greater than the statutory minimum of one.⁴⁵ The MSRB states that this amendment would preserve as closely as possible the current percentage of municipal advisors on the Board as the Board moves from a 21-member Board to a 15-member Board.⁴⁶ Specifically, the proposed amendment to MSRB Rule A-3 would require that at least two (28.6%) of the regulated representatives on a 15-member Board be municipal advisor representatives, which the MSRB states is very close to the 30% representation currently required.⁴⁷ The MSRB observes that retaining the 30% requirement with the 15-member Board would require that three of the seven (or 42.9%) regulated members be municipal advisors; although there may be times the Board chooses to have a municipal advisor contingent of that size (just as the Board routinely has representations greater than the minimum for the other statutorily specified categories), the Board states that it does not believe imposing a minimum larger than two is in the public interest.⁴⁸

Member Qualifications

The MSRB notes that MSRB Rule A-3 tracks the Exchange Act requirement that all Board members must be knowledgeable of matters related to the municipal securities markets.⁴⁹ The MSRB states that, in its processes for the nomination and election of new members, the Board has consistently sought candidates who meet that

standard, but who also have demonstrated personal and professional integrity.⁵⁰ The MSRB further states that, in order to further convey to the public the seriousness with which the Board conducts its elections and bolster public confidence in its process, the proposed rule change includes an amendment to MSRB Rule A-3 that would add an express requirement that Board members be individuals of integrity.⁵¹ The MSRB notes that it will continue to determine whether a candidate possesses the requisite personal and professional integrity through its rigorous nominations and elections processes, which include, among other things, candidate interviews, extensive screening, and background checks.⁵²

Transition Plan to Reduced Board Size

The MSRB states that the proposed change to a 15-member Board requires a transition plan, and the Board has designed a plan to effect the necessary changes expeditiously, while minimizing any risk of disruption to MSRB governance, programs and operations.⁵³

The proposed rule change includes a transition plan that would reduce the Board size to 17 members for fiscal year 2021, which begins on October 1, 2020.⁵⁴ The MSRB observes that the plan included in the proposed rule change transitions the Board's class structure from three classes of five members and one class of six members to three classes of four members and one class of three members.⁵⁵ The MSRB states that each of the new Board classes would have the same number of public and regulated representatives except for

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

⁵³ See Notice of Filing, 85 FR at 37976-7.

⁵⁴ See Notice of Filing, 85 FR at 37977. The Board sought comment in the RFC on a transition plan that would reduce the Board's size to 15 members in the next fiscal year because the 15 Board members returning after the six Board members serving in their fourth year complete their terms on September 30, 2020 would meet the Board composition requirements for a Board of that size. In the Notice of Filing, the MSRB states that, although it generally seeks to assemble a Board that includes more than one issuer representative, under the transition plan described in the RFC, the Board would have had just a single issuer representative in fiscal year 2021. The Board states that it was persuaded by commenters on the RFC that having more than one issuer representative is of particular importance next fiscal year in light of the ongoing COVID-19 pandemic and its effects on municipal entities. The MSRB notes that reducing the Board size to 17 members in the first year of the transition will enable the Board to include a second issuer member for fiscal year 2021. *Id.*

⁵⁵ See Notice of Filing, 85 FR at 37977.

³⁵ See Notice of Filing, 85 FR at 37976. As required by Section 15B(b)(1) of the Exchange Act, the 15-member Board would be composed of eight public representatives and seven regulated representatives.

³⁶ See Notice of Filing, 85 FR at 37976.

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.* See also Notice of Filing, 85 FR at 37983.

⁴⁰ See Notice of Filing, 85 FR at 37976.

⁴¹ *Id.*

⁴² MSRB Rule A-3(a)(ii)(3).

⁴³ See Notice of Filing, 85 FR at 37976.

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*

the class of three, which would have two public representatives.⁵⁶

Pursuant to the transition plan included in the proposed rule change, all new Board members elected during the transition, and thereafter, would be appointed to four-year terms. The Board would resume electing new members for a four-member class with terms commencing in fiscal year 2022, which begins on October 1, 2021. No new Board members would be elected for terms beginning on October 1, 2020. The transition would be completed in fiscal year 2024, which ends on September 30, 2024.⁵⁷

The MSRB states that, to effect the transition, the Board would grant one-year term extensions to five public representatives and three regulated representatives, as follows:

- One public representative and one regulated representative whose terms would otherwise end on September 30, 2020;
- One public representative whose term would otherwise end on September 30, 2021;
- One public representative and one regulated representative whose terms would otherwise end on September 30, 2022; and
- Two public representatives and one regulated representative whose terms would otherwise end on September 30, 2023.⁵⁸

The MSRB states that, each year, members would be considered for the one-year extensions as part of the Board's annual nominations process, once that process resumes during fiscal year 2021, so that overall Board composition, resulting from existing member extensions and new member elections, can be considered holistically.⁵⁹

Terms

The Exchange Act provides that Board members "shall serve as members for a term of 3 years or for such other terms as specified by the rules of the Board."⁶⁰ MSRB Rule A-3 currently provides for four-year terms and prohibits a Board member from serving more than two consecutive terms. The proposed rule change includes an amendment to MSRB Rule A-3 that would impose a six-year lifetime limit on Board service.⁶¹ The MSRB observes that the six-year maximum service provision would effectively limit a

Board member to one complete four-year term.⁶² The MSRB states that allowing for up to an additional two years would permit the Board to fill a vacancy that arises in the middle of a Board member's term expeditiously, as it has in the past, by re-appointing a sitting member, or electing a former Board member, to serve for the remainder of the term of the Board member whose departure created the vacancy rather than leaving the vacancy unfilled until a more exhaustive, but time-consuming, search for a new Board member can be completed.⁶³

Based on its experience, the MSRB states that it believes that regularly refreshing the Board with new members benefits the Board and, in turn, the municipal market, by bringing new and diverse perspectives to the policymaking process.⁶⁴ The MSRB states that the six-year lifetime limit is intended to enhance these benefits by increasing the rate at which new members will join the Board.⁶⁵

The proposed rule change also includes an amendment to MSRB Rule A-3 that would permit a Board member filling a vacancy to serve for any part of an unexpired term, rather than requiring such a Board member to serve for the entire unexpired portion.⁶⁶ The MSRB states that this change is necessary to implement the six-year lifetime limit described above because a Board member may leave the Board with more than two years remaining in his or her term.⁶⁷ The MSRB states that, in many such cases, requiring the replacement Board member to serve the remainder of the term would disqualify current and former Board members due to the six-year limit.⁶⁸

Finally, MSRB Rule A-3(d) currently provides that "[v]acancies on the Board shall be filled by vote of the members of the Board," and states in the final sentence that the term "vacancies on the Board" includes a vacancy resulting from the resignation of a Board member prior to the commencement of his or her term.⁶⁹ The proposed rule change deletes this final sentence to clarify that the term includes all vacancies that arise prior to conclusion of a term for any reason.⁷⁰

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ MSRB Rule A-3(d).

⁷⁰ See Notice of Filing, 85 FR at 37977. As discussed below, the proposed rule change also includes amendments to MSRB Rule A-3 to reorganize the rule. As reorganized, the provision

Amendments to Board Nominations and Elections Provisions

The MSRB notes that MSRB Rule A-3 includes a detailed description of the composition, responsibilities and processes of the Board's Nominating and Governance Committee.⁷¹ The MSRB states that the proposed rule change includes amendments to MSRB Rule A-3 that would preserve the key features of this important Board committee while removing what the MSRB describes as overly prescriptive detail that could be provided instead, and the Board believes more appropriately, in governing documents such as committee charters and Board policies.⁷² The MSRB further states that it believes these amendments will enhance the Board's flexibility to respond efficiently to changes in circumstances.⁷³

Specifically, the proposed rule change would remove references in MSRB Rule A-3 to the "Nominating and Governance Committee" and replace them with references to a committee charged with the nominating process. The proposed rule change retains the substantive requirements that the committee responsible for the nominating process be: (1) Composed of a majority of public representatives, (2) chaired by a public representative, and (3) representative of the Board's membership, but removes the more detailed requirements.⁷⁴ The proposed rule change would also move these requirements, as amended by the proposed rule change, to MSRB Rule A-6, Committees of the Board.⁷⁵ The MSRB states that it believes that moving these requirements relating to committee composition to a more logical location will improve transparency by making Board requirements easier to find.⁷⁶

The proposed rule change also includes an amendment to MSRB Rule A-3 that updates the requirement for the Board to publish a notice seeking applicants for Board membership, which the MSRB states that it believes has become antiquated.⁷⁷ Specifically, the amendment would replace the requirement to publish the notice "in a financial journal having national circulation among members of the municipal securities industry and in a

on vacancies would be a subsection of section (b), which governs Board nominations and elections.

⁷¹ See Notice of Filing, 85 FR at 37977.

⁷² *Id.*

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ See Notice of Filing, 85 FR at 37977-8.

⁷⁶ *Id.* at 37978.

⁷⁷ *Id.*

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ Exchange Act Section 15B(b)(1), 15 U.S.C. 78o-4(b)(1).

⁶¹ See Notice of Filing, 85 FR at 37977.

separate financial journal having general national circulation” with the more general requirement to publish the notice “by means reasonably designed to provide broad dissemination to the public.”⁷⁸ The MSRB states that this broader and more flexible requirement recognizes that in addition to publishing the notice in financial journals as specified in MSRB Rule A–3, the Board currently uses a variety of methods to reach a broad range of potential candidates, including press releases, the MSRB website, and the Board’s social media channels.⁷⁹ The MSRB states that the amendment to MSRB Rule A–3 would permit the Board to continue to use these methods, as well as to determine other ways to reach a wide range of potential applicants in light of available technology and media.⁸⁰

Public Representative Committee Chairs

The MSRB states that it believes it should retain administrative flexibility to design and from time to time change its committee structure.⁸¹ The MSRB further states that the proposed rule change would enable the Board to establish its committee structure through governance mechanisms such as charters and policies.⁸² The MSRB observes that it could, for example, continue to have a committee responsible for both nominations and governance, or it could establish a separate committee on governance, freeing the nominating committee to focus on identifying, recruiting and vetting new members.⁸³

The MSRB believes that, irrespective of the committee structure the Board from time to time may establish, responsibility for both nominations and governance should continue to be in a committee or committees chaired by a public representative, as currently required by MSRB Rule A–3.⁸⁴ Current Board policy requires that the audit committee also be chaired by a public representative. In light of the importance of public representative leadership of the audit committee to the Board’s corporate governance system, the MSRB states that it believes this requirement should be included in the Board’s rules, rather than only in a Board policy.⁸⁵ Accordingly, the proposed rule change codifies these existing rule and policy requirements in

a single location in MSRB Rule A–6, Committees of the Board.⁸⁶

Reorganizational and Technical Changes

MSRB Rule A–3 Title

The proposed rule change would change the title of MSRB Rule A–3 from “Membership on the Board” to “Board Membership: Composition, Elections, Removal, Compensation.” The MSRB states that the new title will describe all of the topics covered by the rule and should make it easier for interested persons to locate relevant MSRB rule requirements.⁸⁷

MSRB Rule A–3 Organization

The MSRB states that the proposed rule change reorganizes the content of MSRB Rule A–3 so that similar provisions are grouped together, topics are presented in a more logical sequence, and overall readability is improved.⁸⁸ The provision on vacancies, currently section (d), would be included as a subsection of section (b), regarding nominations and elections. Similarly, the provision on Board member affiliations, currently section (f), would be included within section (a), which describes the number of Board members and the requirements for Board composition. The titles of sections (b) and (c) would be revised to more completely describe the topics covered and new subsection headers would be added to section (b) to provide a better roadmap to the section’s contents.⁸⁹ Although none of these changes is substantive, the MSRB states that they should make it easier for interested persons to find and understand relevant MSRB requirements.⁹⁰

Board Member Changes in Employment and Other Circumstances

The MSRB states that Board policies describe certain changes in a Board member’s circumstances, such as a change in employment, that could result in the Board member’s disqualification from continuing to serve on the Board.⁹¹ For example, a Board member who is a public representative at the time of his or her election may accept a position with a regulated entity during the course of his or her Board term. Assuming there are no Board vacancies at the time, the MSRB observes that such a change would result in the Board

no longer being majority public and no longer as evenly divided in number as possible between public and regulated representatives.⁹² The MSRB states that Board policy provides that the member would be disqualified from continuing to serve because the change in employment would cause a conflict with Board composition requirements.⁹³

The MSRB states that the proposed rule change would include the substance of this policy in MSRB Rule A–3(c), with minor updates.⁹⁴ Specifically, new subsection (c)(ii) would provide that:

- If a member’s change in employment or other circumstances results in a conflict with the Board composition requirements described in section (a) of MSRB Rule A–3, as proposed to be amended, the member shall be disqualified from serving on the Board as of the date of the change.

- If the Board determines that a member’s change in employment or other circumstances does not result in disqualification pursuant to the above provision but changes the category of representative in which the Board member serves, the member will remain on the Board pending a vote of the other members of the Board, to be taken within 30 days, determining whether the member is to be retained.

The MSRB states that including these provisions in the Board’s rules, rather than its policies, is intended to improve transparency about the Board’s approach to changes in Board member circumstances, including changes that require immediate disqualification due to a conflict with Board composition requirements and changes that do not cause a conflict with those requirements but might still, in the Board’s judgment, require removal because, for example, they negatively affect the balanced representation on the Board that the Board seeks to maintain.⁹⁵

III. Summary of Comments Received and MSRB’s Responses to Comments

As noted previously, the Commission received five comment letters on the proposed rule change, as well as the MSRB Response Letter.

Independence Standard

One commenter reiterated its concern, expressed in its response to the RFC, that “five years away from the industry and the market is too long for a Board member to be effective.”⁹⁶ This

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² *Id.*

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² *Id.*

⁹³ *Id.*

⁹⁴ *Id.*

⁹⁵ *Id.*

⁹⁶ See BDA Letter at 1.

commenter stated that the Board has “provided no evidence that the current two-year required separation has created any conflicts or even the perception of conflicts” and that the only effect of an increase to five years would be to prevent qualified and knowledgeable persons from serving on the Board.⁹⁷

The MSRB stated that, while the five-year separation requirement may postpone the time when some otherwise qualified persons may apply for Board membership, the comment’s intimation that former regulated entity employees are the primary—or the best—source of public members is not correct.⁹⁸ The MSRB noted that Section 15B(b)(1) of the Exchange Act provides that all Board members “shall be knowledgeable of matters related to the municipal securities markets” and that at least one of the public representatives must be a member of the public “with knowledge of or experience in the municipal industry.”⁹⁹ The MSRB stated that it does not view prior experience with a dealer or municipal advisor as a prerequisite for Board service as a public representative, and public representatives may gain the required knowledge in any number of ways.¹⁰⁰

One commenter stated that the “knowledge standard requirement for public applicants, as written, is very subjective and, in the past, has been too narrowly interpreted by the MSRB Board and Committees” and suggested that the Board “should ensure that individuals with broad knowledge of the public interest be considered in addition to those who have specialized industry expertise and have been traditionally appointed to these seats.”¹⁰¹ The MSRB stated that it continues to believe, as it noted in the RFC, that “while regulated representatives may bring specialized expertise to the regulation of a market with features and functions that are vastly different from those of other financial markets, public representatives may bring a broader perspective of the public interest.”¹⁰² The MSRB stated that, through its nominations and elections process, the Board will continue to seek qualified public representatives who can bring that perspective to bear on Board decision-making.¹⁰³

The MSRB further stated that, while some stakeholders perceive—accurately, in the Board’s view—that the Board’s public representatives are independent of the entities that the Board regulates, that perception is not universally held.¹⁰⁴ Accordingly, the MSRB stated that increasing the length of the separation period is intended in part to address the perception held by some stakeholders that public representatives are not sufficiently independent, and that it continues to believe that enhancing the appearance of independence of public representatives will provide additional assurance that the Board’s decisions are made in furtherance of its mission to protect investors, municipal entities, obligated persons and the public interest and to promote a fair and efficient municipal securities market.¹⁰⁵

Board Composition—Municipal Advisor Representation

One commenter believed that only a minimum of one municipal advisor representative should be required,¹⁰⁶ while two commenters believed that a minimum of three municipal advisor representatives should be required.¹⁰⁷ The commenter that believed that only one municipal advisor representative should be required stated that requiring only the statutory minimum of one municipal advisor would provide the Board with the maximum flexibility to determine municipal advisor representation based on its anticipated agenda.¹⁰⁸ Noting that dealers pay more in fees to the MSRB than municipal advisors, this commenter “call[ed] on the MSRB to set the ratio of board seats between dealers and MAs based on each constituency’s relative financial contribution to the organization, subject to statutory requirements.”¹⁰⁹

The commenters that believed at least three municipal advisor representatives should be required noted that municipal advisor regulation remains a significant

focus of the Board.¹¹⁰ These commenters suggested that at least three municipal advisors are necessary to represent the diverse range of that profession as well as the issuer clients it serves.¹¹¹ One believed that it would be difficult for two municipal advisors “to make their voices heard” on a Board with five dealer representatives and stated that just as MSRB Rule A–3 recognizes the difference between bank and non-bank dealers, “the broad and different nature of our MA businesses [should] also be considered.”¹¹² This commenter also disagreed that representation on the Board should be proportionate to fees paid.¹¹³

After considering these comments, the MSRB stated that it continues to believe that while municipal advisor representation on the Board should be greater than the statutory minimum of one, requiring at least three of seven regulated representatives (or 42.9%) to be municipal advisors not associated with a dealer would not be appropriate.¹¹⁴ As an initial matter, the MSRB noted that Rule A–3 sets the minimum number of Board members within each regulated category and that once those minimums are met the Board seeks to balance the Board each year with the mix of members it believes will best serve its mission to protect investors, municipal entities, obligated persons and the public interest and to promote a fair and efficient municipal securities market.¹¹⁵ The MSRB stated that, while that mix may, in a particular year, include three municipal advisors, the proposed rule change reflects the Board’s view that it should always include at least two municipal advisors not associated with a dealer.¹¹⁶

The MSRB stated that it reached that position for some of the reasons

¹¹⁰ See Former MSRB Board Members Letter at 1, 2; NAMA Letter at 1. The MSRB noted that both commenters characterized statements in the Notice of Filing that the Board had completed the rulemaking associated with implementation of the Dodd-Frank Act, including the establishment of the core municipal advisor regulatory regime, see Notice of Filing at 37975, 37976, as minimizing the continued significance of rulemaking involving municipal advisors. These commenters noted that municipal advisor regulation will continue to present the Board with challenges going forward. The MSRB stated that it agrees that “its expanded duties with regard to the protection of municipal entities and obligated persons and the regulation of municipal advisors are ongoing.” See Notice of Filing, 85 FR at 37975. See also MSRB Response Letter at 6.

¹¹¹ See Former MSRB Board Members Letter at 1; NAMA Letter at 1.

¹¹² See Former MSRB Board Members Letter at 2.

¹¹³ *Id.* at 1–2.

¹¹⁴ See MSRB Response Letter at 7.

¹¹⁵ *Id.*

¹¹⁶ *Id.*

¹⁰⁴ *Id.*

¹⁰⁵ See MSRB Response Letter at 4–5.

¹⁰⁶ See BDA Letter.

¹⁰⁷ See Former MSRB Board Members Letter; NAMA Letter.

¹⁰⁸ See BDA Letter at 1–2.

¹⁰⁹ See BDA Letter at 2. The BDA Letter also states, in support of its position that only one municipal advisor should be required, that five commenters on the RFC opposed the Board’s proposal to require at least two municipal advisors while only two agreed with it. See BDA Letter at 1. As noted in the Notice of Filing, two commenters (one of which was BDA) believed that one municipal advisor should be required, two believed that two municipal advisors should be required, and three believed that three municipal advisors should be required. See Notice of Filing, 85 FR at 37983. See also MSRB Response Letter at 6.

⁹⁷ *Id.*

⁹⁸ See MSRB Response Letter at 3.

⁹⁹ See MSRB Response Letter at 3–4.

¹⁰⁰ See MSRB Response Letter at 4. See also Notice of Filing, 85 FR at 37982.

¹⁰¹ See NAMA Letter at 2.

¹⁰² See MSRB Response Letter at 4. See also RFC at 3.

¹⁰³ See MSRB Response Letter at 4.

described by commenters.¹¹⁷ Specifically, the MSRB stated that it agrees that municipal advisor representation greater than the statutory minimum continues to be appropriate in light of the broad range of municipal advisors subject to MSRB regulation, though it disagrees, based on its experience with the current Board composition, that a proportional increase in municipal advisor representation is warranted.¹¹⁸

The MSRB stated that it also disagrees with the comment that the Board should “set the ratio of board seats between dealers and MAs based on each constituency’s relative financial contribution to the organization, subject to statutory requirements.”¹¹⁹ The MSRB observed that nothing in the Exchange Act suggests that fees paid to the Board should be tied to Board composition and, in fact, the Exchange Act treats the two topics in separate provisions.¹²⁰ Exchange Act Section 15B(b)(2)(B) requires MSRB Rules to “establish fair procedures for the nomination and election of members of the Board and assure fair representation in such nominations and elections of public representatives, broker dealer representatives, bank representatives, and advisor representatives.”¹²¹ The MSRB explained that the proposed rule change would maintain, as closely as possible on a 15-member Board, the existing balance of representation among regulated representatives and that the Board believes that requiring municipal advisor representation greater than the statutory minimum continues to assure fair representation in light of the broad range of MAs subject to MSRB regulation.¹²² The MSRB concluded that, for these reasons, the Board believes that the amendments related to Board composition are consistent with the Exchange Act.¹²³

With respect to the comments regarding the fees paid by regulated entities and their proportionate representation on the Board, the MSRB stated that comments on the MSRB fee structure are outside the scope of the proposed rule change.¹²⁴

Board Composition—Issuer Representation

The MSRB noted that, although the proposed rule change includes no amendments related to Board

composition other than as it relates to municipal advisors, three commenters urged the Board to increase the required number of issuer representatives.¹²⁵ One such commenter stated that a Board with eight public members should include three issuers, three investors, and two “general public members” and asked the Commission not to approve the proposed rule change without increasing the number of issuers.¹²⁶ This commenter believed that a single issuer representative is insufficient to represent the broad spectrum of issuers in the municipal market, and stated that “[w]ithout issuers, none of the other parties would exist, and because of this, the voice of the issuer community is essential to ensure robust capital formation within the parameters of the MSRB’s regulatory regime.”¹²⁷

In the Notice of Filing, in response to similar comments on the RFC, the MSRB noted that although the proposed rule change does not include amendments that would change the number of required issuer representatives on the Board, the Board modified the plan described in the RFC for transitioning immediately to a 15-member Board in the next fiscal year in order to avoid being left with only one issuer representative for that year.¹²⁸ The MSRB stated that it did so because it agreed with commenters on the RFC that operating with only one issuer is a particularly undesirable result in fiscal year 2021 in light of the effects of the COVID-19 pandemic on municipalities and the municipal securities market more generally.¹²⁹ Accordingly, the MSRB stated that it determined to specify an interim Board size of 17 members in the first year of its transition to the reduced Board size of 15 members, which will allow the Board the benefit of a second issuer representative in fiscal year 2021.¹³⁰ At the same time, based on its experience with the current Board composition requirements, the MSRB stated that it continues to believe that maintaining

the status quo as it relates to Board composition as closely as possible with the smaller Board size remains appropriate and will continue to assure fair representation.¹³¹

IV. Discussion and Commission Findings

The Commission has carefully considered the proposed rule change, the comment letters received, and the MSRB Response Letter. The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the MSRB.

In particular, the Commission believes that the proposed rule change is consistent with the provisions of Section 15B(b)(1) of the Act,¹³² which provides:

The Municipal Securities Rulemaking Board shall be composed of 15 members, or such other number of members as specified by rules of the Board pursuant to paragraph (2)(B), which shall perform the duties set forth in this section. The members of the Board shall serve as members for a term of 3 years or for such other terms as specified by rules of the Board pursuant to paragraph (2)(B), and shall consist of (A) 8 individuals who are independent of any municipal securities broker, municipal securities dealer, or municipal advisor, at least 1 of whom shall be representative of institutional or retail investors in municipal securities, at least 1 of whom shall be representative of municipal entities, and at least 1 of whom shall be a member of the public with knowledge of or experience in the municipal industry (which members are hereinafter referred to as “public representatives”); and (B) 7 individuals who are associated with a broker, dealer, municipal securities dealer, or municipal advisor, including at least 1 individual who is associated with and representative of brokers, dealers, or municipal securities dealers that are not banks or subsidiaries or departments or divisions of banks (which members are hereinafter referred to as “broker-dealer representatives”), at least 1 individual who is associated with and representative of municipal securities dealers which are banks or subsidiaries or departments or divisions of banks (which members are hereinafter referred to as “bank representatives”), and at least 1 individual who is associated with a municipal advisor (which members are hereinafter referred to as “advisor representatives” and, together with the broker-dealer representatives and the bank representatives, are referred to as “regulated representatives”). Each member of the board shall be knowledgeable of matters related to the municipal securities markets. Prior to the expiration of the terms of office of the members of the Board, an election shall be held under rules adopted by the Board

¹¹⁷ *Id.*

¹¹⁸ *Id.*

¹¹⁹ See MSRB Response Letter at 7–8.

¹²⁰ *Id.*

¹²¹ 15 U.S.C. 78o–4(b)(2)(B).

¹²² See MSRB Response Letter at 8.

¹²³ *Id.*

¹²⁴ See MSRB Response Letter at 8.

¹²⁵ See GFOA Letter; Issuer Organizations Letter; NAMA Letter.

¹²⁶ See GFOA Letter at 2.

¹²⁷ See GFOA Letter at 1. See also NAMA Letter at 2 (stating that “the issuer community is extremely diverse and should be well and better represented on the Board to allow for the different ways that issuers approach the capital markets”); Issuer Organizations Letter at 1 (describing the diverse range of issuers and urging the Board to require at least two issuer representatives to “ensure that issuer voices are heard and utilized by the MSRB in its rulemaking, management of the EMMA system, and municipal market educational efforts”).

¹²⁸ See MSRB Response Letter at 9. See also Notice of Filing, 85 FR at 37977.

¹²⁹ See MSRB Response Letter at 9.

¹³⁰ *Id.*

¹³¹ *Id.*

¹³² 15 U.S.C. 78o–4(b)(1).

(pursuant to subsection (b)(2)(B) of this section) of the members to succeed such members.

In addition, the Commission believes that the proposed rule change is consistent with the provisions of Section 15B(b)(2)(B) of the Act,¹³³ which provides that the MSRB's rules shall:

establish fair procedures for the nomination and election of members of the Board and assure fair representation in such nominations and elections of public representatives, broker dealer representatives, bank representatives, and advisor representatives. Such rules—

(i) shall provide that the number of public representatives of the Board shall at all times exceed the total number of regulated representatives and that the membership shall at all times be as evenly divided in number as possible between public representatives and regulated representatives;

(ii) shall specify the length or lengths of terms members shall serve;

(iii) may increase the number of members which shall constitute the whole Board, provided that such number is an odd number; and

(iv) shall establish requirements regarding the independence of public representatives.

Furthermore, the Commission believes that the proposed rule change is consistent with the provisions of Section 15B(b)(2)(I) of the Act,¹³⁴ which provides that the MSRB's rules shall:

provide for the operation and administration of the Board, including the selection of a Chairman from among the members of the Board, the compensation of the members of the Board, and the appointment and compensation of such employees, attorneys, and consultants as may be necessary or appropriate to carry out the Board's functions under this section.

MSRB Rule A-3 defines a public representative as independent if the public representative has “no material business relationship” with a regulated entity. An individual has no material business relationship with a regulated entity, under MSRB Rule A-3, if the individual has not been associated with a regulated entity for a two-year period. The Commission believes that the Board's determination to increase this period of time to five years, in order to further enhance the independence of public representatives, is consistent with Section 15B(b)(2)(B)(iv) of the Exchange Act with respect to the requirement for the Board to “establish requirements regarding the independence of public representatives.”¹³⁵

Section 15B(b)(1) of the Exchange Act¹³⁶ provides that the Board “shall be composed of 15 members, or such other number of members as specified by rules of the Board pursuant to paragraph (2)(B). . . .” and consist of eight public representatives and seven regulated representatives. The Board having previously increased its size, in accordance with Section 15B(b)(2)(B) of the Exchange Act,¹³⁷ after the enactment of the Dodd-Frank Act, has determined that it is now appropriate to return to the size specified in the Exchange Act. The Commission believes that returning to a 15-member Board consisting of eight public representatives and seven regulated representatives would be consistent with Section 15B(b)(1) of the Exchange Act.¹³⁸

Section 15B(b)(2)(B) of the Exchange Act¹³⁹ requires MSRB Rules to “establish fair procedures for the nomination and election of members of the Board and assure fair representation in such nominations and elections of public representatives, broker dealer representatives, bank representatives, and advisor representatives.” The proposed rule change would maintain, as closely as possible on a 15-member Board, the existing balance of representation among regulated representatives and includes no changes relating to the representation of public representatives. The Commission believes that requiring representation of municipal advisors not associated with a dealer greater than the statutory minimum and maintaining as nearly as possible the current balance between municipal advisor representatives and dealer representatives continues to assure fair representation of regulated entities on the Board and therefore is consistent with Section 15B(b)(2)(B) of the Exchange Act.¹⁴⁰ In addition, the Commission believes that the amendment that would add an explicit requirement that Board members be “individuals of integrity” to codify existing Board practice of seeking individuals of integrity in nominating and electing Board members is consistent with Section 15B(b)(2)(B) of the Exchange Act.¹⁴¹

The proposed rule change includes a plan for transitioning the Board from 21 members to 15 members, with an interim year with a 17-member Board composed of nine public representatives and eight regulated representatives and

with extensions to a limited number of terms for Board members to change the structure of the Board's member classes. The Commission believes that the amendment establishing the 17-member Board is consistent with Section 15B(b)(2)(B)(iii) of the Exchange Act,¹⁴² which permits the Board to increase the statutorily specified 15-member Board, provided that the number of members is an odd number, and is also consistent with Section 15B(b)(2)(B)(i) of the Exchange Act,¹⁴³ which requires the number of public representatives to at all times exceed the number of regulated representatives and the membership to at all times be as evenly divided in number as possible between public representatives and regulated representatives. Furthermore, the Commission believes that the amendments that provide for a limited number of term extensions, to include a fifth year of service, for Board members are consistent with Section 15B(b)(2)(B)(ii) of the Exchange Act,¹⁴⁴ which requires the Board to “specify the length or lengths of terms members shall serve.” Finally, the Commission believes that the transition plan is consistent with Section 15B(b)(2)(I) of the Exchange Act,¹⁴⁵ which requires MSRB rules to “provide for the operation and administration of the Board,” in that the plan would serve to administer the Board transition process in a manner intended to minimize risks of disruption to MSRB governance, programs and operations.

The proposed rule change includes amendments that would impose a six-year limit on Board service intended to increase the rate at which new members will join the Board, thereby more regularly refreshing the perspectives the Board may draw upon in carrying out its mission. The Commission believes that this amendment is consistent with Section 15B(b)(2)(B) of the Exchange Act,¹⁴⁶ which requires the Board to establish fair procedures for the nomination and election of members of the Board and “specify the length or lengths of terms members shall serve,” by promoting broader participation in Board membership and specifying the overall length of service permitted.

The proposed rule change includes amendments that the MSRB describes as removing overly-prescriptive detail from the Board's rule regarding nominations and elections, while preserving the key features of the process, as further

¹³⁶ 15 U.S.C. 78o-4(b)(1).

¹³⁷ 15 U.S.C. 78o-4(b)(2)(B).

¹³⁸ 15 U.S.C. 78o-4(b)(1).

¹³⁹ 15 U.S.C. 78o-4(b)(2)(B).

¹⁴⁰ *Id.*

¹⁴¹ *Id.*

¹⁴² 15 U.S.C. 78o-4(b)(2)(B)(iii).

¹⁴³ 15 U.S.C. 78o-4(b)(2)(B)(i).

¹⁴⁴ 15 U.S.C. 78o-4(b)(2)(B)(ii).

¹⁴⁵ 15 U.S.C. 78o-4(b)(2)(I).

¹⁴⁶ 15 U.S.C. 78o-4(b)(2)(B).

¹³³ 15 U.S.C. 78o-4(b)(2)(B).

¹³⁴ 15 U.S.C. 78o-4(b)(2)(I).

¹³⁵ 15 U.S.C. 78o-4(b)(2)(B)(iv).

described above. The Commission believes that the amendments to these provisions providing for the operation and administration of the Board are consistent with Exchange Act Sections 15B(b)(2)(B) and (I),¹⁴⁷ which require the Board's rules to establish fair procedures for the nomination and election of members and provide for the operation and administration of the Board.

Amendments to MSRB Rule A-6 would codify existing MSRB rule and policy requirements that the chairs of Board committees with responsibilities for nominations, governance, and audit must be public representatives. As an administrative and operational matter, the Board has established a number of standing committees as well as special committees when appropriate. The Commission believes that the MSRB's determination to codify that such committees be chaired by public representatives is consistent with Section 15B(2)(I) of the Exchange Act¹⁴⁸ to provide for the operation and administration of the Board.

The proposed rule change includes certain organizational and technical changes to MSRB Rule A-3 which make no substantive changes to these fair procedures but merely improve the rule's readability. Accordingly, the Commission believes that these amendments are consistent with Exchange Act Section 15B(b)(2)(B).¹⁴⁹

The proposed rule change includes an amendment that would provide that a Board member is disqualified from further service if his or her change in employment or other circumstances would result in the Board's noncompliance with the requirements in Exchange Act Section 15B(b)(1)¹⁵⁰ for Board composition, and provides procedures for the Board to determine whether to retain a member if a member's change in employment or other circumstances does not result in disqualification under the Board's composition requirements. The Commission believes the amendment allows the Board to remain in compliance with its statutory composition requirement and to preserve the balance of Board categories on the Board that it establishes each year when it elects new members, and therefore is consistent with Exchange Act Section 15B(b)(1)¹⁵¹ and 15B(b)(2)(B).¹⁵²

In approving the proposed rule change, the Commission has considered the proposed rule change's impact on efficiency, competition, and capital formation.¹⁵³ Section 15B(b)(2)(C) of the Act¹⁵⁴ requires that MSRB rules not be designed to impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change relates only to the administration of the Board and would not impose requirements on dealers, municipal advisors or others. Accordingly, the Commission does not believe that the proposed rule change would result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act.

As noted above, the Commission received five comment letters on the filing. The Commission believes that the MSRB, through its responses, has addressed commenters' concerns. For the reasons noted above, the Commission believes that the proposed rule change is consistent with the Act.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,¹⁵⁵ that the proposed rule change (SR-MSRB-2020-04) be, and hereby is, approved.

For the Commission, pursuant to delegated authority.¹⁵⁶

J. Matthew DeLesDernier,
Assistant Secretary.

[FR Doc. 2020-17454 Filed 8-10-20; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-89483; File No. SR-NYSEAMER-2020-62]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of Proposed Change To Amend the NYSE American Options Fee Schedule

August 5, 2020.

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 (the "Act")² and Rule 19b-4 thereunder,³ notice is hereby given that, on August 3, 2020, NYSE American LLC ("NYSE American" or the "Exchange") filed with the Securities and Exchange

Commission (the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the NYSE American Options Fee Schedule ("Fee Schedule") regarding qualifications for rebates for initiating a Customer Best Execution Auction. The Exchange proposes to implement the fee change effective August 3, 2020. The proposed change is available on the Exchange's website at www.nyse.com, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to modify the Fee Schedule regarding the qualifications for a rebate for initiating a Customer Best Execution ("CUBE") auction, whether Single-Leg or Complex (collectively, "CUBE Orders").

In brief, the proposed changes are designed to encourage ATP Holders to increase their initiating CUBE volume while maintaining a meaningful level of Electronic volume in the "Professional" range.⁴ Specifically, the Exchange proposes to increase the qualification level to earn a rebate on initiating CUBE

¹⁴⁷ 15 U.S.C. 78o-4(b)(2)(B), (I).

¹⁴⁸ 15 U.S.C. 78o-4(b)(2)(I).

¹⁴⁹ 15 U.S.C. 78o-4(b)(2)(B).

¹⁵⁰ 15 U.S.C. 78o-4(b)(1).

¹⁵¹ 15 U.S.C. 78o-4(b)(1).

¹⁵² 15 U.S.C. 78o-4(b)(2)(B).

¹⁵³ 15 U.S.C. 78c(f).

¹⁵⁴ 15 U.S.C. 78o-4(b)(2)(C).

¹⁵⁵ 15 U.S.C. 78s(b)(2).

¹⁵⁶ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

⁴ For purposes of this filing, "Professional" volume includes Electronic volume from the following: Professional Customer, Broker Dealer, Non-NYSE American Options Market Maker, and Firm (the "Professional volume").

volume while lowering the minimum qualifying level for Professional volume.

The Exchange proposes to implement the rule changes on August 3, 2020.

Background

The Exchange has established various pricing incentives designed to encourage increased Electronic volume executed on the Exchange, including (but not limited to) the American Customer Engagement (“ACE”) Program and the Professional Step-Up Incentive Program. The Exchange also offers an ACE Initiating Participant Rebate to participants in the ACE Program that initiate Single-Leg or Complex CUBE Auctions as well as an alternative to the ACE Initiating Participant Rebate—the Alternative Initiating Participant Rebate—that enables non-ACE Program participants to qualify for a rebate on certain initiating Single-Leg or Complex CUBE Orders provided they meet certain Professional volume requirements and increase their initiating CUBE volume.

As discussed further below, the Exchange is proposing to modify the qualification levels for the Alternative Initiating Participant Rebate to continue to encourage ATP Holders to increase their initiating CUBE Orders and to maintain a meaningful level of Professional volume. Because volume executed in Electronic auction mechanisms, such as the CUBE, has increased across the industry, the Exchange believes the proposed change would encourage more participants to try to achieve the Alternative Initiating Participant Rebate by directing more auction-eligible order flow to the Exchange.⁵ To the extent that this proposed change to the incentive results in that additional flow, the increased liquidity on the Exchange would result in enhanced market quality for all participants.

Proposed Rule Change

CUBE Auction Fees & Credits: CUBE Initiating Participant Rebates

Section I.G. of the Fee Schedule sets forth the rates for per contract fees and credits for executions associated with Single-Leg and Complex CUBE Auctions (together, “CUBE Auctions”).⁶ To encourage participants to utilize CUBE Auctions, the Exchange offers rebates on certain initiating CUBE volume,

including an Alternative Initiating Participant Rebate, which applies to each of the first 5,000 contracts per Single-Leg CUBE Order or to each of the first 1,000 contracts per leg of a Complex CUBE Order and is available to ATP Holders that do not qualify for or participate in the ACE Program.⁷ Currently, to qualify for the Alternative Initiating Participant Rebate in a Single-Leg or Complex CUBE Auction, an ATP Holder must execute a minimum of 10,000 contracts ADV in Professional volume and increase their Initiating Single-Leg CUBE Orders by the greater of 20% over their August 2019 volume or 10,000 contracts ADV.⁸ An ATP Holder that qualifies for both the ACE Initiating Participant Rebate (which is (\$0.12) for Single-Leg CUBE orders and (\$0.10) for Complex CUBE Orders) and the Alternative Initiating Participant Rebate (which is (\$0.10)) is entitled the greater of the two rebates.⁹

The Exchange proposes to modify the qualification levels to earn the (\$0.10) per contract Alternative Initiating Participant Rebate in a Single-Leg or Complex CUBE Auction by decreasing the minimum required Professional volume from 10,000 ADV to 5,000 ADV, while increasing the required amount of Initiating Single-Leg CUBE Orders to the greater of 40% over their August 2019 volume or 15,000 ADV (from 20% over August 2019 or 10,000 ADV, respectively).¹⁰ As is the case today, an ATP Holder that qualifies for both the ACE Initiating Participant Rebate and the Alternative Initiating Participant Rebate is entitled only to one of the two rebates; however both of these Initiating Participant Rebates are available in addition to other CUBE Auction-related credits set forth in the Fee Schedule. The Exchange is not proposing to alter the amount of the rebate at this time.

The Exchange’s fees are constrained by intermarket competition, as ATP Holders may direct their order flow to any of the 16 options exchanges, including those with similar incentive programs.¹¹ Thus, ATP Holders have a

choice of where they direct their order flow, including auction volume which, as noted above, has increased in the last year, and Professional volume.

To the extent that the proposed modification encourages the submission of CUBE Orders, all market participants stand to benefit from increased liquidity and opportunities for price improvement. The proposed change also continues to offer ATP Holders an additional incentive to direct Professional order flow to the Exchange.¹² Because the ACE Initiating Participant Rebate and the Alternative Initiating Participant Rebate are tied to Customer (ACE) and Professional (Alternative) order flow—in addition to initiating CUBE volume, the Exchange believes all market participants stand to benefit from increased order flow, which promotes market depth, facilitates tighter spreads and enhances price discovery.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,¹³ in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,¹⁴ in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Proposed Rule Change Is Reasonable

The Exchange operates in a highly competitive market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system “has been remarkably successful

volume submitted for the account of Public Customers that are not Priority Customers, Non-MIAX Market Makers, Non-Member Broker Dealers, and Firms (collectively, Professional for purposes of MIAX program), provided the Member achieves certain Professional volume increase percentage thresholds (set forth in the schedule) in the month relative to the fourth quarter of 2015).

¹² See, e.g., Fee Schedule, Section I. H, Professional Step-up Incentive (offering discounted rates on monthly Professional volume for ATP Holders that increase their Professional volume by specified percentages of TCADV over their August 2019 volume—or, for new ATP Holders that increase such volume by a specified percentages of TCADV above 10,000 contracts ADV).

¹³ 15 U.S.C. 78f(b).

¹⁴ 15 U.S.C. 78f(b)(4) and (5).

⁷ See *id.*, note 2 to each of Single-Leg and Complex CUBE table.

⁸ See *id.*

⁹ See *id.*

¹⁰ See proposed Section I.G. of the Fee Schedule, CUBE Auction Fees & Credits, Complex CUBE Auction, note 2.

¹¹ See e.g., Cboe Exchange Inc. (“Cboe”), Fee Schedule, Volume Incentive Program (VIP), available here, https://cdn.cboe.com/resources/membership/Cboe_FeeSchedule.pdf (providing per contract credits for volume executed in Cboe’s complex price improvement auction) and MIAX Options fee schedule, Section 1.a.iv, Professional Rebate Program, available here, https://www.miaxoptions.com/sites/default/files/fee_schedule-files/MIAX_Options_Fee_Schedule_04012019.pdf (setting forth per contract credits on

⁵ A daily analysis of OPRA trade codes indicates that auction volume has increased from 19.2% of all options industry volume at the end of 2019 to 23.4% at the end of June 2020. See, e.g., <https://www.nyse.com/data-insights/q2-2020-options-review>.

⁶ See Section I.G. of the Fee Schedule, CUBE Auction Fees & Credits.

in promoting market competition in its broader forms that are most important to investors and listed companies.”¹⁵

There are currently 16 registered options exchanges competing for order flow. Based on publicly-available information, and excluding index-based options, no single exchange has more than 16% of the market share of executed volume of multiply-listed equity and ETF options trades.¹⁶ Therefore, currently no exchange possesses significant pricing power in the execution of multiply-listed equity & ETF options order flow. More specifically, in June 2020, the Exchange had less than 10% market share of executed volume of multiply-listed equity & ETF options trades.¹⁷

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow, or discontinue or reduce use of certain categories of products, in response to fee changes. Accordingly, competitive forces constrain options exchange transaction fees. Stated otherwise, changes to exchange transaction fees and rebates can have a direct effect on the ability of an exchange to compete for order flow including auction volume which, as noted above, has increased in the last year.

Given the increase in auction volume since late 2019, the Exchange believes it is reasonable to raise the required increase in initiating Single-Leg CUBE volume from 20% to 40% over that ATP Holder's 2019 volume and to likewise raise the alternative minimum “greater of” qualification basis from 10,000 to 15,000 contracts ADV.¹⁸ The Exchange believes these changes are commensurate with the overall increase in industry auction volume. At the same time, the Exchange believes it is reasonable to reduce minimum required Professional volume from 10,000 ADV to 5,000 ADV as this makes this (non-auction related) aspect of the rebate requirement easier to achieve, while still encouraging ATP Holders to direct a meaningful level of Professional

volume to the Exchange, which should provide additional incentive (to the Professional Step-Up Incentive Program) to direct such order flow to the Exchange.¹⁹

This proposed change is designed to encourage ATP Holders to participate in the CUBE Auctions and to further increase their initiating Single-Leg CUBE Orders or minimum ADV to qualify for the rebate. The Exchange believes that modifying the qualification bases to achieve the CUBE Alternative Initiating Participant Rebate may encourage greater use of the CUBE Auctions by all ATP Holders, which may lead to greater opportunities to trade—and for price improvement—for all participants. And, for ATP Holders that already execute some Professional Volume, the initial qualification as modified, should be easier to achieve, thus encouraging the ATP Holder to increase the amount of auction volume directed to the Exchange.

The Exchange notes that all market participants stand to benefit from increased transaction volume, as such increase promotes market depth, facilitates tighter spreads and enhances price discovery, and may lead to a corresponding increase in order flow from other market participants that do not participate in (or qualify for) the Professional Step-Up Incentive (or the ACE) program.

Finally, to the extent the proposed changes attract greater volume and liquidity, the Exchange believes the proposed changes would improve the Exchange's overall competitiveness and strengthen its market quality for all market participants. In the backdrop of the competitive environment in which the Exchange operates, the proposed rule changes are a reasonable attempt by the Exchange to increase the depth of its market and improve its market share relative to its competitors. The proposed rule change is designed to continue to incent ATP Holders to direct liquidity to the Exchange in Electronic executions, similar to other exchange programs with competitive pricing programs, thereby promoting market depth, price discovery and improvement and enhancing order execution opportunities for market participants.²⁰

The Proposed Rule Change Is an Equitable Allocation of Fees and Rebates

The Exchange believes the proposed rule change is an equitable allocation of

its fees and rebates. The proposal is based on the amount and type of business transacted on the Exchange and ATP Holders can opt to avail themselves of these incentives or not. Moreover, the proposal is designed to continue to encourage ATP Holders to aggregate their executions at the Exchange as a primary execution venue. To the extent that the proposed change attracts more CUBE volume to the Exchange, this increased order flow would continue to make the Exchange a more competitive venue for order execution. Thus, the Exchange believes the proposed rule change would improve market quality for all market participants on the Exchange and, as a consequence, attract more order flow to the Exchange thereby improving market-wide quality and price discovery.

The Proposed Rule Change Is Not Unfairly Discriminatory

The Exchange believes that the proposal is not unfairly discriminatory because the proposed modifications would be available to all similarly-situated market participants on an equal and non-discriminatory basis. The Exchange's proposed modification to qualify for the CUBE Alternative Initiating Participant Rebate is designed to encourage greater use of the CUBE Auctions, which may lead to greater opportunities to trade—and for price improvement—for all participants.

The proposals are based on the amount and type of business transacted on the Exchange and ATP Holders are not obligated to try to achieve the incentive pricing option. Rather, the proposals are designed to encourage participants to utilize the Exchange as a primary trading venue (if they have not done so previously) or increase Electronic volume sent to the Exchange. To the extent that the proposed change attracts more executions to the Exchange, this increased order flow would continue to make the Exchange a more competitive venue for order execution. Thus, the Exchange believes the proposed rule change would improve market quality for all market participants on the Exchange and, as a consequence, attract more order flow to the Exchange thereby improving market-wide quality and price discovery. The resulting increased volume and liquidity would provide more trading opportunities and tighter spreads to all market participants and thus would promote just and equitable principles of trade, 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.

¹⁵ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (S7-10-04) (“Reg NMS Adopting Release”).

¹⁶ The OCC publishes options and futures volume in a variety of formats, including daily and monthly volume by exchange, available here: <https://www.theocc.com/market-data/volume/default.jsp>.

¹⁷ Based on OCC data, *see id.*, the Exchange's market share in equity and ETF-based options increased slightly from 8.20% for the month of June 2019 to 8.32% for the month of June 2020.

¹⁸ See *supra* note 5 (regarding an increase in auction volume from 19.2% of all options industry volume at the end of 2019 to 23.4% at the end of June 2020).

¹⁹ See *supra* note 12 (regarding discounted rates offered via the Professional Step-up Incentive).

²⁰ See, e.g., *supra* note 11 (Choe VIP program and regarding MIA Professional Rebate Program).

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act, the Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, as discussed above, the Exchange believes that the proposed changes would encourage the submission of additional liquidity to a public exchange, thereby promoting market depth, price discovery and transparency and enhancing order execution opportunities for all market participants. As a result, the Exchange believes that the proposed changes further the Commission's goal in adopting Regulation NMS of fostering integrated competition among orders, which promotes "more efficient pricing of individual stocks for all types of orders, large and small."²¹

Intramarket Competition. The proposed change is designed to continue to attract order flow to the Exchange by offering competitive rates and rebates (via the CUBE Alternative Initiating Participant Rebate) based on increased volumes on the Exchange, which would enhance the quality of quoting and may increase the volumes of contracts traded on the Exchange. To the extent that this purpose is achieved, all of the Exchange's market participants should benefit from the improved market liquidity. Enhanced market quality and increased transaction volume that results from the anticipated increase in order flow directed to the Exchange will benefit all market participants and improve competition on the Exchange.

Intermarket Competition. The Exchange operates in a highly competitive market in which market participants can readily favor one of the 16 competing option exchanges if they deem fee levels at a particular venue to be excessive. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and to attract order flow to the Exchange. Based on publicly-available information, and excluding index-based options, no single exchange currently has more than 16% of the market share of executed volume of multiply-listed equity and ETF options

trades.²² Therefore, no exchange currently possesses significant pricing power in the execution of multiply-listed equity & ETF options order flow. More specifically, in June 2020, the Exchange had less than 10% market share of executed volume of multiply-listed equity & ETF options trades.²³

The Exchange believes that the proposed rule change reflects this competitive environment because it modifies the Exchange's fees and rebates in a manner designed to encourage ATP Holders to direct trading interest to the Exchange, to provide liquidity and to attract order flow. To the extent that this purpose is achieved, all the Exchange's market participants should benefit from the improved market quality and increased opportunities for price improvement.

The Exchange believes that the proposed changes could promote competition between the Exchange and other execution venues, including those that currently offer similar pricing incentives, by encouraging additional orders to be sent to the Exchange for execution.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)²⁴ of the Act and subparagraph (f)(2) of Rule 19b-4²⁵ thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)²⁶ of the Act to determine whether the proposed rule

change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-NYSEAMER-2020-62 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-2020-62. 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-2020-62 and should be submitted on or before September 1, 2020.

²¹ See Reg NMS Adopting Release, *supra* note 15, at 37499.

²² See *supra* note 15.

²³ Based on OCC data, *supra* note 17, the Exchange's market share in equity-based options was 8.20% for the month of June 2019 and 8.32% for the month of June 2020.

²⁴ 15 U.S.C. 78s(b)(3)(A).

²⁵ 17 CFR 240.19b-4(f)(2).

²⁶ 15 U.S.C. 78s(b)(2)(B).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁷

J. Matthew DeLesDernier,
Assistant Secretary.

[FR Doc. 2020-17452 Filed 8-10-20; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-89480; File No. SR-NYSEArca-2020-69]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Modify the NYSE Arca Options Fee Schedule

August 5, 2020.

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 (the “Act”)² and Rule 19b-4 thereunder,³ notice is hereby given that, on July 30, 2020, NYSE Arca, Inc. (“NYSE Arca” or the “Exchange”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to modify the NYSE Arca Options Fee Schedule (“Fee Schedule”) to extend the waiver of certain Floor-based fixed fees through August 2020. The Exchange proposes to implement the fee change effective July 30, 2020. The proposed rule change is available on the Exchange's website at www.nyse.com, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below.

The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to modify the Fee Schedule to extend the waiver of certain Floor-based fixed fees through August 2020 for market participants that have been unable to resume their Floor operations to a certain capacity level, as discussed below. The Exchange proposes to implement the fee change effective July 30, 2020.

On March 18, 2020, the Exchange announced that it would temporarily close the Trading Floor, effective Monday, March 23, 2020, as a precautionary measure to prevent the potential spread of COVID-19. Following the temporary closure of the Trading Floor, the Exchange waived certain Floor-based fixed fees for April and May 2020 (the “fee waiver”).⁴ Although the Trading Floor partially reopened on May 4, 2020 and Floor-based open outcry activity is supported, certain participants have been unable to resume pre-Floor closure levels of operations. As a result, the Exchange extended the fee waiver through June and July 2020, but only for Floor Broker firms that were unable to operate at more than 50% of their March 2020 on-Floor staffing levels and for Market Maker firms that have vacant or “unmanned” Podia for the entire month due to COVID-19 related considerations (the “Qualifying Firms”).⁵ Because the Trading Floor will continue to operate with reduced capacity, the Exchange proposes to extend the prior fee waiver for Qualifying Firms through August 2020.

Specifically, the proposed fee waiver covers the following fixed fees for Qualifying Firms, which relate directly to Floor operations, are charged only to Floor participants and do not apply to participants that conduct business off-Floor:

- Floor Booths;
- Market Maker Podia;
- Options Floor Access;

⁴ See Securities Exchange Act Release Nos. 88596 (April 8, 2020), 85 FR 20796 (April 14, 2020) (SR-NYSEArca-2020-29); 88812 (May 5, 2020), 85 FR 27787 (May 11, 2020) (SR-NYSEArca-2020-38).

⁵ See Securities Exchange Act Release Nos. 89038 (June 10, 2020), 85 FR 36447 (June 16, 2020) (SR-NYSEArca-2020-52); 89242 (June 7, 2020), 85 FR 42037 (July 13, 2020) (SR-NYSEArca-2020-60). See also Fee Schedule, NYSE Arca OPTIONS: FLOOR and EQUIPMENT and CO-LOCATION FEES.

- Wire Services; and
- ISP Connection.⁶

Like the previous fee waiver for Qualifying Firms, the proposed fee change is designed to reduce monthly costs for Qualifying Firms whose operations continue to be disrupted despite the fact that the Trading Floor has partially reopened. In reducing this monthly financial burden, the proposed change would allow Qualifying Firms to reallocate funds to assist with the cost of shifting and maintaining their prior fully-staffed on-Floor operations to off-Floor and recoup losses as a result of the partial reopening. Absent this change, such participants may experience an unexpected increase in the cost of doing business on the Exchange.⁷ The Exchange believes that all Qualifying Firms would benefit from this proposed fee change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,⁸ in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,⁹ in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange operates in a highly competitive market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system “has been remarkably successful in promoting market competition in its

⁶ See proposed Fee Schedule, NYSE Arca OPTIONS: FLOOR and EQUIPMENT and CO-LOCATION FEES (providing that certain fees are waived for Qualifying Firms “for June through August 2020”).

⁷ The Exchange will refund participants of the Floor Broker Prepayment Program for any prepaid August 2020 fees that are waived. See proposed Fee Schedule, FLOOR BROKER FIXED COST PREPAYMENT INCENTIVE PROGRAM (the “FB Prepay Program”) (providing that “the Exchange will refund certain of the prepaid Eligible Fixed costs that were waived for June through August 2020 for Qualifying Firms as defined, and set forth in, NYSE Arca OPTIONS: FLOOR and EQUIPMENT and CO-LOCATION FEES”).

⁸ 15 U.S.C. 78f(b).

⁹ 15 U.S.C. 78f(b)(4) and (5).

²⁷ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

broader forms that are most important to investors and listed companies.”¹⁰

There are currently 16 registered options exchanges competing for order flow. Based on publicly-available information, and excluding index-based options, no single exchange has more than 16% of the market share of executed volume of multiply-listed equity and ETF options trades.¹¹ Therefore, currently no exchange possesses significant pricing power in the execution of multiply-listed equity & ETF options order flow. More specifically, in June 2020, the Exchange had slightly over 10% market share of executed volume of multiply-listed equity & ETF options trades.¹²

This proposed fee change is reasonable, equitable, and not unfairly discriminatory because it would reduce monthly costs for Qualifying Firms whose operations have been disrupted despite the fact that the Trading Floor has partially reopened because of the social distancing requirements and/or other health concerns related to resuming operation on the Floor. In reducing this monthly financial burden, the proposed change would allow Qualifying Firms to reallocate funds to assist with the cost of shifting and maintaining their prior fully-staffed on-Floor operations to off-Floor and recoup losses as a result of the partial reopening of the Floor. Absent this change, such participants may experience an unexpected increase in the cost of doing business on the Exchange. The Exchange believes that all Qualifying Firms would benefit from this proposed fee change.

The Exchange believes the proposed rule change is an equitable allocation of its fees and credits as it merely continues the previous fee waiver for Qualifying Firms, which affects fees charged only to Floor participants and does not apply to participants that conduct business off-Floor. The Exchange believes it is an equitable allocation of fees and credits to extend the fee waiver for Qualifying Firms because such firms have either less than half of their Floor staff (March 2020) levels or have vacant podia—and this reduction in physical capacity on the Floor impacts the speed, volume and

efficiency with which these firms can operate, which is to their detriment.

The Exchange believes that the proposal is not unfairly discriminatory because the proposed continuation of the fee waiver would affect all similarly-situated market participants on an equal and non-discriminatory basis.

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange’s statement regarding the burden on competition.

B. Self-Regulatory Organization’s Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act, the Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed changes would encourage the continued participation of Qualifying Firms, thereby promoting market depth, price discovery and transparency and enhancing order execution opportunities for all market participants. As a result, the Exchange believes that the proposed change furthers the Commission’s goal in adopting Regulation NMS of fostering integrated competition among orders, which promotes “more efficient pricing of individual stocks for all types of orders, large and small.”¹³

Intramarket Competition. The proposed change, which continues the fee waiver for Qualifying Firms, is designed to reduce monthly costs for those Floor participants whose operations continue to be impacted despite the fact that the Trading Floor has partially reopened. In reducing this monthly financial burden, the proposed change would allow Qualifying Firms to reallocate funds to assist with the cost of shifting and maintaining their previously on-Floor operations to off-Floor. Absent this change, such Qualifying Firms may experience an unintended increase in the cost of doing business on the Exchange, given that the Floor has only reopened in a limited capacity. The Exchange believes that the proposed waiver of fees for Qualifying Firms would not impose a disparate burden on competition among market participants on the Exchange because off-Floor market participants are not subject to these Floor-based fixed fees and Floor-based firms that are not subject to the extent of staffing shortfalls as the Qualifying Firms—*i.e.*, have at least 50% of their March 2020 staffing

levels on the Floor and/or have no vacant Podia during August 2020, do not face the same operational disruption and potential financial impact during the partial reopening of the Floor.

Intermarket Competition. The Exchange operates in a highly competitive market in which market participants can readily favor one of the 16 competing option exchanges if they deem fee levels at a particular venue to be excessive. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and to attract order flow to the Exchange. Based on publicly-available information, and excluding index-based options, no single exchange currently has more than 16% of the market share of executed volume of multiply-listed equity and ETF options trades.¹⁴ Therefore, currently no exchange possesses significant pricing power in the execution of multiply-listed equity & ETF options order flow. More specifically, in June 2020, the Exchange had slightly over 10% market share of executed volume of multiply-listed equity & ETF options trades.¹⁵

The Exchange believes that the proposed rule change reflects this competitive environment because it waives fees for Qualifying Firms and is designed to reduce monthly costs for Floor participants whose operations continue to be disrupted despite the fact that the Trading Floor has partially reopened. In reducing this monthly financial burden, the proposed change would allow affected participants to reallocate funds to assist with the cost of shifting and maintaining their prior fully-staffed on-Floor operations to off-Floor. Absent this change, Qualifying Firms may experience an unintended increase in the cost of doing business on the Exchange, which would make the Exchange a less competitive venue on which to trade as compared to other options exchanges.

C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section

¹⁰ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (S7-10-04) (“Reg NMS Adopting Release”).

¹¹ The OCC publishes options and futures volume in a variety of formats, including daily and monthly volume by exchange, available here: <https://www.theocc.com/market-data/volume/default.jsp>.

¹² Based on OCC data, *see id.*, in 2019, the Exchange’s market share in equity-based options increased from 9.51% for the month of June 2019 to 10.65% for the month of June 2020.

¹³ See Reg NMS Adopting Release, *supra* note 10, at 37499.

¹⁴ See *supra* note 11.

¹⁵ Based on OCC data, *supra* note 12, the Exchange’s market share in equity-based options was 9.51% for the month of June 2019 and 10.65% for the month of June 2020.

19(b)(3)(A)¹⁶ of the Act and subparagraph (f)(2) of Rule 19b-4¹⁷ thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)¹⁸ of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule 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-NYSEArca-2020-69 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-2020-69. 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-2020-69, and should be submitted on or before September 1, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁹

J. Matthew DeLesDernier,
Assistant Secretary.

[FR Doc. 2020-17455 Filed 8-10-20; 8:45 am]

BILLING CODE 8011-01-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #16471 and #16472; ALABAMA Disaster Number AL-00106]

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the State of Alabama

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Alabama (FEMA-4546-DR), dated 05/21/2020.

Incident: Severe Storms and Flooding.

Incident Period: 02/05/2020 through 03/06/2020.

DATES: Issued on 07/31/2020.

Physical Loan Application Deadline Date: 07/20/2020.

Economic Injury (EIDL) Loan Application Deadline Date: 02/22/2021.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster

declaration for Private Non-Profit organizations in the State of ALABAMA, dated 05/21/2020, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Blount.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Cynthia Pitts,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2020-17483 Filed 8-10-20; 8:45 am]

BILLING CODE 8026-03-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #16569 and #16570; Wisconsin Disaster Number WI-00073]

Administrative Declaration of a Disaster for the State of Wisconsin

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Wisconsin dated 08/04/2020.

Incident: Severe Storms and Flooding.

Incident Period: 06/28/2020 through 07/01/2020.

DATES: Issued on 08/04/2020.

Physical Loan Application Deadline Date: 10/05/2020.

Economic Injury (EIDL) Loan Application Deadline Date: 05/04/2021.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Saint Croix.

Contiguous Counties:

Wisconsin: Barron, Dunn, Pierce, Polk.

Minnesota: Washington.

¹⁶ 15 U.S.C. 78s(b)(3)(A).

¹⁷ 17 CFR 240.19b-4(f)(2).

¹⁸ 15 U.S.C. 78s(b)(2)(B).

¹⁹ 17 CFR 200.30-3(a)(12).

The Interest Rates are:

	Percent
<i>For Physical Damage:</i>	
Homeowners With Credit Available Elsewhere	2.500
Homeowners Without Credit Available Elsewhere	1.250
Businesses With Credit Available Elsewhere	6.000
Businesses Without Credit Available Elsewhere	3.000
Non-Profit Organizations With Credit Available Elsewhere ...	2.750
Non-Profit Organizations Without Credit Available Elsewhere	2.750
<i>For Economic Injury:</i>	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	3.000
Non-Profit Organizations Without Credit Available Elsewhere	2.750

The number assigned to this disaster for physical damage is 16569 6 and for economic injury is 16570 0.

The States which received an EIDL Declaration # are Wisconsin, Minnesota.

(Catalog of Federal Domestic Assistance Number 59008)

Jovita Carranza,
Administrator.

[FR Doc. 2020-17484 Filed 8-10-20; 8:45 am]

BILLING CODE 8026-03-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #16567 and #16568; Minnesota Disaster Number MN-00081]

Administrative Declaration of a Disaster for the State of Minnesota

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Minnesota dated 08/03/2020.

Incident: Civil Unrest.

Incident Period: 05/27/2020 through 06/08/2020.

DATES: Issued on 08/03/2020.

Physical Loan Application Deadline Date: 10/02/2020.

Economic Injury (EIDL) Loan Application Deadline Date: 05/03/2021.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration,

409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Hennepin.

Contiguous Counties:

Minnesota: Anoka, Carver, Dakota, Ramsey, Scott, Sherburne, Wright. The Interest Rates are:

	Percent
<i>For Physical Damage:</i>	
Homeowners With Credit Available Elsewhere	2.500
Homeowners Without Credit Available Elsewhere	1.250
Businesses With Credit Available Elsewhere	6.000
Businesses Without Credit Available Elsewhere	3.000
Non-Profit Organizations With Credit Available Elsewhere ...	2.750
Non-Profit Organizations Without Credit Available Elsewhere	2.750
<i>For Economic Injury:</i>	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	3.000
Non-Profit Organizations Without Credit Available Elsewhere	2.750

The number assigned to this disaster for physical damage is 16567 F and for economic injury is 16568 0.

The State which received an EIDL Declaration # is Minnesota.

(Catalog of Federal Domestic Assistance Number 59008)

Jovita Carranza,
Administrator.

[FR Doc. 2020-17477 Filed 8-10-20; 8:45 am]

BILLING CODE 8026-03-P

SMALL BUSINESS ADMINISTRATION

Class Waiver of the Nonmanufacturer Rule

AGENCY: U.S. Small Business Administration.

ACTION: Notice of intent to waive the Nonmanufacturer Rule for surgical beds under North American Industry Classification (NAICS) code 339113 and Product Service Code (PSC) 6515.

SUMMARY: The U.S. Small Business Administration (SBA) is considering granting a request for a class waiver of the Nonmanufacturer Rule (NMR) for

surgical beds. A search of the Federal marketplace revealed there are no small business manufacturers that can manufacture and supply necessary surgical beds to the Federal government. If granted, the class waiver would allow otherwise qualified regular dealers to supply the waived item, regardless of the business size of the manufacturer, on a Federal contract set aside for small business, service-disabled veteran-owned small business (SDVOSB), women-owned small business (WOSB), economically disadvantaged women-owned small business (EDWOSB), historically underutilized business zones (HUBZone), or participants in the SBA's 8(a) Business Development (BD) program.

DATES: Comments and source information must be submitted by September 10, 2020.

ADDRESSES: You may submit comments and source information via the Federal Rulemaking Portal at <https://www.regulations.gov>. If you wish to submit confidential business information (CBI) as defined in the User Notice at <https://www.regulations.gov>, please submit the information to Carol Hulme, Attorney Advisor, Office of Government Contracting, U.S. Small Business Administration, 409 Third Street SW, 8th Floor, Washington, DC 20416. Highlight the information that you consider to be CBI and explain why you believe this information should be held confidential. SBA will review the information and make a final determination as to whether the information will be published.

FOR FURTHER INFORMATION CONTACT:

Carol Hulme, Attorney Advisor, by telephone at 202-205-6347; or by email at Carol-Ann.Hulme@sba.gov.

SUPPLEMENTARY INFORMATION: Sections 8(a)(17) and 46 of the Small Business Act (Act), 15 U.S.C. 637(a)(17) and 657s, and SBA's implementing regulations, found at 13 CFR 121.406(b) require that recipients of Federal supply contracts set aside for small business, service-disabled veteran-owned small business SDVOSB, WOSB, EDWOSB, HUBZone, or (BD) program participants provide the product of a small business manufacturer or processor if the recipient of the set-aside is not the actual manufacturer or processor of the product. This requirement is commonly referred to as the Nonmanufacturer Rule (NMR). 13 CFR 121.406(b). Sections 8(a)(17)(B)(iv)(II) and 46(a)(4)(B) of the Act authorize SBA to waive the NMR for a "class of products" for which there are no small business manufacturers or processors available to participate in the Federal market.

As implemented in SBA's regulations at 13 CFR 121.1202(c), in order to be considered available to participate in the Federal market for a class of products, a small business manufacturer must have submitted a proposal for a contract solicitation or been awarded a contract to supply the class of products within the last 24 months.

The SBA defines "class of products" based on a combination of (1) the six-digit North American Industry Classification System (NAICS) code, (2) the four-digit Product Service Code (PSC), and (3) a description of the class of products.

SBA invites the public to comment on this pending request to waive the NMR for surgical beds. The public may comment or provide source information on any small business manufacturers of this class of products that are available to participate in the Federal market. The public comment period will run for 30 days after the date of publication in the **Federal Register**.

More information on the NMR and class waivers can be found at <https://www.sba.gov/contracting/contracting-officials/non-manufacturer-rule/non-manufacturer-waivers>.

David Wm. Loines,

Director, Office of Government Contracting.
[FR Doc. 2020-17494 Filed 8-10-20; 8:45 am]

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OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number USTR-2020-0031]

Request for Comments Concerning the Extension of Particular Exclusions Granted Under the \$300 Billion Action Pursuant to Section 301: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation

AGENCY: Office of the United States Trade Representative.

ACTION: Notice and request for comments.

SUMMARY: On August 20, 2019, at the direction of the President, the U.S. Trade Representative determined to modify the action being taken in the Section 301 investigation of China's acts, policies, and practices related to technology transfer, intellectual property, and innovation by imposing additional *ad valorem* duties on goods of China with an annual trade value of approximately \$300 billion. The additional duties on products in List 1, which is set out in Annex A of that action, became effective on September

1, 2019. The U.S. Trade Representative initiated a product exclusion process in October 2019, and has issued seven product exclusion notices under this action and is issuing an eighth notice concurrent with this notice. The product exclusions granted under these notices are scheduled to expire on September 1, 2020. The U.S. Trade Representative decided to consider a possible extension of particular exclusions granted under the first seven product exclusion notices. This notice announces the U.S. Trade Representative's decision to consider a possible extension of particular exclusions granted under the eighth notice of product exclusions.

DATES:

August 5, 2020: The public docket on the web portal at <https://comments.ustr.gov> opened for parties to submit comments on the possible extension of particular exclusions.

August 20, 2020 at 11:59 p.m. ET: To be assured of consideration, submit written comments on the public docket by this deadline.

ADDRESSES: You must submit all comments through the online portal: <https://comments.ustr.gov>.

FOR FURTHER INFORMATION CONTACT:

Associate General Counsel Philip Butler or Assistant General Counsel Benjamin Allen at (202) 395-5725.

SUPPLEMENTARY INFORMATION:

A. Background

For background on the proceedings in this investigation, please see prior notices including 82 FR 40213 (August 24, 2017), 83 FR 14906 (April 6, 2018), 84 FR 22564 (May 17, 2019), 84 FR 43304 (August 20, 2019), 84 FR 45821 (August 30, 2019), 84 FR 57144 (October 24, 2019), 84 FR 69447 (December 18, 2019), 85 FR 3741 (January 22, 2020), 85 FR 13970 (March 10, 2020), 85 FR 15244 (March 17, 2020), 85 FR 17936 (March 31, 2020), 85 FR 28693 (May 13, 2020), 85 FR 32099 (May 28, 2020), 85 FR 35975 (June 12, 2020), 85 FR 38482 (June 26, 2020), 85 FR 41658 (July 10, 2020), 85 FR 43639 (July 17, 2020), and 85 FR 44563 (July 23, 2020).

In a notice published on August 20, 2019, the U.S. Trade Representative, at the direction of the President, announced a determination to modify the action being taken in the Section 301 investigation by imposing an additional 10 percent *ad valorem* duty on products of China with an annual aggregate trade value of approximately \$300 billion. 84 FR 43304 (August 20 notice). The August 20 notice contains two separate lists of tariff subheadings, with two different effective dates. List 1,

which is set out in Annex A of the August 20 notice, was effective on September 1, 2019. List 2, which is set out in Annex C of the August 20 notice, was scheduled to take effect on December 15, 2019. Subsequently, the U.S. Trade Representative announced determinations suspending until further notice the additional duties on products set out in Annex C (List 2) and reducing the additional duties for the products covered in Annex A of the August 20 notice (List 1) to 7.5 percent. *See* 84 FR 57144, 85 FR 3741.

On October 24, 2019, the U.S. Trade Representative established a process by which U.S. stakeholders could request exclusion of particular products classified within an eight-digit Harmonized Tariff Schedule of the United States (HTSUS) subheading covered by List 1 of the \$300 billion action from the additional duties. *See* 84 FR 57144 (October 24 notice). The October 24 notice required submission of requests for exclusion from the \$300 billion action no later than January 31, 2020, and noted that the U.S. Trade Representative periodically would announce decisions. The U.S. Trade Representative has issued seven notices of product exclusions under this action and is issuing an eighth notice concurrent with this notice. These exclusions are scheduled to expire on September 1, 2020.

B. Possible Extensions of Particular Product Exclusions

As noted, the U.S. Trade Representative previously decided to consider a possible extension for up to 12 months of particular exclusions granted under the first seven product exclusion notices under the \$300 billion action. *See* 85 FR 38482 (June 26, 2020), 85 FR 43639 (July 17, 2020), 85 FR 41658 (July 10, 2020), and 85 FR 44563 (July 23, 2020). This notice announces the U.S. Trade Representative's decision to consider a possible extension for up to 12 months of particular exclusions granted under the eighth notice. Accordingly, the Office of the United States Trade Representative (USTR) invites public comments on whether to extend the particular exclusions issued under the eighth notice of product exclusions that is published in the **Federal Register** concurrently with this notice. Public comments regarding the extension of particular exclusions under the previous seven notices must be filed under separate dockets. Specifically, public comments regarding the extension of particular exclusions under the first five notices of product exclusions issued under the \$300 billion action must be filed under docket

USTR–2020–0027. See 85 FR 38482 (June 26, 2020). Public comments regarding the extension of particular exclusions under the sixth and seventh notices of product exclusions issued under the \$300 billion action must be filed under docket USTR–2020–0029. See 85 FR 43639 (July 17, 2020). Public comments regarding the extension of particular exclusions under the eighth notice must be filed under docket USTR–2020–0031.

USTR will evaluate the possible extension of each exclusion on a case-by-case basis. The focus of the evaluation will be whether, despite the first imposition of these additional duties in September 2019, the particular product remains available only from China. In addressing this factor, commenters should address specifically:

- Whether the particular product and/or a comparable product is available from sources in the United States and/or in third countries.
- Any changes in the global supply chain since September 2019 with respect to the particular product or any other relevant industry developments.
- The efforts, if any, the importers or U.S. purchasers have undertaken since September 2019 to source the product from the United States or third countries.

In addition, USTR will continue to consider whether the imposition of additional duties on the products covered by the exclusion will result in severe economic harm to the commenter or other U.S. interests.

C. Procedures To Comment on the Extension of Particular Exclusions

To submit a comment regarding the extension of a particular exclusion granted under the above referenced product exclusion notice under the \$300 billion action, commenters first must register on the portal at <https://comments.USTR.gov>. As noted above, the public docket will be open from August 5, 2020, to August 20, 2020. After registration, the commenter may submit an exclusion extension comment form to the public docket.

Fields on the comment form marked with an asterisk (*) are required fields. Fields with a gray (BCI) notation are for business confidential information and

will not be publicly available. Fields with a green (Public) notation will be publicly available. Additionally, commenters will be able to upload documents and indicate whether the documents are BCI or public. Commenters will be able to review the public version of their comments before they are posted.

In order to facilitate the preparation of comments, a facsimile of the exclusion extension comment form to be used on the portal is annexed to this notice. Please note that the color-coding of public fields and BCI fields is not visible on the attached facsimile, but will be apparent on the actual comment form used on the portal.

Set out below is a summary of the information to be entered on the exclusion extension comment form.

- Contact information, including the full legal name of the organization making the comment, whether the commenter is a third party (e.g., law firm, trade association, or customs broker) submitting on behalf of an organization or industry, and the name of the third party organization, if applicable.
- The number for the exclusion on which you are commenting as provided in the Annex of the **Federal Register** notice granting the exclusion and the description. For descriptions, amended or corrected by a later issued notice of product exclusions, parties should use the amended or corrected description.
- Whether the product or products covered by the exclusion are subject to an antidumping or countervailing duty order issued by the U.S. Department of Commerce.
- Whether you support or oppose extending the exclusion and an explanation of your rationale. Commenters must provide a public version of their rationale, even if the commenter also intends to submit a more detailed business confidential rationale.
- Whether the products covered by the exclusion or comparable products are available from sources in the U.S. or third countries. Please include information concerning any changes in the global supply chain since September 2019 with respect to the particular product.

- The efforts you have undertaken since September 2019 to source the product from the United States or third countries.

- The value and quantity of the Chinese-origin product covered by the specific exclusion request purchased in 2018 and 2019. Whether these purchases are from a related company, and if so, the name of and relationship to the related company.

- Whether Chinese suppliers have lowered their prices for products covered by the exclusion following the imposition of duties.

- The value and quantity of the product covered by the exclusion purchased from domestic and third country sources in 2018 and 2019.

- If applicable, the commenter's gross revenue for 2018 and 2019.

- Whether the Chinese-origin product of concern is sold as a final product or as an input.

- Whether the imposition of duties on the products covered by the exclusion will result in severe economic harm to the commenter or other U.S. interests.

- Any additional information or data in support of or in opposition to extending the exclusion that you consider relevant.

D. Submission Instructions

To be assured of consideration, you must submit your comment between the opening of the public docket on August 5, 2020 and the August 20, 2020 submission deadline. If you seek to comment on two or more exclusions, you must submit a separate comment for each exclusion.

By submitting a comment, the commenter certifies that the information provided is complete and correct to the best of their knowledge.

E. Paperwork Reduction Act

In accordance with the requirements of the Paperwork Reduction Act of 1995 and its implementing regulations, the Office of Management and Budget assigned control number 0350–0015, which expires January 31, 2023.

Joseph Barloon,

General Counsel, Office of the United States Trade Representative.

BILLING CODE 3290–F0–P

ANNEX

OMB Control Number: 0350-0015

Expiration Date: January 31, 2023

Exclusion Extension Comment Form

1. Submitter Information

Full Organization Legal Name (Public)

Commenter First Name (BCI)

Commenter Last Name (BCI)

Commenter Phone Number (BCI)

Commenter Mailing Address (BCI)

Contact Email Address (BCI)

Are you a third party, such as a law firm, trade association, or customs broker, submitting on behalf of an organization or industry? (Public)

--

Note: If you are submitting on behalf of an organization/industry, the information below is required.

Third Party Firm/Association Name (Public)

Third Party First Name (BCI)

Third Party Last Name (BCI)

Third Party Phone Number (BCI)

Third Party Mailing Address (BCI)

Third Party Email Address (BCI)

- 2. a) From the Annex of the Federal Register Notice granting the exclusion, please provide the number and product description for the exclusion you are commenting on. For descriptions subsequently amended or corrected by a later notice, parties should use the amended or corrected description. Click the magnifying glass in the box below to search for and select the number and product description applicable to your comment. You may search by the HTS code or key words in the exclusion. (Public)**

--

b) Is this product subject to an antidumping or countervailing duty order issued by the U.S. Department of Commerce? (Public)

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- 3. Do you support extending the exclusion (yes or no)? Please explain your rationale. (You must provide a public version of your rationale.) (Public)**

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4. Please explain whether the products covered by the exclusion, or comparable products, are available from sources in the United States? (Please include information concerning any changes in the global supply chain since September 2019 with respect to the particular product or any other relevant industry developments.) (Public)

5. Please explain whether the products covered by the exclusion, or a comparable products, are available from sources in third countries? (Please include information concerning any changes in the global supply chain since September 2019 with respect to the particular product.) (Public)

6. a) Please provide the value in USD and quantity (with units) of the Chinese-origin product covered by the specific exclusion that you purchased in 2018 and 2019. Limit this figure to the products purchased by your firm (or by members of your trade association). Please provide estimates if precise figures are unavailable. (BCI)

2018 Value:

2018 Quantity:

2019 Value:

2019 Quantity:

Are the provided figures estimates? (BCI)

Are any of these purchases from a related company? (BCI)

Please list the name and relationship of the related company. (BCI)

Name:

Relationship:

b.) Please discuss whether Chinese suppliers have lowered their prices for products covered by the exclusion following imposition of the duties. (BCI)

7. Please provide the value in USD and quantity (with units) of the product covered by the specific exclusion that you purchased from any third-country source in 2018 and 2019. Limit this figure to the products purchased by your firm (or by members of your trade association). Please provide estimates if precise figures are unavailable. (BCI)

2018 Value:

2018 Quantity:

2019 Value:

2019: Quantity:

Are the provided figures estimates? (BCI)

8. Please provide the value in USD and quantity (with units) of the product covered by the specific exclusion that you purchased from domestic sources in 2018 and 2019. Limit this figure to the products purchased by your firm (or by members of your trade association). Please provide estimates if precise figures are unavailable. (BCI)

2018 Value:

2018 Quantity:

2019 Value:

2019 Quantity:

Are the provided figures estimates? (BCI)

9. Please discuss any efforts you have undertaken since September 2019 to source this product from United States or third countries. (BCI)

10. Please provide information regarding your company's gross revenue in USD for 2018 and 2019. (BCI)

2018 Gross Revenue:

2019 Gross Revenue:

Are the provided gross revenue figures estimates? (BCI)

11. Is the Chinese-origin product of concern sold as a final product or as an input used in the production of a final product or products? (BCI)

12. Please comment on whether the imposition of additional duties on the product(s) covered by the exclusion you are seeking an extension for, will result in severe economic harm to your company or other U.S. interests. (BCI)

13. Please provide any additional information in support of your comment, taking account of the instructions provided in Section B of the Federal Register notice. (BCI)

14. You may upload additional attachments in support of your comment. Please specify whether the attachment is Public or contains Business Confidential Information. (Submitter Determines Public or BCI)

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Notice of Product Exclusion Extensions: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of product exclusion extensions.

SUMMARY: Effective September 24, 2018, the U.S. Trade Representative imposed additional duties on goods of China with an annual trade value of approximately \$200 billion as part of the action in the Section 301 investigation of China's acts, policies, and practices related to technology transfer, intellectual property, and innovation. The U.S. Trade Representative initiated the exclusion process on June 24, 2019, and has granted 15 sets of exclusions under the \$200 billion action. These exclusions will expire on August 7, 2020. On May 6, 2020 and June 3, 2020, the U.S. Trade Representative established a process for the public to comment on whether to extend particular exclusions granted under the \$200 billion action for up to 12 months. This notice announces the U.S. Trade Representative's determination to extend certain exclusions through December 31, 2020.

DATES: The product exclusion extensions announced in this notice will apply as of August 7, 2020, and extend through December 31, 2020. U.S. Customs and Border Protection will issue instructions on entry guidance and implementation.

FOR FURTHER INFORMATION CONTACT: For general questions about this notice, contact Associate General Counsel Philip Butler or Assistant General Counsel Benjamin Allen, or Director of Industrial Goods Justin Hoffmann at (202) 395-5725. For specific questions on customs classification or implementation of the product exclusions identified in the Annex to this notice, contact traderemedy@cbp.dhs.gov.

SUPPLEMENTARY INFORMATION:

A. Background

For background on the proceedings in this investigation, please see prior notices including 82 FR 40213 (August 24, 2017), 83 FR 14906 (April 6, 2018), 83 FR 28710 (June 20, 2018), 83 FR 33608 (July 17, 2018), 83 FR 38760 (August 7, 2018), 83 FR 47974 (September 21, 2018), 83 FR 49153 (September 28, 2018), 83 FR 65198

(December 19, 2018), 84 FR 7966 (March 5, 2019), 84 FR 20459 (May 9, 2019), 84 FR 29576 (June 24, 2019), 84 FR 38717 (August 7, 2019), 84 FR 46212 (September 3, 2019), 84 FR 49591 (September 20, 2019), 84 FR 57803 (October 28, 2019), 84 FR 61674 (November 13, 2019), 84 FR 65882 (November 29, 2019), 84 FR 69012 (December 17, 2019), 85 FR 549 (January 6, 2020), 85 FR 6674 (February 5, 2020), 85 FR 9921 (February 20, 2020), 85 FR 15015 (March 16, 2020), 85 FR 17158 (March 26, 2020), 85 FR 23122 (April 24, 2020), 85 FR 27489 (May 8, 2020), 85 FR 32094 (May 28, 2020), 85 FR 38000 (June 24, 2020), and 85 FR 42968 (July 15, 2020).

Effective September 24, 2018, the U.S. Trade Representative imposed additional 10 percent *ad valorem* duties on goods of China classified in 5,757 full and partial subheadings of the Harmonized Tariff Schedule of the United States (HTSUS), with an approximate annual trade value of \$200 billion. See 83 FR 47974, as modified by 83 FR 49153. In May 2019, the U.S. Trade Representative increased the additional duty to 25 percent. See 84 FR 20459. On June 24, 2019, the U.S. Trade Representative established a process by which stakeholders could request exclusion of particular products classified within an eight-digit HTSUS subheading covered by the \$200 billion action from the additional duties. See 84 FR 29576 (June 24 notice). The U.S. Trade Representative issued a notice setting out the process for the product exclusions and opened a public docket. The exclusions the U.S. Trade Representative granted under the \$200 billion action expire on August 7, 2020. See, e.g., 84 FR 38717 (August 7, 2019).

On May 6 and June 3, 2020, the U.S. Trade Representative invited the public to comment on whether to extend by up to 12 months, particular exclusions granted under the \$200 billion action. See 85 FR 27011 (May 6, 2020); 85 FR 34279 (June 3, 2020) (the \$200 billion extension notices).

Under the \$200 billion extension notices, commenters were asked to address:

- Whether the particular product and/or a comparable product is available from sources in the United States and/or in third countries.
- Any changes in the global supply chain since September 2018 with respect to the particular product, or any other relevant industry developments.
- Efforts, if any, importers or U.S. purchasers have undertaken since September 2018 to source the product from the United States or third countries.

In addition, commenters who were importers and/or purchasers of the products covered by an exclusion were asked to provide information regarding:

- Their efforts since September 2018 to source the product from the United States or third countries.
- The value and quantity of the Chinese-origin product covered by the specific exclusion request purchased in 2018 and 2019, and whether these purchases are from a related company.
- Whether Chinese suppliers have lowered their prices for products covered by the exclusion following the imposition of duties.
- The value and quantity of the product covered by the exclusion purchased from domestic and third country sources in 2018 and 2019.
- The commenter's gross revenue for 2018 and 2019.
- Whether the Chinese-origin product of concern is sold as a final product or as an input.
- Whether the imposition of duties on the products covered by the exclusion will result in severe economic harm to the commenter or other U.S. interests.
- Any additional information in support of or in opposition to extending the exclusion.

The May 6, 2020 notice required the submission of comments no later than June 8, 2020. The June 3, 2020 notice required the submission of comments no later than July 7, 2020.

B. Determination To Extend Certain Exclusions

Based on evaluation of the factors set out in the June 24 notice and the \$200 billion extension notices, which are summarized above, pursuant to sections 301(b), 301(c), and 307(a) of the Trade Act of 1974, as amended, and in accordance with the advice of the interagency Section 301 Committee, the U.S. Trade Representative has determined to extend certain product exclusions granted under the \$200 billion action, as set out in the Annex to this notice.

The \$200 billion extension notices provided that the U.S. Trade Representative would consider extensions of up to 12 months. In light of the cumulative effect of current and possible future exclusions or extensions of exclusions on the effectiveness of the action taken in this investigation, the U.S. Trade Representative has determined to extend the exclusions in the Annex to this notice for less than 12 months—through December 31, 2020. To date, the U.S. Trade Representative has granted more than 6,700 exclusion requests, has extended some of these exclusions, and may consider further

extensions of exclusions. Furthermore, more than 200 requests are pending on the products covered by the action taken on August 20, 2019. The U.S. Trade Representative will take account of the cumulative effect of exclusions in considering the possible further extension of the exclusions covered by this notice, as well as possible extensions of exclusions of other products covered by the action in this

investigation. The U.S. Trade Representative's determination also takes into account advice from advisory committees and any public comments concerning extension of the pertinent exclusion.

In accordance with the June 24 notice, the exclusions are available for any product that meets the description in the Annex, regardless of whether the importer filed an exclusion request.

Further, the scope of each exclusion is governed by the scope of the ten-digit HTSUS headings and product descriptions in the Annex to this notice, and not by the product descriptions set out in any particular request for exclusion.

Joseph Barloon,

General Counsel, Office of the United States Trade Representative.

BILLING CODE 3290-F0-P

ANNEXES FOR EXTENSIONS OF CERTAIN PRODUCT EXCLUSIONS
FROM TRANCHE 3
ANNEX A

- A. Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on August 7, 2020 and before 11:59 p.m. eastern daylight time on December 31, 2020, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTSUS) is modified:
1. by inserting the following new heading 9903.88.56 in numerical sequence, with the material in the new heading inserted in the columns of the HTSUS labeled “Heading/Subheading”, “Article Description”, and “Rates of Duty 1-General”, respectively:

Heading/ Subheading	Article Description	Rates of Duty		
		1		2
		General	Special	
“9903.88.56	Effective with respect to entries on or after August 7, 2020, and through December 31, 2020, articles the product of China, as provided for in U.S. note 20(iii) to this subchapter, each covered by an exclusion granted by the U.S. Trade Representative	The duty provided in the applicable subheading”		

2. by inserting the following new U.S. note 20(iii) to subchapter III of chapter 99 in numerical sequence:

“(iii) The U.S. Trade Representative determined to establish a process by which particular products classified in heading 9903.88.03 and provided for in U.S. notes 20(e) and 20(f) to this subchapter could be excluded from the additional duties imposed by heading 9903.88.03. See 83 Fed. Reg. 47974 (September 21, 2018) and 84 Fed. Reg. 29576 (June 24, 2019). Pursuant to the product exclusion process, the U.S. Trade Representative has determined that, as provided in heading 9903.88.56, the additional duties provided for in heading 9903.88.03 shall not apply to the following particular products, which are provided for in the enumerated statistical reporting numbers:

- (1) 0304.72.5000
- (2) 0304.83.1015

- (3) 0304.83.1020
- (4) 0304.83.5015
- (5) 0304.83.5020
- (6) 0304.83.5090
- (7) 3923.21.0095
- (8) 3926.20.9050
- (9) 4015.19.1010
- (10) 4819.50.4060
- (11) 5603.12.0090
- (12) 5603.14.9090
- (13) 5603.92.0090
- (14) 5603.93.0090
- (15) 6505.00.8015
- (16) 8424.90.9080
- (17) 8425.31.0100
- (18) 8708.50.8500
- (19) 8712.00.1510
- (20) 8712.00.1520
- (21) 8712.00.1550
- (22) Alaskan sole (yellowfin, rock or flathead), frozen in blocks, in cases with net weight of more than 4.5 kg (described in statistical reporting number 0304.83.5015)
- (23) Bananas, freeze-dried and sliced, put up for retail sale in packages each having a net weight of 15 g (described in statistical reporting number 0803.90.0045)
- (24) Apples, freeze-dried and sliced, put up for retail sale in packages each having a net weight of 15 g (described in statistical reporting number 0813.30.0000)
- (25) Peaches, freeze-dried and sliced, put up for retail sale in packages each having a net weight of 15 g (described in statistical reporting number 0813.40.4000)
- (26) Pears, freeze-dried and sliced, put up for retail sale in packages each having a net weight of 15 g (described in statistical reporting number 0813.40.9000)
- (27) Mixtures of strawberries and bananas, freeze-dried and sliced, put up for retail sale in packages each having a net weight of 15 g (described in statistical reporting number 0813.50.0020)
- (28) King crab meat, frozen in blocks each weighing at least 1 kg but not more than 1.2 kg, in airtight containers (described in statistical reporting number 1605.10.2010)
- (29) Snow crab meat (*C. opilio*), frozen in blocks, in airtight containers each with net weight of not more than 1.2 kg (described in statistical reporting number 1605.10.2022)
- (30) Dungeness crab meat, frozen in blocks, in airtight containers with net weight of not more than 1.2 kg (described in statistical reporting number 1605.10.2030)
- (31) Crab meat (other than King crab, Snow crab, Dungeness or swimming crabs), frozen in blocks, in airtight containers with net weight of not more than 1.5 kg (described in statistical reporting number 1605.10.2090)
- (32) Sodium metal (CAS No. 7440-23-5), in bulk solid form (described in statistical reporting number 2805.11.0000)
- (33) Sodium adipate (1,4-butanedicarboxylic acid, disodium salt) (IUPAC name: disodium hexanedioate) (CAS No. 7486-38-6) (described in statistical reporting number 2917.12.5000)
- (34) 1-Cyanoguanidine (Dicyandiamide) (CAS No. 461-58-5) (described in statistical reporting number 2926.20.0000)

- (35) N-(n-Butyl)thiophosphoric triamide (IUPAC name: N-Diaminophosphinothiobutyl-1-amine) (CAS No. 94317-64-3) (described in statistical reporting number 2929.90.5090)
- (36) Pigment yellow 13 (CAS No. 5102-83-0) (described in statistical reporting number 3204.17.9050)
- (37) Disposable cloths of nonwoven textile materials impregnated, coated or covered with organic surface-active preparations for washing the skin, put up for retail sale (described in statistical reporting number 3401.30.5000)
- (38) Organic surface-active liquid for washing the skin, not containing any aromatic or modified aromatic surface-active agent, put up for retail sale in a bottle of plastics with pump-action top, each bottle measuring not more than 17 cm in width, not more than 27 cm in height and not more than 6.5 cm in length and with a net weight of not more than 0.5 kg (described in statistical reporting number 3401.30.5000)
- (39) Laundry detergent powder, put up for retail sale, whether as powder or as water-soluble, pre-measured pods (described in statistical reporting number 3402.20.1100)
- (40) Polyethylene terephthalate (PET) film coated with a photoresist solution, in rolls, sensitized, unexposed, without perforations, of a width exceeding 105 mm but not exceeding 610 mm, not used as graphic arts film (described in statistical reporting number 3702.44.0160)
- (41) Artificial graphite, in powder form (described in statistical reporting number 3801.10.5000)
- (42) Artificial graphite, in powder or flake form, for manufacturing into the lithium-ion anode component of batteries (described in statistical reporting number 3801.10.5000)
- (43) Natural graphite, in powder form (described in statistical reporting number 3801.90.0000)
- (44) Herbicide consisting of 1,1'-dimethyl-4,4'-bipyridinium dichloride (CAS No. 1910-42-5) (Paraquat concentrate in liquid form) up to 45 percent concentration with application adjuvants (described in statistical reporting number 3808.93.1500)
- (45) Flux powder consisting wholly of inorganic substances, including but not limited to silicon dioxide, titanium oxide, manganese oxide, aluminum oxide, and calcium fluoride, for submerged arc welding (described in statistical reporting number 3810.90.2000)
- (46) Supported nickel-based catalysts, of a kind used for methanation, desulfurization, hydrogenation, pre-reforming or reforming of organic chemicals or for protection of hydrotreating catalysts from arsine poisoning (described in statistical reporting number 3815.11.0000)
- (47) Plate-type supported catalysts (reaction accelerators) for reduction of nitrous oxides (NOx) with enhanced mercury oxidation, with oxides of base metals being the active substances, applied to a stainless steel mesh (described in statistical reporting number 3815.19.0000)
- (48) Plate-type supported catalysts (reaction accelerators) for reduction of nitrous oxides (NOx), with base metals being the active substances, applied on a titanium dioxide based ceramic material to a stainless steel mesh (described in statistical reporting number 3815.19.0000)
- (49) Supported catalysts for polymerization (described in statistical reporting number 3815.19.0000)
- (50) Supported catalysts of cuprous oxide and zinc oxide as the active ingredients for arsine removal (described in statistical reporting number 3815.19.0000)

- (51) Supported catalysts with copper carbonate or zinc carbonate as the active ingredients for low temperature desulfurization (described in statistical reporting number 3815.19.0000)
- (52) Supported catalysts with metal sulfide as the active substance for mercury removal (described in statistical reporting number 3815.19.0000)
- (53) Supported catalysts with molybdenum compounds as the active substance for hydrogenation (described in statistical reporting number 3815.19.0000)
- (54) Supported catalysts with zinc oxide absorbent as the active substance (described in statistical reporting number 3815.19.0000)
- (55) Mixtures of hydrofluorocarbons, containing 40 to 44 percent by weight of 1,1,1,2-tetrafluoroethane (CAS No. 811-97-2), 56 to 60 percent by weight of pentafluoroethane (CAS No. 354-33-6) and up to 2 percent by weight of lubricating oil (described in statistical reporting number 3824.78.0020)
- (56) Refrigerant gas R-421B, comprising mixtures containing at least 83 percent but not more than 87 percent by weight of pentafluoroethane, at least 13 percent but not more than 17 percent by weight of 1,1,2,2-tetrafluoroethane, and at least 0.5 percent but not more than 2 percent by weight of lubricant (described in statistical reporting number 3824.78.0020)
- (57) Mixtures containing 2-(dimethylamino)ethanol (CAS No. 108-01-0) (described in statistical reporting number 3824.99.9297)
- (58) Silicon monoxide (SiO) (CAS No. 10097-28-6) in powder form (described in statistical reporting number 3824.99.9297)
- (59) Container units of plastics, each comprising a tub and lid therefore, configured or fitted for the conveyance, packing, or dispensing of wet wipes (described in statistical reporting number 3923.10.9000)
- (60) Injection molded polypropylene plastic caps or lids each weighing not over 24 grams designed for dispensing wet wipes (described in statistical reporting number 3923.50.0000)
- (61) One-piece stoppers, of polypropiolactone ("PPL") or polylactic acid ("PLA") polymers, each comprising a disc-shaped top attached to a rounded, tapered plug with a protruding stirrer, measuring at least 55 mm but not more than 120.7 mm in overall length, and weighing at least 0.6 g but not more than 1.1 g each, of a kind used with lids for beverage containers (described in statistical reporting number 3923.50.0000)
- (62) Endless synchronous belts of vulcanized rubber, molded polyurethane, neoprene, or welded urethane, each of an outside circumference of 60 cm or more but not more than 77 cm and a width of 2.5 cm or more but not exceeding 4 cm, weighing 0.18 kg or more but not exceeding 0.45 kg (described in statistical reporting number 4010.35.9000)
- (63) Seamless disposable gloves of acrylonitrile butadiene rubber, other than for surgical or medical use (described in statistical reporting number 4015.19.1010)
- (64) Seamless disposable gloves of natural rubber latex, other than for surgical or medical use (described in statistical reporting number 4015.19.1010)
- (65) Brake bushings, hard or soft (described in statistical reporting number 4016.99.6050)
- (66) Cable protectors of rubber, each measuring not more than 91 cm in length, not more than 51 cm in width and not more than 5.2 cm in height, with 5 channels for multiple cables or hoses not more than 3.8 cm in diameter, with a lid of polyvinyl chloride, weighing not more than 14.5 kg, with a load capacity of not more than 8,200 kg (described in statistical reporting number 4016.99.6050)

- (67) Parking stops of recycled rubber, each measuring not more than 185 cm in length, not more than 15.5 cm in width and not more than 10.5 cm in height, weighing not more than 16 kg (described in statistical reporting number 4016.99.6050)
- (68) Messenger bags of polyester, each measuring not more than 50 cm by 38 cm by 11 cm, weighing not more than 2.5 kg (described in statistical reporting number 4202.12.8130)
- (69) Backpacks with hydration system, each measuring not more than 51 cm by 28 cm by 9 cm, weighing not more than 1 kg (described in statistical reporting number 4202.92.0400)
- (70) Backpacks with outer surface of textile materials of man-made fibers, each measuring at least 35 cm but not more than 75 cm in height, at least 19 cm but not more than 34 cm in width, and at least 5 cm but not more than 26 cm in depth (described in statistical reporting number 4202.92.3120)
- (71) Duffel bags made predominantly of man-made fibers, each measuring not more than 98 cm by 52 cm by 17 cm, weighing not more than 7 kg, with wheels (described in statistical reporting number 4202.92.3131)
- (72) Duffel bags of polyester, each measuring not more than 81 cm by 39 cm by 11 cm, weighing not more than 7 kg (described in statistical reporting number 4202.92.3131)
- (73) Stuff sacks with outer surface of textiles of man-made fibers, each measuring 77.5 cm or more but not over 127.7 cm in circumference, cylindrical in shape with a single compartment, a drawstring closure at one end and a strap at the other end of the sack (described in statistical reporting number 4202.92.3131)
- (74) Covers, of leather, designed for use with telecommunication devices (described in statistical reporting number 4205.00.8000)
- (75) Portable, single-use grills for heating food, each comprising bamboo charcoal fuel, expanded perlite insulation, bamboo rods for suspending foods over the charcoal flame, and cut paper or paperboard in shapes specially designed for assembly of a grill body (described in statistical reporting number 4402.10.0000)
- (76) Fiberboard sheets, containing phenolic resin, each not exceeding 0.635 mm in thickness (described in statistical reporting number 4411.93.9090)
- (77) Notebooks of paper or paperboard, each incorporating a plastic toy building block on the cover, measuring at least 13 cm but not more than 16 cm on the short side, at least 15 cm but not more than 22 cm on the long side and at least 1 cm but not more than 3 cm in thickness, with at least 192 but no more than 352 ruled or blank pages (described in statistical reporting number 4820.10.2060)
- (78) Trays, plates and bowls, of bamboo (described in statistical reporting number 4823.61.0040)
- (79) Plates, bowls or cups of molded or pressed bamboo pulp, each weighing at least 3 g but not more than 92 g (described in statistical reporting number 4823.70.0020)
- (80) Clamshell containers, pizza pans, lids, compartmentalized and other trays of molded or pressed bamboo pulp, each weighing at least 3 g but not more than 95 g (described in statistical reporting number 4823.70.0040)
- (81) Molded blocks of wood pulp cellulose sponge, each measuring not over 105 cm by 105 cm by 40 cm (described in statistical reporting number 4823.70.0040)
- (82) Paper pulp sponge blocks, measuring 38 cm by 38 cm by 102 cm (15 inches by 15 inches by 40 inches) (described in statistical reporting number 4823.70.0040)
- (83) Silk fabrics, containing 85 percent or more by weight of silk or of silk waste other than noil silk, the foregoing not printed, not jacquard woven, measuring over 127 cm in width (described in statistical reporting number 5007.20.0065)

- (84) Silk fabrics, containing 85 percent or more by weight of silk or of silk waste other than noil silk, the foregoing not printed, not jacquard woven, measuring 107 cm or more but not over 127 cm in width (described in statistical reporting number 5007.20.0085)
- (85) Yarn of cashmere or camel hair, carded but not combed, not put up for retail sale (described in statistical reporting number 5108.10.8000)
- (86) Woven dyed fabrics of 100 percent textured polyester filament yarn, measuring 332.7 cm in width, weighing more than 170 g/m² (described in statistical reporting number 5407.52.2060)
- (87) Woven fabric of 100 percent textured polyester filaments, dyed, weighing more than 170 g/m², measuring not more than 310 cm in width (described in statistical reporting number 5407.52.2060)
- (88) Woven fabric of synthetic filament yarn containing 85 percent or more by weight of textured polyester filaments, dyed, measuring 249 cm in width, weighing more than 170 g/m² (described in statistical reporting number 5407.52.2060)
- (89) Woven dupioni fabric wholly of non-textured dyed polyester filaments, weighing not more than 170 g/m², measuring not more than 310 cm in width (described in statistical reporting number 5407.61.9930)
- (90) Woven fabric wholly of polyester, dyed, not flat, containing non-textured polyester filaments, weighing not more than 170 g/m², measuring not over 310 cm in width (described in statistical reporting number 5407.61.9930)
- (91) Woven fabric wholly of polyester, dyed, containing non-textured polyester filaments, weighing more than 170 g/m², measuring not over 310 cm in width (described in statistical reporting number 5407.61.9935)
- (92) Woven fabric containing by weight 47 percent of nylon and 53 percent of polyester, dyed, containing textured filaments, weighing not more than 170 g/m², measuring greater than 274 cm in width (described in statistical reporting number 5407.72.0015)
- (93) Polyester filament tow, measuring more than 50 ktex but not more than 275 ktex (described in statistical reporting number 5501.20.0000)
- (94) Polypropylene fiber tow, measuring more than 50 ktex but not more than 275 ktex (described in statistical reporting number 5501.40.0000)
- (95) Woven dyed fabrics wholly of spun polyester, weighing more than 240 g/m² and measuring not more than 310 cm in width (described in statistical reporting number 5512.19.0090)
- (96) Woven dyed 3-thread twill fabrics containing by weight 65 percent of polyester and 35 percent of cotton staple fibers, not napped, weighing more than 200 g/m² and exceeding 310 cm in width (described in statistical reporting number 5514.22.0020)
- (97) Nonwoven fabrics of man-made fibers, weighing more than 25 g/m² but not more than 70 g/m², with a smooth or embossed texture (not impregnated, coated or covered with material other than or in addition to rubber, plastics, wood pulp or glass fibers), in rolls that are pre-slitted in lengths of not less than 15 cm to not more than 107 cm, for use in the manufacture of personal care wipes (described in statistical reporting number 5603.12.0090)
- (98) Non-woven fabrics of polyethylene terephthalate (PET), in sheets measuring not more than 160 cm by 250 cm, weighing more than 1,800 g/m² but not more than 3,000 g/m² (described in statistical reporting number 5603.94.9090)
- (99) Rugs of hand-knotted pile, of nylon and polypropylene, measuring at least 1.2 m² (described in statistical reporting number 5701.90.1010)

- (100) Rugs of 100 percent polyester or polypropylene, with brass grommets and stainless steel springs, each measuring at least 44 cm by 45 cm but not exceeding 56 cm by 59 cm (described in statistical reporting number 5705.00.2030)
- (101) Woven dyed embroidery fabrics containing by weight 55 percent of polyester and 45 percent of nylon, weighing less than 115 g/m² and measuring 289 cm in width (described in statistical reporting number 5810.92.9080)
- (102) Long pile knit fabrics, of acrylic pile on polyester ground, valued not over \$16 per m² (described in statistical reporting number 6001.10.2000)
- (103) Knitted or crocheted fabrics of artificial staple fibers derived from bamboo (described in statistical reporting number 6003.40.6000)
- (104) Sandstone known as brown wave, of a kind used in outdoor living spaces, containing one textured side and up to four chiseled edges with a density of 2,750 kg/m³ (described in statistical reporting number 6802.99.0060)
- (105) Sandstone with a flamed finish on one side and a length of 200 mm or more but not over 3,100 mm, a width of 100 mm or more but not over 1,380 mm and a thickness of 30 mm or more but not over 180 mm (described in statistical reporting number 6802.99.0060)
- (106) Grinding beads of yttria-stabilized zirconia (described in statistical reporting number 6909.11.2000)
- (107) Screen protectors of tempered safety glass, transparent, cut, and treated, with adhesive on one side, in rectangular sheets, each weighing at least 6 g but not more than 77 g, each measuring not less than 2.8 cm but not more than 28 cm in height, not less than 1.9 cm but not more than 21 cm in width, and not more than 0.1 cm in thickness (described in statistical reporting number 7007.19.0000)
- (108) Sheets of tempered safety glass, coated with silicone oxide, having a surface area of less than 2.5 m², designed to be placed over solar cell panels for protection from external damage (described in statistical reporting number 7007.19.0000)
- (109) Rear-view mirrors of convex glass for motor vehicles, each measuring not less than 1.75 mm and not more than 2.4 mm in thickness, not less than 125 mm and not more than 210 mm in length, not less than 97 mm and not more than 180 mm in width, weighing not less than 74 g and not more than 188 g (described in statistical reporting number 7009.10.0000)
- (110) Rear-view mirrors of flat glass for motor vehicles, each measuring not less than 1.75 mm but not more than 2.4 mm in thickness, not less than 163 mm but not more than 210 mm in length, not less than 107 mm but not more than 167 mm in width and weighing not less than 80 g but not more than 188 g (described in statistical reporting number 7009.10.0000)
- (111) Tiles of non-recycled glass on a vinyl mesh backing, in a grid pattern of not less than 304 mm by 304 mm and not exceeding 305 mm by 305 mm, for mosaics or other decorative or construction purposes (described in statistical reporting number 7016.10.0000)
- (112) Windows of stainless steel incorporating tempered glass, each fitted with a rubber gasket that provides a water-tight seal when closed, designed for installation in ships and boats of chapter 89 (described in statistical reporting number 7308.30.1000)
- (113) Vault doors of stamped, welded and powder-coated 12-gauge carbon steel, each measuring 2 m or more in height, 81 cm or more but not more than 92 cm in width and 7.7 cm in thickness, each fitted with nine locking bolts, a slip-clutch handle and a

- programmable electric lock with keypad, with mechanical key override, presented with matching door frame (described in statistical reporting number 7308.30.5050)
- (114) Equipment for scaffolding, comprising powder coated or galvanized welded tubular steel frames, braces, guard rail systems, components and accessories, the foregoing for assembly into frame and brace configurations measuring at least 10 cm but not more than 3.3 m in height and at least 4 cm but not more than 8.8 m in width, weighing not more than 91 kg, with a load capacity not more than 2,750 kg (described in statistical reporting number 7308.40.0000)
- (115) Articulated chains of iron, not over 8 mm in thickness and valued not over \$2 per m (described in statistical reporting number 7315.12.0080)
- (116) Portable outdoor cooker kits, consisting of at least a burner and stand made from steel and/or cast iron, with an adjustable pressure regulator/hose combination for connecting the burner to a source of natural gas or a portable container of liquefied propane (described in statistical reporting number 7321.11.1060)
- (117) Grills composed of steel wire, each measuring 49 cm by 47 cm (19.25 inches by 18.5 inches), weighing 0.36 kg (0.80 lbs.), designed as cooking surface of barbecue grill (described in statistical reporting number 7321.90.6090)
- (118) Awning stabilizer kits, each comprising two zinc-plated steel constructed spiral stakes with two rolls of cord or two pull-tension straps, weighing not more than 2 kg (described in statistical reporting number 7326.90.8688)
- (119) Cable hooks of steel, each weighing not less than 0.2 kg, measuring not less than 9 cm in length, not less than 5 cm in width and not less than 1 cm in height with spring loaded closure gate (described in statistical reporting number 7326.90.8688)
- (120) Tailor welded blanks of hot-formed steel sheets, cut into D-shaped form, each measuring not more than 2 mm by not more than 1.6 mm (described in statistical reporting number 7326.90.8688)
- (121) Nickel hydroxy carbonate (CAS No. 12607-70-4) (described in statistical reporting number 7501.20.0000)
- (122) Mounting boards of aluminum for guitar sound modifying ("effect") devices, each consisting of an aluminum frame with above ground slots for the placement of devices and floor level slots for the on/off foot-operated pedal switches which control the modifying devices (described in statistical reporting number 7616.99.5190)
- (123) Kitchen and table implements of iron or steel, non-electric, including but not limited to peelers, graters and whisks (described in statistical reporting number 8205.51.3030)
- (124) Automotive polishing attachments specially designed for use with a hand-held drill, each attachment including a 9.5 mm steel drive shaft, internal gear assembly, transverse hand brace and rotating disk components (described in statistical reporting number 8207.90.7585)
- (125) Bolt-on tips of carbon alloy steel of a kind used in tub or horizontal grinders (described in statistical reporting number 8207.90.7585)
- (126) Flat panel display mounting adapters of base metal (described in statistical reporting number 8302.50.0000)
- (127) Stamped and formed brackets of steel (described in statistical reporting number 8302.50.0000)
- (128) Gun safes with digital keypads, of base metal, each weighing at least 148 kg but not more than 422 kg, measuring at least 141 cm but not more than 183 cm in height, at

- least 55 cm but not more than 107 cm in width and at least 40 cm but not more than 71 cm in depth (described in statistical reporting number 8303.00.0000)
- (129) Parts suitable for use solely or principally with spark-ignition internal combustion piston engines of heading 8407 for marine propulsion (other than cast-iron parts, not advanced beyond cleaning, and machined only for the removal of fins, gates, sprues and risers or to permit location in finishing machinery or connecting rods) (described in statistical reporting number 8409.91.9290)
- (130) Hydraulic valve lifters of steel with rollers, suitable for use solely or principally with spark-ignition internal combustion piston engines (other than for aircraft engines, marine propulsion engines or for vehicles of subheading 8701.20, or headings 8702, 8703 or 8704), each measuring 5 cm or more but not over 13 cm in length and 2.5 cm or more but not over 3.9 cm in diameter and weighing 135 g or more but not over 410 g (described in statistical reporting number 8409.91.9990)
- (131) Parts suitable for use solely or principally with spark-ignition internal combustion piston engines of heading 8407 (other than for aircraft engines, cast-iron parts, not advanced beyond cleaning, and machined only for the removal of fins, gates, sprues and risers or to permit location in finishing machinery, for vehicles of subheading 8701.20 or heading 8702, 8703 or 8704, for marine propulsion engines or connecting rods) (described in statistical reporting number 8409.91.9990)
- (132) Solid valve lifters of steel, suitable for use solely or principally with spark-ignition internal combustion piston engines (other than for aircraft engines, marine propulsion engines or for vehicles of subheading 8701.20, or headings 8702, 8703 or 8704), each measuring 19 mm or more but not over 114 mm in length and 6 mm or more but not over 26 mm in diameter and weighing 20 g or more but not over 250 g (described in statistical reporting number 8409.91.9990)
- (133) Wind turbine hubs (described in statistical reporting number 8412.90.9081)
- (134) Hand pumps (other than for fuel or lubricants, not fitted or designed to be fitted with a metering device), each used to dispense a metered quantity of liquid soap or sanitizer (described in statistical reporting number 8413.20.0000)
- (135) Hand pumps for liquids (other than those of subheading 8413.11 or 8413.19) of acrylonitrile butadiene styrene (ABS) plastics (described in statistical reporting number 8413.20.0000)
- (136) Lubricating pumps for internal combustion piston engines (described in statistical reporting number 8413.30.9060)
- (137) Cooling medium pumps for internal combustion piston engines of the motor vehicles of headings 8703 or 8704 (described in statistical reporting number 8413.30.9090)
- (138) Vacuum pumps, each composed of a cast aluminum body and an unalloyed steel cover, measuring not more than 85 mm in length, not more than 75 mm in width and not more than 96 mm in height, with a pump volume not more than 200 cc, for use in automotive braking systems (described in statistical reporting number 8414.10.0000)
- (139) Hand- or foot-operated air pumps, each weighing 400 g or more but not over 3 kg, with a maximum pressure of 1.52 MPa, imported with adapters for valves for tires and inner tubes (described in statistical reporting number 8414.20.0000)
- (140) DC blowers for use in motor vehicle climate control systems, each measuring no less than 323 mm by 122 mm by 102 mm and no more than 357 mm by 214 mm by 167 mm (described in statistical reporting number 8414.59.6540)
- (141) DC centrifugal radial blowers, each measuring not less than 345 mm by 122 mm by 102 mm and not more than 355 mm by 173 mm by 145 mm, of an output of 100 W to

- 285 W, and weighing at least 1.80 kg but no more than 2.72 kg (described in statistical reporting number 8414.59.6560)
- (142) Portable air compressors, each delivering under 0.57 cubic meters per minute (described in statistical reporting number 8414.80.1685)
- (143) Parts of fans, consisting of column assemblies comprising telescoping steel tubes, each with a mechanism to lock the assembly at a desired length, and front grills of steel, the foregoing for use in the manufacture of household pedestal fans (described in statistical reporting number 8414.90.1040)
- (144) Electric display cases incorporating refrigerating equipment designed for commercial use, each with a glass front to display the food or drink being stored (described in statistical reporting number 8418.50.0080)
- (145) Upright coolers incorporating refrigerating equipment, each measuring not more than 77 cm in width, not more than 78 cm in depth and not more than 200 cm in height, weighing not more than 127 kg, with one swing-type transparent glass door (described in statistical reporting number 8418.50.0080)
- (146) Retail computing scales, digital with tactile keypad or VGA display, with a maximum weighing capacity of not less than 10 kg but not more than 15.5 kg, measuring not less than 15 cm in width by 20 cm depth but not more than 41 cm in width by 32 cm in depth (described in statistical reporting number 8423.81.0030)
- (147) Compact portable shipping scales, of stainless steel, with a maximum weighing capacity of not more than 16 kg, with a digital display, weight below hook, and handles, measuring not less than 19 cm in width, not less than 21 cm in depth, not less than 3 cm in height but not more than 52 cm in width, not more than 41 cm in depth, not more than 13 cm in height (described in statistical reporting number 8423.81.0040)
- (148) Ratcheting chain, rope or cable hoists, other than skip hoists or hoists of a kind used for raising motor vehicles, such hoists not powered by an electric motor (described in statistical reporting number 8425.19.0000)
- (149) Winches powered by an electric motor, each with a pulling capacity of 4,300 kg or more but not exceeding 7,940 kg (described in statistical reporting number 8425.31.0100)
- (150) Screw jacks and scissor jacks, each comprising a base, two lift arms and adjustable wheel pads, weighing at least 22 kg but not more than 42 kg, with a weight limit of not more than 342 kg (described in statistical reporting number 8425.49.0000)
- (151) Portal cranes, each with a jib or operating arm to extend horizontally from the crane and run on rails, with the crane sitting on a pedestal, each crane with lifting capacity of at least 200 t (described in statistical reporting number 8426.30.0000)
- (152) Sewing machines, not of the household type, not specially designed to join footwear soles to uppers; each such machine weighing 45 kg or more but not over 140 kg, suitable for sewing leather (described in statistical reporting number 8452.29.9000)
- (153) Lottery ticket vending terminals, each terminal including a touchscreen monitor, barcode scanner, Wi-fi/Ethernet/Bluetooth connectivities, six USB ports, two LAN ports and two serial ports (described in statistical reporting number 8470.90.0190)
- (154) Mouse input devices for automatic data processing (ADP) machines, each valued over \$70 (described in statistical reporting number 8471.60.9050)
- (155) Trackpad input units for automatic data processing (ADP) machines, each valued over \$100 (described in statistical reporting number 8471.60.9050)

- (156) Printed circuit assemblies for rendering images onto computer screens ("graphics processing modules") (described in statistical reporting number 8473.30.1180)
- (157) Printed circuit assemblies to enhance the graphics performance of automatic data processing (ADP) machines ("accelerator modules") (described in statistical reporting number 8473.30.1180)
- (158) Printed circuit assemblies, constituting unfinished logic boards (described in statistical reporting number 8473.30.1180)
- (159) Parts and accessories of machines of heading 8471 not incorporating goods of headings 8541 or 8542 (described in statistical reporting number 8473.30.5100)
- (160) Ratchet tie down straps, each consisting of straps of textiles measuring not less than 25 mm and not more than 105 mm in width and not more than 12.5 m in length, steel hooks at opposite ends of the straps and a gear and pawl mechanism for adjusting the length of the whole (described in statistical reporting number 8479.89.9499)
- (161) Hand-operated valves of acrylonitrile butadiene styrene (ABS) plastic, each a hand operated, quarter-turn ball valve, threaded at one end to receive male end of U.S. garden hose (described in statistical reporting number 8481.80.5090)
- (162) Hand-operated valves of plastics, each comprising a bottle lid, drinking spout and flavor dispensing valve (described in statistical reporting number 8481.80.5090)
- (163) Parts of spark-ignition internal combustion piston engines or rotary engines, consisting of transmission shafts (including camshafts and crankshafts) and cranks, the foregoing of machined cast iron or other ferrous metals, other than for engines of vehicles of chapter 87 (described in statistical reporting number 8483.10.1050)
- (164) Electric gear motors, single-phase AC, 4-pole permanent split capacitor type, of an output of 38 W or more but not exceeding 74.5 W, each enclosed in a housing of plastics measuring 12 cm or more but not more than 17 cm in length, which pivots at the end of a support of plastics, the other end of which houses on-off-oscillate and speed controls (described in statistical reporting number 8501.40.2020)
- (165) Electric gear motors, single-phase AC, 4-pole permanent split capacitor type, of an output of 38 W or more but not exceeding 74.5 W, each enclosed in a housing of plastics measuring 13 cm or more but not more than 16 cm in length, which pivots at the end of a support of plastics, the other end of which houses on-off and speed controls (described in statistical reporting number 8501.40.2020)
- (166) Electric gear motors, single-phase AC, 4-pole permanent split capacitor type, of an output of 38 W or more but not exceeding 74.5 W, each enclosed in a housing of plastics with on-off and speed controls (described in statistical reporting number 8501.40.2020)
- (167) Electric motors other than gear motors, single-phase AC, 4-pole permanent split capacitor type, of an output of 60 W or more but not exceeding 74.5 W, each with a rotary switch attached by insulated conductors, enclosed in a housing of base metals (described in statistical reporting number 8501.40.2040)
- (168) Single phase AC electric motors (other than gear motors), of an output of 56 W or more but not exceeding 69 W, each measuring no more than 9 cm in length and no more than 11.5 cm in diameter, weighing no more than 2 kg, in a housing of base metals, with a switch (described in statistical reporting number 8501.40.2040)
- (169) Electric gear motors, single phase AC, of an output of 74.6 W or more but not exceeding 228 W, each with a spring, a coupling, and a locking connector, the assembly measuring not more than 30 cm in length, not more than 11 cm in width,

- not more than 16 cm in height (described in statistical reporting number 8501.40.4020)
- (170) Electric gear motors, single-phase AC, 4-pole permanent split capacitor type, of an output of 75 W or more but not exceeding 95 W, enclosed in a housing of plastics which pivots at the end of a support of plastics, the other end of which houses on-off-oscillate and speed controls (described in statistical reporting number 8501.40.4020)
- (171) AC motors, single phase, each of an output exceeding 74.6 W but not exceeding 335 W, measuring not more than 13 cm in diameter and not more than 13 cm in height and with a shaft measuring not more than 39 cm in length (described in statistical reporting number 8501.40.4040)
- (172) Electric motors other than gear motors, single-phase AC, 4-pole permanent split capacitor type, of an output of 75 W or more but not exceeding 110 W, each with a switch attached by insulated conductors, enclosed in a round housing of base metals with outside diameter measuring 85 mm or more but not exceeding 95 mm (described in statistical reporting number 8501.40.4040)
- (173) Single-phase AC electric motors incorporating permanent split capacitors, each of an output range of 367 W or more but not exceeding 565 W, operating at not less than 115 V of alternating current (VAC) but not more than 230 VAC, capable of operating while submerged in water, each weighing at least 7 kg but not more than 11 kg, measuring not more than 10 cm in diameter and at least 22 cm but not exceeding 34 cm in length (described in statistical reporting number 8501.40.4040)
- (174) Single-phase AC electric motors, other than gear motors, whether or not incorporating permanent split capacitors, each of an output range of 746 W or more but not exceeding 1.13 kW, operating at not less than 115 V of alternating current (VAC) but not more than 250 VAC, capable of operating while submerged in water, each weighing at least 9 kg but not more than 12.5 kg, measuring not more than 10 cm in diameter and at least 25 cm but not exceeding 36 cm in length (described in statistical reporting number 8501.40.6040)
- (175) Power supplies suitable for physical incorporation into automatic data processing (ADP) machines or units thereof of heading 8471, each with a power output exceeding 500 W, measuring 148mm in length, 43 mm in width and 335 mm in height (described in statistical reporting number 8504.40.6018)
- (176) Power supplies for cable networks, that convert 120 V/60 Hz AC input to either 63 V AC or 87 V AC output, each measuring not more than 200 mm by 425 mm by 270 mm and weighing not more than 27.5 kg, containing printed circuit board assemblies, a transformer, and an oil filled capacitor (described in statistical reporting number 8504.40.8500)
- (177) Static converters designed for wireless (inductive) charging of telecommunication apparatus (described in statistical reporting number 8504.40.8500)
- (178) Static converters of a kind used to charge telecommunication apparatus in cars or homes, valued not over \$2 each (described in statistical reporting number 8504.40.8500)
- (179) Power adapters for a weather sensor or weather station display (described in statistical reporting number 8504.40.9580)
- (180) Inductors, each with inductance of 22 microhenrys (μH), a tolerance of no greater than 20 percent, with a DC resistance of 198 milliohms ($\text{m}\Omega$) and a DC current of 1.9 A (described in statistical reporting number 8504.50.8000)

- (181) Inductors, each with inductance of 220 microhenrys (μH), a tolerance of no greater than 20 percent, with a DC resistance of 550 milliohms ($\text{m}\Omega$) and a DC current of 510 milliamps (mA) (described in statistical reporting number 8504.50.8000)
- (182) Inductors, each with inductance of 470 microhenrys (μH), a tolerance of no greater than 20 percent, with a DC resistance of 700 milliohms ($\text{m}\Omega$) and a DC current of 540 milliamps (mA) (described in statistical reporting number 8504.50.8000)
- (183) Robotic vacuum cleaners designed for residential use, each with a self-contained electric motor of a power not exceeding 50 W and dust bag/receptacle capacity not exceeding 1 L, whether or not shipped with accessories (described in statistical reporting number 8508.11.0000)
- (184) Vacuum cleaners, bagless, upright, each with self-contained electric motor of a power not exceeding 1,500 W and having a dust receptacle capacity not exceeding 1 liter (described in statistical reporting number 8508.11.0000)
- (185) Starter motors for internal combustion gasoline engines designed for use in the lawn, automotive, watercraft, motorcycle, industrial and garden industries (described in statistical reporting number 8511.40.0000)
- (186) Projectors ("trumpets") of plastics for air horns (described in statistical reporting number 8512.90.2000)
- (187) Fan-forced portable electric heaters, each with a ceramic heating element (described in statistical reporting number 8516.29.0030)
- (188) Fan-forced, portable electric space heaters, each having a power consumption of not more than 1.5 kW and weighing more than 1.5 kg but not more than 17 kg, whether or not incorporating a humidifier or air filter (described in statistical reporting number 8516.29.0030)
- (189) Electric fireplace inserts and free-standing electric fireplace heaters, rated at 5,000 British thermal units (BTUs) (described in statistical reporting number 8516.29.0090)
- (190) Electric fireplaces, weighing not more than 55 kg (described in statistical reporting number 8516.29.0090)
- (191) Portable countertop air fryers of a kind used for domestic purposes (described in statistical reporting number 8516.60.4070)
- (192) Tubular electric heating resistors (described in statistical reporting number 8516.80.8000)
- (193) Closed-loop, digital, video security systems, each consisting of one 4-, 8- or 16-channel digital video recorder (DVR) that connects via cables to at least 2 but no more than 16 color television cameras in housings of plastics, cables and power adapters, put up for retail sale (described in statistical reporting number 8525.80.3010)
- (194) Color video cameras for use with microscopes, each camera with C-mount lens mount, weighing not more than 87 g, measuring not more than 109 mm in length and 31 mm in diameter, presented with a cable measuring not more than 1.5 m in length (described in statistical reporting number 8525.80.3010)
- (195) Digital color video cameras for use with microscopes, each camera with 10 megapixel resolution, weighing not more than 175 g, measuring 63 mm by 37 mm in length, presented with USB cable, reduction lens, eyepiece adapters, software CD and calibration slide (described in statistical reporting number 8525.80.3010)
- (196) Digital color video cameras for use with microscopes, each camera with autofocus, C-mount lens mount, 1080p resolution, weighing not more than 450 g, measuring not more than 67 mm by 67 mm by 81 mm, presented with AC power adapter and power cable (described in statistical reporting number 8525.80.3010)

- (197) Indicator panels incorporating LEDs, designed for use in medical infusion equipment (described in statistical reporting number 8531.20.0040)
- (198) Printed circuit boards, each with a base wholly of plastics impregnated glass, not flexible, with 4 layers of copper (described in statistical reporting number 8534.00.0020)
- (199) Printed circuit boards, with a base of glass reinforced epoxy laminate material that is compliant with NEMA grade FR-4 fire resistance, not flexible, with 10 layers, designed for use in a flow meter, and measuring not more than 6.35 cm by 6.35 cm by 0.1575 cm (described in statistical reporting number 8534.00.0020)
- (200) Printed circuit boards, each with a base wholly of plastics impregnated glass, not flexible, with 2 layers of copper (described in statistical reporting number 8534.00.0040)
- (201) Floor-mounted receptacles conforming to types 1-15R, 5-15R or 5-20R of the National Electrical Manufacturers Association (NEMA) (described in statistical reporting number 8536.69.8000)
- (202) Gas ignition safety controls, measuring 3.8 to 5.3 cm in height, 6.4 to 10.1 cm in width and 13.2 to 13.9 cm in depth; weighing 160 g to 380 g each; and valued not over \$26 each; of a kind used in patio heaters, agricultural heaters or clothes dryers (described in statistical reporting number 8537.10.9170)
- (203) Printed circuit board assemblies specially designed to control medical infusion pumps (described in statistical reporting number 8537.10.9170)
- (204) Digital sound processing apparatus capable of connecting to a wired or wireless network for the mixing of sound, each capable of mixing 16, 24, 32 or 64 channel, each measuring not more than 17 cm in height, not more than 60 cm in depth, and not more than 83 cm in width (described in statistical reporting number 8543.70.9100)
- (205) Insulated electric conductors for a voltage not exceeding 1,000 V, fitted with connectors of a kind used for telecommunications, each valued over \$0.35 but not over \$2 (described in statistical reporting number 8544.42.2000)
- (206) Extension cords of copper wire with polyvinyl chloride (PVC) sheaths, for a voltage not exceeding 1,000 V, each measuring at least 9 m but not longer than 16 m in length, with National Electrical Manufacturers Association (NEMA) type 5-15P plug on one end and NEMA type 5-15R receptacle on the other (described in statistical reporting number 8544.42.9010)
- (207) Extension cords of copper wire with polyvinyl chloride (PVC) sheaths, for a voltage not exceeding 1,000 V, each measuring at least 4 m but not longer than 16 m in length, with National Electrical Manufacturers Association (NEMA) type TT-30P plug on one end and NEMA type TT-30R receptacle on the other or NEMA type 14-50P plug on one end and NEMA type 14-50R receptacle on the other, with handles on each end in the shape of loops (described in statistical reporting number 8544.42.9090)
- (208) Insulated conductors, not of a kind used for telecommunications, for a voltage not exceeding 1,000 V, each with polyvinyl chloride (PVC) covers and connectors at each end in bundles of 3, 5 or 6 for use in connecting patients to monitoring devices (described in statistical reporting number 8544.42.9090)
- (209) Junction box assemblies, of a kind used in solar panels, incorporating three bypass diodes and two insulated cables fitted with connectors, for a voltage not more than 1,000 V (described in statistical reporting number 8544.42.9090)

- (210) Ceramic electrical insulators of alumina for gas ignition electrode assemblies, each measuring at least 6.6 cm but not more than 11.5 cm in length and not more than 0.95 cm in diameter, weighing not more than 25 g (described in statistical reporting number 8546.20.0090)
- (211) Electrical insulators ("wire nuts") of plastics and steel (described in statistical reporting number 8546.90.0000)
- (212) Devices for mounting phones on motor vehicle interiors without a Universal Serial Bus (USB) charging port (described in statistical reporting number 8708.29.5060)
- (213) Tire carrier attachments, roof racks, fender liners, side protective attachments, the foregoing of steel (described in statistical reporting number 8708.29.5060)
- (214) Guide pins and guide bolts designed for use in brakes and servo-brakes of subheading 8708.30 (described in statistical reporting number 8708.30.5090)
- (215) Flange forgings of Society of Automotive Engineers ("SAE") 1035 carbon steel (described in statistical reporting number 8708.40.7570)
- (216) Hub forgings of Society of Automotive Engineers ("SAE") 1035 carbon steel (described in statistical reporting number 8708.40.7570)
- (217) Park gear blanks of Society of Automotive Engineers ("SAE") 1520 carbon steel (described in statistical reporting number 8708.40.7570)
- (218) Stator shafts of Stahlwerk Annahutte ZF34C grade carbon steel (described in statistical reporting number 8708.40.7570)
- (219) Front output shafts of Society of Automotive Engineers ("SAE") 1045 carbon steel suitable for use in automatic transmission systems for passenger motor vehicles (described in statistical reporting number 8708.99.6890)
- (220) Hitches receivers of steel, not suitable for towing applications, each receiver to be clamped onto the rear bumper of a recreational vehicle, such bumpers being square in section and measuring not more than 102 mm on a side (described in statistical reporting number 8708.99.8180)
- (221) Bicycles, not motorized, each having aluminum- or magnesium- alloy wheels both measuring more than 69 cm but not more than 71 cm in diameter, tires of cross-sectional diameter of 3.5 cm, aluminum frame, a polyurethane/carbon fiber cord drive belt, 3-, 7- or 12-speed rear hub and twist shifter (described in statistical reporting number 8712.00.2500)
- (222) Single-speed bicycles having both wheels exceeding 63.5 cm in diameter, weighing less than 16.3 kg without accessories and not designed for use with tires having a cross-sectional diameter exceeding 4.13 cm (described in statistical reporting number 8712.00.2500)
- (223) Bicycles, not motorized, having both wheels exceeding 63.5 cm in diameter, each having no more than three speeds and a coaster brake (described in statistical reporting number 8712.00.3500)
- (224) Bicycles, including mountain-type, with drop bar, tubeless, folding (described in statistical reporting number 8712.00.4800)
- (225) Bicycle frames, of carbon fiber, valued not over \$600 each (described in statistical reporting number 8714.91.3000)
- (226) Bicycle saddles, each having a cover of plastics, man-made textile fabrics or a combination of the two (described in statistical reporting number 8714.95.0000)
- (227) Wheeled trailers suitable for towing behind an adult bicycle, each comprising a frame of aluminum with a hitch mechanism, weighing not more than 17.5 kg, with a capacity of not more than 46 kg, with those trailers designated for carrying children meeting

- ASTM International standard F1975 (described in statistical reporting number 8716.40.0000)
- (228) Casters, with diameter (including, where appropriate, tires) of 20 cm or more but not over 23 cm (described in statistical reporting number 8716.90.3000)
- (229) Truck trailer skirt brackets, other than parts of general use of Section XV (described in statistical reporting number 8716.90.5060)
- (230) Clear rectangular filter cover lenses, unmounted, of allyl diglycol carbonate for arc welding helmets, each measuring 50 mm by 110 mm or measuring 115 mm by 135 mm (described in statistical reporting number 9001.90.9000)
- (231) Compound binocular optical microscopes (other than stereoscopic microscopes and microscopes for photomicrography, cinemicrography or microprojection), each with magnification of 40X or more but not exceeding 1,000X, weighing not more than 3 kg (described in statistical reporting number 9011.80.0000)
- (232) Compound optical microscopes (other than stereoscopic microscopes and microscopes for photomicrography, cinemicrography or microprojection), each with magnification of 40X or more but not exceeding 400X, weighing not more than 15 kg (described in statistical reporting number 9011.80.0000)
- (233) Parts and accessories of meteorological instruments and appliances, each consisting of a wind vane made of plastics and base metal weighing no more than 25 g (described in statistical reporting number 9015.90.0190)
- (234) Parts and accessories of meteorological instruments and appliances, each consisting of an assembly comprising 3 rotating wind cups, bearings, an internal aspirating fan and one or more solar panels (described in statistical reporting number 9015.90.0190)
- (235) Parts and accessories of meteorological instruments and appliances, each consisting of an assembly made of plastic and metal comprising 3 wind cups weighing no more than 35 g (described in statistical reporting number 9015.90.0190)
- (236) Flexible probes, each measuring at least 1 m but not more than 2 m in length, with a thermistor heat sensor in the tip which transmits heat data directly to a temperature monitor (described in statistical reporting number 9025.90.0600)
- (237) Metal casings for, and metal parts of, thermometers of subheading 9025.11.40 designed for use in heating, ventilation and air conditioning ("HVAC") equipment (described in statistical reporting number 9025.90.0600)
- (238) Hand-held card counters, each consisting of a plastic case containing a circuit board, rechargeable battery and controls, weighing less than 1 kg (described in statistical reporting number 9029.10.8000)
- (239) 60-minute mechanical count-down kitchen timers (described in statistical reporting number 9106.90.8500)
- (240) Upholstered seats with wooden frames other than chairs, not of cane, osier, bamboo or similar materials, each measuring at least 144 cm but no more than 214 cm in width, at least 81 cm but no more than 89 cm in height and at least 81 cm but not more than 163 cm in depth (described in statistical reporting number 9401.61.6011)
- (241) Stackable upholstered metal chairs for religious worship settings, capable of interlocking with each other, each with attached holders and racks (described in statistical reporting number 9401.71.0031)
- (242) Unassembled upholstered chairs with metal frames, other than household chairs, with seats and backs having a shell of plastics or wood and measuring at least 48 cm but not more than 61 cm in width (described in statistical reporting number 9401.71.0031)

- (243) Folding chairs with aluminum frames, each comprising a seat of polyester ripstop fabric and polyester netting and an aluminum frame, weighing not more than 600 g (described in statistical reporting number 9401.79.0015)
- (244) Foldable stools with frames of steel or aluminum, each measuring not over 30.5 cm in width, 26 cm in depth and 39 cm in height (described in statistical reporting number 9401.79.0035)
- (245) Hunting stands of steel or aluminum (including ladder stands, pod stands, hang-on stands and climbing stands), each of which allows one or more hunters to ascend to a height and sit while waiting for game animals to appear (described in statistical reporting number 9401.79.0035)
- (246) Unassembled non-upholstered chairs with metal frames (other than household chairs) with seats and backs having a shell of plastics or wood and measuring at least 48 cm but not more than 61 cm in width (described in statistical reporting number 9401.79.0050)
- (247) Parts of chairs of unfinished plywood, including bodies, legs and arms (described in statistical reporting number 9401.90.4080)
- (248) Bench frames of cast aluminum, each measuring at least 42 cm but not more than 79 cm in height, and at least 52 cm but not more than 62 cm in width (described in statistical reporting number 9401.90.5081)
- (249) Chair frames of metal, each with integral bookshelf, capable of being stacked (described in statistical reporting number 9401.90.5081)
- (250) Foot assemblies of base metal and rubber, designed for folding chairs (described in statistical reporting number 9401.90.5081)
- (251) Household furniture of metal and high-pressure laminated bamboo (other than ironing boards, furniture for infants or children or bed frames) (described in statistical reporting number 9403.20.0050)
- (252) Lockers, of steel (described in statistical reporting number 9403.20.0050)
- (253) Display racks of powder coated steel, whether or not on casters, whether or not with LED lighting, each measuring at least 60 cm but not more than 125 cm in length, at least 60 cm but not more than 125 cm in width and at least 130 cm but not more than 225 cm in height, with slanted shelves with a lip at the front edge of each that measures 3 cm or more in height (described in statistical reporting number 9403.20.0080 prior to July 1, 2019; described in statistical reporting number 9403.20.0081 effective July 1, 2019)
- (254) Adjustable wire shelving units of steel, other than for household use, comprising vertical poles, foot caps or casters, clips and shelves, each when fully assembled measuring at least 35 cm or more but not more than 183 cm in width, at least 35 cm but not more than 77 cm in depth, and at least 137 cm but not more than 183 cm in height (described in statistical reporting number 9403.20.0081)
- (255) Storage racks of steel, powder-coated, designed to hang from overhead support, each weighing not more than 37 kg, measuring not more than 123 cm in width, not more than 123 cm in height and not more than 245 cm in length (described in statistical reporting number 9403.20.0081)
- (256) Foldable cots with frames of steel and/or aluminum, each with sleeping surface of polyester or nylon fabric, each cot measuring 185 cm or more but not over 230 cm in length, 70 cm or more but not over 105 cm in width and 7 cm or more but not over 58 cm in height (described in statistical reporting number 9403.20.0090)

- (257) Foldable tables with frames of steel and/or aluminum, each measuring 25 cm or more but not over 156 cm in length, 30 cm or more but not over 80 cm in width and 37 cm or more but not over 113 cm in height, with a tabletop surface of aluminum (described in statistical reporting number 9403.20.0090)
- (258) Household furniture of high-pressure laminated bamboo, other than babies' or children's furniture (described in statistical reporting number 9403.82.0015)
- (259) Bassinets, composed of polyester fabric with frames of steel tubing and partial solid wood rails, each measuring 86 cm by 51 cm by 86 cm, weighing 12 kg, with adjustable height legs on wheels (described in statistical reporting number 9403.89.6003)
- (260) Baby crib liners, each composed of two pieces of multi-layer warp polyester knit mesh without any padding, one measuring no more than 29 cm by 283 cm and the other measuring no more than 29 cm by 210 cm (described in statistical reporting number 9403.90.6005)
- (261) Bed rails, each of which attaches to the side of a bed to prevent the occupant of the bed from rolling out, with a nylon mesh fabric cover (described in statistical reporting number 9403.90.8041)
- (262) Outdoor lighting sets, each containing 6 or 10 polycarbonate bulb sockets (described in statistical reporting number 9405.40.8410)
- (263) Flameless pillar candles with LED lamps powered by batteries, each measuring at least 7.6 cm but not more than 20 cm in diameter and having a wax exterior (described in statistical reporting number 9405.40.8440)
- (264) Flexible strips, each having embedded light-emitting diodes electrically connected to a molded electrical end connector, each strip wound onto a reel measuring not more than 25 cm in diameter and not more than 1.5 cm in width (described in statistical reporting number 9405.40.8440)
- (265) Garden, patio and table top wick burning torches for outdoor use (described in statistical reporting number 9405.50.4000)
- (266) Lamp shades of fabric over metal frame (described in statistical reporting number 9405.99.4090)

3. by amending the last sentence of the first paragraph of U.S. note 20(e) to subchapter III of chapter 99 by:

- a. by deleting “or (14)” and by inserting “(14)” in lieu thereof; and
- b. by inserting “; or (15) heading 9903.88.56 and U.S. note 20(iii) to subchapter III of chapter 99” after the phrase “U.S. note 20(aaa) to subchapter III of chapter 99”, where it appears at the end of the sentence.

4. by amending the first sentence of U.S. note 20(f) to subchapter III of chapter 99 by:

- a. by deleting “or (14)” and by inserting “(14)” in lieu thereof; and
- b. by inserting “; or (15) heading 9903.88.56 and U.S. note 20(iii) to subchapter III of chapter 99” after the phrase “U.S. note 20(aaa) to subchapter III of chapter 99”, where it appears at the end of the sentence.

5. by amending the Article Description of heading 9903.88.03:
 - a. by deleting “9903.88.46 or”;
 - b. by inserting in lieu thereof “9903.88.46,”; and
 - c. by inserting “or 9903.88.56,” after “9903.88.48”.
6. by amending the Article Description of heading 9903.88.04:
 - a. by deleting “9903.88.46 or”;
 - b. by inserting in lieu thereof “9903.88.46, “; and
 - c. by inserting “or 9903.88.56” after “9903.88.48”.

ANNEX B

The following table is provided for informational purposes only. The table contains a list of the original product exclusions that are being extended by this notice. The original product exclusions were provided for in various subdivisions in note 20 to subchapter III of chapter 99 and an associated 9903.88 heading. In addition, the table contains the corresponding subdivisions in new note 20(iii) to subchapter III of chapter 99 and new heading 9903.88.56 for the product exclusions that are being extended by this notice. The original product exclusions expired on August 7, 2020. The exclusions that are being extended are effective from August 7, 2020 until December 31, 2020.

Original Product Exclusions		Corresponding Extension of Product Exclusions	
Note 20 Subdivision	Chapter 99 Heading	Note 20 Subdivision	Chapter 99 Heading
20(oo)(1)	9903.88.36	20(iii)(1)	9903.88.56
20(oo)(2)	9903.88.36	20(iii)(2)	9903.88.56
20(oo)(3)	9903.88.36	20(iii)(3)	9903.88.56
20(qq)(4)	9903.88.38	20(iii)(4)	9903.88.56
20(qq)(6)	9903.88.38	20(iii)(5)	9903.88.56
20(oo)(4)	9903.88.36	20(iii)(6)	9903.88.56
20(tt)(2)	9903.88.41	20(iii)(7)	9903.88.56
20(tt)(3)	9903.88.41	20(iii)(8)	9903.88.56
20(tt)(4)	9903.88.41	20(iii)(9)	9903.88.56
20(yy)(1)	9903.88.46	20(iii)(10)	9903.88.56
20(tt)(5)	9903.88.41	20(iii)(11)	9903.88.56
20(aaa)(14)	9903.88.48	20(iii)(12)	9903.88.56

20(aaa)(15)	9903.88.48	20(iii)(13)	9903.88.56
20(aaa)(16)	9903.88.48	20(iii)(14)	9903.88.56
20(ss)(1)	9903.88.40	20(iii)(15)	9903.88.56
20(xx)(1)	9903.88.45	20(iii)(16)	9903.88.56
20(qq)(1)	9903.88.38	20(iii)(17)	9903.88.56
20(oo)(6)	9903.88.36	20(iii)(18)	9903.88.56
20(pp)(1)	9903.88.37	20(iii)(19)	9903.88.56
20(oo)(9)	9903.88.36	20(iii)(20)	9903.88.56
20(pp)(2)	9903.88.37	20(iii)(21)	9903.88.56
20(qq)(3)	9903.88.38	20(iii)(22)	9903.88.56
20(oo)(10)	9903.88.36	20(iii)(23)	9903.88.56
20(oo)(11)	9903.88.36	20(iii)(24)	9903.88.56
20(oo)(12)	9903.88.36	20(iii)(25)	9903.88.56
20(oo)(13)	9903.88.36	20(iii)(26)	9903.88.56
20(oo)(14)	9903.88.36	20(iii)(27)	9903.88.56
20(qq)(8)	9903.88.38	20(iii)(28)	9903.88.56
20(qq)(9)	9903.88.38	20(iii)(29)	9903.88.56
20(qq)(10)	9903.88.38	20(iii)(30)	9903.88.56
20(qq)(11)	9903.88.38	20(iii)(31)	9903.88.56
20(nn)(2)	9903.88.35	20(iii)(32)	9903.88.56
20(vv)(17)	9903.88.43	20(iii)(33)	9903.88.56
20(xx)(10)	9903.88.45	20(iii)(34)	9903.88.56
20(vv)(25)	9903.88.43	20(iii)(35)	9903.88.56
20(II)(7)	9903.88.33	20(iii)(36)	9903.88.56
20(yy)(15)	9903.88.46	20(iii)(37)	9903.88.56
20(aaa)(28)	9903.88.48	20(iii)(38)	9903.88.56
20(qq)(15)	9903.88.38	20(iii)(39)	9903.88.56
20(II)(8)	9903.88.33	20(iii)(40)	9903.88.56
20(yy)(16)	9903.88.46	20(iii)(41)	9903.88.56
20(aaa)(30)	9903.88.48	20(iii)(42)	9903.88.56
20(yy)(17)	9903.88.46	20(iii)(43)	9903.88.56
20(qq)(16)	9903.88.38	20(iii)(44)	9903.88.56
20(vv)(30)	9903.88.43	20(iii)(45)	9903.88.56
20(qq)(17)	9903.88.38	20(iii)(46)	9903.88.56
20(yy)(19)	9903.88.46	20(iii)(47)	9903.88.56
20(yy)(20)	9903.88.46	20(iii)(48)	9903.88.56
20(qq)(19)	9903.88.38	20(iii)(49)	9903.88.56
20(qq)(20)	9903.88.38	20(iii)(50)	9903.88.56
20(qq)(22)	9903.88.38	20(iii)(51)	9903.88.56
20(qq)(23)	9903.88.38	20(iii)(52)	9903.88.56
20(qq)(24)	9903.88.38	20(iii)(53)	9903.88.56
20(qq)(25)	9903.88.38	20(iii)(54)	9903.88.56
20(xx)(12)	9903.88.45	20(iii)(55)	9903.88.56

20(aaa)(32)	9903.88.48	20(iii)(56)	9903.88.56
20(xx)(13)	9903.88.45	20(iii)(57)	9903.88.56
20(aaa)(33)	9903.88.48	20(iii)(58)	9903.88.56
20(p)(1)	9903.88.13	20(iii)(59)	9903.88.56
20(p)(2)	9903.88.13	20(iii)(60)	9903.88.56
20(yy)(22)	9903.88.46	20(iii)(61)	9903.88.56
20(pp)(4)	9903.88.37	20(iii)(62)	9903.88.56
20(qq)(29)	9903.88.38	20(iii)(63)	9903.88.56
20(qq)(30)	9903.88.38	20(iii)(64)	9903.88.56
20(II)(11)	9903.88.33	20(iii)(65)	9903.88.56
20(xx)(16)	9903.88.45	20(iii)(66)	9903.88.56
20(xx)(17)	9903.88.45	20(iii)(67)	9903.88.56
20(xx)(18)	9903.88.45	20(iii)(68)	9903.88.56
20(xx)(19)	9903.88.45	20(iii)(69)	9903.88.56
20(vv)(45)	9903.88.43	20(iii)(70)	9903.88.56
20(xx)(22)	9903.88.45	20(iii)(71)	9903.88.56
20(xx)(21)	9903.88.45	20(iii)(72)	9903.88.56
20(ss)(5)	9903.88.40	20(iii)(73)	9903.88.56
20(ss)(6)	9903.88.40	20(iii)(74)	9903.88.56
20(w)(6)	9903.88.18	20(iii)(75)	9903.88.56
20(mm)(24)	9903.88.34	20(iii)(76)	9903.88.56
20(vv)(54)	9903.88.43	20(iii)(77)	9903.88.56
20(II)(12)	9903.88.33	20(iii)(78)	9903.88.56
20(vv)(55)	9903.88.43	20(iii)(79)	9903.88.56
20(vv)(56)	9903.88.43	20(iii)(80)	9903.88.56
20(oo)(16)	9903.88.36	20(iii)(81)	9903.88.56
20(w)(9)	9903.88.18	20(iii)(82)	9903.88.56
20(mm)(12)	9903.88.34	20(iii)(83)	9903.88.56
20(mm)(13)	9903.88.34	20(iii)(84)	9903.88.56
20(vv)(57)	9903.88.43	20(iii)(85)	9903.88.56
20(II)(14)	9903.88.33	20(iii)(86)	9903.88.56
20(pp)(7)	9903.88.37	20(iii)(87)	9903.88.56
20(pp)(8)	9903.88.37	20(iii)(88)	9903.88.56
20(pp)(9)	9903.88.37	20(iii)(89)	9903.88.56
20(pp)(10)	9903.88.37	20(iii)(90)	9903.88.56
20(pp)(11)	9903.88.37	20(iii)(91)	9903.88.56
20(pp)(12)	9903.88.37	20(iii)(92)	9903.88.56
20(vv)(58)	9903.88.43	20(iii)(93)	9903.88.56
20(vv)(59)	9903.88.43	20(iii)(94)	9903.88.56
20(pp)(13)	9903.88.37	20(iii)(95)	9903.88.56
20(pp)(14)	9903.88.37	20(iii)(96)	9903.88.56
20(II)(15)	9903.88.33	20(iii)(97)	9903.88.56
20(ss)(13)	9903.88.40	20(iii)(98)	9903.88.56

20(aaa)(45)	9903.88.48	20(iii)(99)	9903.88.56
20(qq)(37)	9903.88.38	20(iii)(100)	9903.88.56
20(pp)(16)	9903.88.37	20(iii)(101)	9903.88.56
20(II)(19)	9903.88.33	20(iii)(102)	9903.88.56
20(ss)(15)	9903.88.40	20(iii)(103)	9903.88.56
20(vv)(65)	9903.88.43	20(iii)(104)	9903.88.56
20(vv)(66)	9903.88.43	20(iii)(105)	9903.88.56
20(nn)(5)	9903.88.35	20(iii)(106)	9903.88.56
20(vv)(71)	9903.88.43	20(iii)(107)	9903.88.56
20(vv)(72)	9903.88.43	20(iii)(108)	9903.88.56
20(qq)(41)	9903.88.38	20(iii)(109)	9903.88.56
20(qq)(42)	9903.88.38	20(iii)(110)	9903.88.56
20(II)(21)	9903.88.33	20(iii)(111)	9903.88.56
20(vv)(77)	9903.88.43	20(iii)(112)	9903.88.56
20(pp)(17)	9903.88.37	20(iii)(113)	9903.88.56
20(aaa)(48)	9903.88.48	20(iii)(114)	9903.88.56
20(II)(23)	9903.88.33	20(iii)(115)	9903.88.56
20(ss)(17)	9903.88.40	20(iii)(116)	9903.88.56
20(w)(14)	9903.88.18	20(iii)(117)	9903.88.56
20(qq)(48)	9903.88.38	20(iii)(118)	9903.88.56
20(qq)(46)	9903.88.38	20(iii)(119)	9903.88.56
20(aaa)(59)	9903.88.48	20(iii)(120)	9903.88.56
20(II)(32)	9903.88.33	20(iii)(121)	9903.88.56
20(w)(15)	9903.88.18	20(iii)(122)	9903.88.56
20(yy)(60)	9903.88.46	20(iii)(123)	9903.88.56
20(ss)(21)	9903.88.40	20(iii)(124)	9903.88.56
20(mm)(27)	9903.88.34	20(iii)(125)	9903.88.56
20(nn)(9)	9903.88.35	20(iii)(126)	9903.88.56
20(w)(18)	9903.88.18	20(iii)(127)	9903.88.56
20(aaa)(64)	9903.88.48	20(iii)(128)	9903.88.56
20(xx)(41)	9903.88.45	20(iii)(129)	9903.88.56
20(pp)(32)	9903.88.37	20(iii)(130)	9903.88.56
20(xx)(42)	9903.88.45	20(iii)(131)	9903.88.56
20(pp)(33)	9903.88.37	20(iii)(132)	9903.88.56
20(aaa)(65)	9903.88.48	20(iii)(133)	9903.88.56
20(pp)(34)	9903.88.37	20(iii)(134)	9903.88.56
20(qq)(56)	9903.88.38	20(iii)(135)	9903.88.56
20(pp)(35)	9903.88.37	20(iii)(136)	9903.88.56
20(vv)(101)	9903.88.43	20(iii)(137)	9903.88.56
20(yy)(71)	9903.88.46	20(iii)(138)	9903.88.56
20(pp)(36)	9903.88.37	20(iii)(139)	9903.88.56
20(xx)(43)	9903.88.45	20(iii)(140)	9903.88.56
20(xx)(44)	9903.88.45	20(iii)(141)	9903.88.56

20(pp)(40)	9903.88.37	20(iii)(142)	9903.88.56
20(xx)(46)	9903.88.45	20(iii)(143)	9903.88.56
20(nn)(11)	9903.88.35	20(iii)(144)	9903.88.56
20(aaa)(66)	9903.88.48	20(iii)(145)	9903.88.56
20(xx)(47)	9903.88.45	20(iii)(146)	9903.88.56
20(xx)(48)	9903.88.45	20(iii)(147)	9903.88.56
20(mm)(30)	9903.88.34	20(iii)(148)	9903.88.56
20(pp)(42)	9903.88.37	20(iii)(149)	9903.88.56
20(vv)(105)	9903.88.43	20(iii)(150)	9903.88.56
20(aaa)(69)	9903.88.48	20(iii)(151)	9903.88.56
20(qq)(58)	9903.88.38	20(iii)(152)	9903.88.56
20(ss)(26)	9903.88.40	20(iii)(153)	9903.88.56
20(w)(22)	9903.88.18	20(iii)(154)	9903.88.56
20(w)(23)	9903.88.18	20(iii)(155)	9903.88.56
20(w)(25)	9903.88.18	20(iii)(156)	9903.88.56
20(w)(24)	9903.88.18	20(iii)(157)	9903.88.56
20(w)(26)	9903.88.18	20(iii)(158)	9903.88.56
20(w)(27)	9903.88.18	20(iii)(159)	9903.88.56
20(pp)(43)	9903.88.37	20(iii)(160)	9903.88.56
20(qq)(71)	9903.88.38	20(iii)(161)	9903.88.56
20(qq)(70)	9903.88.38	20(iii)(162)	9903.88.56
20(xx)(50)	9903.88.45	20(iii)(163)	9903.88.56
20(xx)(52)	9903.88.45	20(iii)(164)	9903.88.56
20(xx)(53)	9903.88.45	20(iii)(165)	9903.88.56
20(xx)(54)	9903.88.45	20(iii)(166)	9903.88.56
20(xx)(55)	9903.88.45	20(iii)(167)	9903.88.56
20(vv)(114)	9903.88.43	20(iii)(168)	9903.88.56
20(xx)(56)	9903.88.45	20(iii)(169)	9903.88.56
20(xx)(57)	9903.88.45	20(iii)(170)	9903.88.56
20(ss)(29)	9903.88.40	20(iii)(171)	9903.88.56
20(xx)(58)	9903.88.45	20(iii)(172)	9903.88.56
20(vv)(115)	9903.88.43	20(iii)(173)	9903.88.56
20(vv)(116)	9903.88.43	20(iii)(174)	9903.88.56
20(w)(29)	9903.88.18	20(iii)(175)	9903.88.56
20(ss)(33)	9903.88.40	20(iii)(176)	9903.88.56
20(mm)(17)	9903.88.34	20(iii)(177)	9903.88.56
20(mm)(32)	9903.88.34	20(iii)(178)	9903.88.56
20(xx)(61)	9903.88.45	20(iii)(179)	9903.88.56
20(vv)(119)	9903.88.43	20(iii)(180)	9903.88.56
20(vv)(120)	9903.88.43	20(iii)(181)	9903.88.56
20(vv)(121)	9903.88.43	20(iii)(182)	9903.88.56
20(xx)(62)	9903.88.45	20(iii)(183)	9903.88.56
20(nn)(14)	9903.88.35	20(iii)(184)	9903.88.56

20(nn)(15)	9903.88.35	20(iii)(185)	9903.88.56
20(pp)(47)	9903.88.37	20(iii)(186)	9903.88.56
20(xx)(65)	9903.88.45	20(iii)(187)	9903.88.56
20(ll)(50)	9903.88.33	20(iii)(188)	9903.88.56
20(ll)(52)	9903.88.33	20(iii)(189)	9903.88.56
20(ll)(53)	9903.88.33	20(iii)(190)	9903.88.56
20(xx)(67)	9903.88.45	20(iii)(191)	9903.88.56
20(xx)(68)	9903.88.45	20(iii)(192)	9903.88.56
20(xx)(70)	9903.88.45	20(iii)(193)	9903.88.56
20(pp)(48)	9903.88.37	20(iii)(194)	9903.88.56
20(pp)(49)	9903.88.37	20(iii)(195)	9903.88.56
20(pp)(50)	9903.88.37	20(iii)(196)	9903.88.56
20(vv)(128)	9903.88.43	20(iii)(197)	9903.88.56
20(qq)(77)	9903.88.38	20(iii)(198)	9903.88.56
20(vv)(129)	9903.88.43	20(iii)(199)	9903.88.56
20(qq)(78)	9903.88.38	20(iii)(200)	9903.88.56
20(qq)(79)	9903.88.38	20(iii)(201)	9903.88.56
20(mm)(18)	9903.88.34	20(iii)(202)	9903.88.56
20(xx)(77)	9903.88.45	20(iii)(203)	9903.88.56
20(vv)(138)	9903.88.43	20(iii)(204)	9903.88.56
20(ll)(61)	9903.88.33	20(iii)(205)	9903.88.56
20(qq)(82)	9903.88.38	20(iii)(206)	9903.88.56
20(qq)(83)	9903.88.38	20(iii)(207)	9903.88.56
20(pp)(53)	9903.88.37	20(iii)(208)	9903.88.56
20(yy)(106)	9903.88.46	20(iii)(209)	9903.88.56
20(xx)(81)	9903.88.45	20(iii)(210)	9903.88.56
20(pp)(54)	9903.88.37	20(iii)(211)	9903.88.56
20(qq)(85)	9903.88.38	20(iii)(212)	9903.88.56
20(xx)(82)	9903.88.45	20(iii)(213)	9903.88.56
20(w)(31)	9903.88.18	20(iii)(214)	9903.88.56
20(yy)(113)	9903.88.46	20(iii)(215)	9903.88.56
20(yy)(116)	9903.88.46	20(iii)(216)	9903.88.56
20(yy)(117)	9903.88.46	20(iii)(217)	9903.88.56
20(yy)(118)	9903.88.46	20(iii)(218)	9903.88.56
20(yy)(114)	9903.88.46	20(iii)(219)	9903.88.56
20(qq)(86)	9903.88.38	20(iii)(220)	9903.88.56
20(nn)(17)	9903.88.35	20(iii)(221)	9903.88.56
20(w)(33)	9903.88.18	20(iii)(222)	9903.88.56
20(qq)(89)	9903.88.38	20(iii)(223)	9903.88.56
20(vv)(160)	9903.88.43	20(iii)(224)	9903.88.56
20(ll)(69)	9903.88.33	20(iii)(225)	9903.88.56
20(pp)(57)	9903.88.37	20(iii)(226)	9903.88.56
20(qq)(90)	9903.88.38	20(iii)(227)	9903.88.56

20(mm)(20)	9903.88.34	20(iii)(228)	9903.88.56
20(p)(8)	9903.88.13	20(iii)(229)	9903.88.56
20(ll)(72)	9903.88.33	20(iii)(230)	9903.88.56
20(pp)(58)	9903.88.37	20(iii)(231)	9903.88.56
20(pp)(59)	9903.88.37	20(iii)(232)	9903.88.56
20(xx)(94)	9903.88.45	20(iii)(233)	9903.88.56
20(xx)(95)	9903.88.45	20(iii)(234)	9903.88.56
20(xx)(96)	9903.88.45	20(iii)(235)	9903.88.56
20(yy)(127)	9903.88.46	20(iii)(236)	9903.88.56
20(yy)(128)	9903.88.46	20(iii)(237)	9903.88.56
20(qq)(94)	9903.88.38	20(iii)(238)	9903.88.56
20(xx)(99)	9903.88.45	20(iii)(239)	9903.88.56
20(qq)(95)	9903.88.38	20(iii)(240)	9903.88.56
20(pp)(60)	9903.88.37	20(iii)(241)	9903.88.56
20(yy)(132)	9903.88.46	20(iii)(242)	9903.88.56
20(nn)(22)	9903.88.35	20(iii)(243)	9903.88.56
20(mm)(23)	9903.88.34	20(iii)(244)	9903.88.56
20(pp)(61)	9903.88.37	20(iii)(245)	9903.88.56
20(aaa)(76)	9903.88.48	20(iii)(246)	9903.88.56
20(pp)(62)	9903.88.37	20(iii)(247)	9903.88.56
20(yy)(137)	9903.88.46	20(iii)(248)	9903.88.56
20(pp)(63)	9903.88.37	20(iii)(249)	9903.88.56
20(ll)(76)	9903.88.33	20(iii)(232)	9903.88.56
20(qq)(99)	9903.88.38	20(iii)(251)	9903.88.56
20(qq)(100)	9903.88.38	20(iii)(252)	9903.88.56
20(qq)(101)	9903.88.38	20(iii)(253)	9903.88.56
20(vv)(165)	9903.88.43	20(iii)(254)	9903.88.56
20(vv)(166)	9903.88.43	20(iii)(255)	9903.88.56
20(nn)(25)	9903.88.35	20(iii)(256)	9903.88.56
20(nn)(26)	9903.88.35	20(iii)(257)	9903.88.56
20(qq)(103)	9903.88.38	20(iii)(258)	9903.88.56
20(qq)(104)	9903.88.38	20(iii)(259)	9903.88.56
20(pp)(66)	9903.88.37	20(iii)(260)	9903.88.56
20(xx)(106)	9903.88.45	20(iii)(261)	9903.88.56
20(qq)(118)	9903.88.38	20(iii)(262)	9903.88.56
20(vv)(177)	9903.88.43	20(iii)(263)	9903.88.56
20(qq)(119)	9903.88.38	20(iii)(264)	9903.88.56
20(w)(37)	9903.88.18	20(iii)(265)	9903.88.56
20(w)(38)	9903.88.18	20(iii)(266)	9903.88.56

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Notice of Product Exclusions and Amendments: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of product exclusions.

SUMMARY: On August 20, 2019, at the direction of the President, the U.S. Trade Representative determined to modify the action being taken in the Section 301 investigation of China's acts, policies, and practices related to technology transfer, intellectual property, and innovation by imposing additional duties of 10 percent *ad valorem* on goods of China with an annual trade value of approximately \$300 billion. The additional duties on products in List 1, which is set out in Annex A of that action, became effective on September 1, 2019. The U.S. Trade Representative initiated a product exclusion process in October 2019, and interested persons have submitted requests for the exclusion of specific products. This notice announces the U.S. Trade Representative's determination to grant certain exclusion requests, as specified in the Annex to this notice, and make certain amendments to previously announced exclusions.

DATES: The product exclusions announced in this notice apply as of September 1, 2019, the effective date of List 1 of the \$300 billion action, and extend to September 1, 2020.

FOR FURTHER INFORMATION CONTACT: For general questions about this notice, contact Associate General Counsels Philip Butler or Megan Grimball, or Director of Industrial Goods Justin Hoffmann at (202) 395-5725. For specific questions on customs classification or implementation of the product exclusions identified in the Annex to this notice, contact traderemedycbp.dhs.gov.

SUPPLEMENTARY INFORMATION:

A. Background

For background on the proceedings in this investigation, please see prior notices including: 82 FR 40213 (August 24, 2017), 83 FR 14906 (April 6, 2018), 83 FR 28710 (June 20, 2018), 83 FR 33608 (July 17, 2018), 83 FR 38760 (August 7, 2018), 83 FR 40823 (August 16, 2018), 83 FR 47974 (September 21, 2018), 83 FR 49153 (September 28, 2018), 84 FR 20459 (May 9, 2019), 84 FR 43304 (August 20, 2019), 84 FR 45821

(August 30, 2019), 84 FR 57144 (October 24, 2019), 84 FR 69447 (December 18, 2019), 85 FR 3741 (January 22, 2020), 85 FR 13970 (March 10, 2020), 85 FR 15244 (March 17, 2020), 85 FR 17936 (March 31, 2020), 85 FR 28693 (May 13, 2020), 85 FR 32098 (May 28, 2020), 85 FR 35975 (June 12, 2020), 85 FR 41658 (July 10, 2020), and 85 FR 44563 (July 23, 2020).

On August 20, 2019, the U.S. Trade Representative, at the direction of the President, announced a determination to modify the action being taken in the Section 301 investigation by imposing an additional 10 percent *ad valorem* duty on products of China with an annual aggregate trade value of approximately \$300 billion. 84 FR 43304 (August 20 notice). The August 20 notice contains two lists of tariff subheadings, with two different effective dates. List 1, which is set out in Annex A of the August 20 notice, was effective September 1, 2019. List 2, which is set out in Annex C of the August 20 notice, was scheduled to take effect on December 15, 2019.

On August 30, 2019, the U.S. Trade Representative, at the direction of the President, determined to modify the action being taken in the investigation by increasing the rate of additional duty from 10 to 15 percent *ad valorem* on the goods of China specified in Annex A (List 1) and Annex C (List 2) of the August 20 notice. *See* 84 FR 45821. Subsequently, the U.S. Trade Representative announced determinations suspending until further notice the additional duties on products set out in Annex C (List 2) and reducing the additional duties for the products covered in Annex A of the August 20 notice (List 1) to 7.5 percent. *See* 84 FR 69447 and 85 FR 3741.

On October 24, 2019, the U.S. Trade Representative established a process by which U.S. stakeholders could request exclusion of particular products classified within an eight-digit Harmonized Tariff Schedule of the United States (HTSUS) subheading covered by List 1 of the \$300 billion action from the additional duties. *See* 84 FR 57144 (October 24 notice). Under the October 24 notice, requests for exclusion had to identify the product subject to the request in terms of the physical characteristics that distinguish the product from other products within the relevant eight-digit subheading covered by the \$300 billion action. Requestors also had to provide the ten-digit subheading of the HTSUS most applicable to the particular product requested for exclusion, and could submit information on the ability of U.S. Customs and Border Protection to

administer the requested exclusion. Requestors were asked to provide the quantity and value of the Chinese-origin product that the requestor purchased in the last three years, among other information. With regard to the rationale for the requested exclusion, requests had to address the following factors:

- Whether the particular product is available only from China and specifically whether the particular product and/or a comparable product is available from sources in the United States and/or third countries.
- Whether the imposition of additional duties on the particular product would cause severe economic harm to the requestor or other U.S. interests.

- Whether the particular product is strategically important or related to "Made in China 2025" or other Chinese industrial programs.

The October 24 notice stated that the U.S. Trade Representative would take into account whether an exclusion would undermine the objectives of the Section 301 investigation.

The October 24 notice required submission of requests for exclusion from List 1 of the \$300 billion action no later than January 31, 2020, and noted that the U.S. Trade Representative periodically would announce decisions. In March 2020, the U.S. Trade Representative granted an initial set of exclusion requests. *See* 85 FR 13970. The U.S. Trade Representative granted additional exclusions in March, May, June and July 2020. *See* 85 FR 15244, 85 FR 17936, 85 FR 28693, as modified by 85 FR 32098, 85 FR 35975, 85 FR 41658, and 85 FR 44563. The Office of the United States Trade Representative regularly updates the status of each pending request on the Exclusions Portal at <https://exclusions.ustr.gov/s/docket?docketNumber=USTR-2019-0017>.

B. Determination To Grant Certain Exclusions

Based on the evaluation of the factors set out in the October 24 notice, which are summarized above, pursuant to sections 301(b), 301(c), and 307(a) of the Trade Act of 1974, as amended, and in accordance with the advice of the interagency Section 301 Committee, the U.S. Trade Representative has determined to grant the product exclusions set out in the Annex to this notice. The U.S. Trade Representative's determination also takes into account advice from advisory committees and any public comments on the pertinent exclusion requests.

As set out in the Annex, the exclusions are reflected in one existing

ten-digit HTSUS subheading and 9 specially prepared product descriptions, which together respond to 25 separate exclusion requests.

In accordance with the October 24 notice, the exclusions are available for any product that meets the description in the Annex, regardless of whether the importer filed an exclusion request.

Further, the scope of each exclusion is governed by the scope of the ten-digit HTSUS subheading as described in the Annex, and not by the product descriptions set out in any particular request for exclusion.

Paragraph A, subparagraphs (3)–(4) of the Annex contain conforming

amendments to the HTSUS reflecting the modifications made by the Annex.

The U.S. Trade Representative will continue to issue determinations on pending requests on a periodic basis.

Joseph Barloon,

General Counsel, Office of the United States Trade Representative.

BILLING CODE 3290–F0–P

ANNEX

- A. Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on September 1, 2019, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTSUS) is modified:
1. by inserting the following new heading 9903.88.55 in numerical sequence, with the material in the new heading inserted in the columns of the HTSUS labeled “Heading/Subheading”, “Article Description”, and “Rates of Duty 1-General”, respectively:

Heading/ Subheading	Article Description	Rates of Duty		
		1		2
		General	Special	
“9903.88.55	Articles the product of China, as provided for in U.S. note 20(hhh) to this subchapter, each covered by an exclusion granted by the U.S. Trade Representative	The duty provided in the applicable subheading”		

2. by inserting the following new U.S. note 20(hhh) to subchapter III of chapter 99 in numerical sequence:

“(hhh) The U.S. Trade Representative determined to establish a process by which particular products classified in heading 9903.88.15 and provided for in U.S. notes 20(r) and (s) to this subchapter could be excluded from the additional duties imposed by heading 9903.88.15. See 84 Fed. Reg. 43304 (August 20, 2019), 84 Fed. Reg. 45821 (August 30, 2019), 84 Fed. Reg. 57144 (October 24, 2019) and 85 Fed. Reg. 3741 (January 22, 2020). Pursuant to the product exclusion process, the U.S. Trade Representative has determined that, as provided in heading 9903.88.55, the additional duties provided for in heading 9903.88.15 shall not apply to the following particular products, which are provided for in the following enumerated statistical reporting numbers:

- 1) 8443.32.1050
- 2) Doorway dust barrier kits, each comprising a sheet of plastics measuring not more than 0.15 mm in thickness, at least 1.2 m but not more than 1.6 m in width and at least 2.1 m but not more than 2.6 m in length, with two parallel slide fasteners extending the full length of the sheet, two metal flap hooks and a roll of tape with adhesive on both sides for securing the sheet to a doorway, such kits put up for

- retail sale (described in statistical reporting number 3926.90.9990 prior to July 1, 2020; described in statistical reporting number 3926.90.9985 effective July 1, 2020)
- 3) Heads, plates, grip disks, slide clamps, foot plugs and other parts of plastics, of a kind used in temporary dust barrier systems for interior construction (described in statistical reporting number 3926.90.9990 prior to July 1, 2020; described in statistical reporting number 3926.90.9985 effective July 1, 2020)
 - 4) Locking zip tie fasteners of plastics (described in statistical reporting number 3926.90.9990 prior to July 1, 2020; described in statistical reporting number 3926.90.9985 effective July 1, 2020)
 - 5) Decorative glassware, each consisting of a rectangular glass box in a brass frame with a hinged top, measuring at least 11.5 cm but not more than 21.5 cm by at least 16 cm but not more than 26.5 cm by at least 3 cm but not more than 8 cm, weighing at least 500 g but not more than 1.5 kg, valued over \$5 each (described in statistical reporting number 7013.99.9000 prior to July 1, 2020; described in statistical reporting number 7013.99.9010 or 7013.99.9090 effective July 1, 2020)
 - 6) Decorative glassware, each piece consisting of a blown-glass globe, measuring at least 65 mm but not more than 150 mm in diameter, containing a sculpture, water and artificial snow, with a poured-resin base, weighing at least 800 g but not more than 3 kg, valued over \$5 (described in statistical reporting number 7013.99.9000 prior to July 1, 2020; described in statistical reporting number 7013.99.9090 effective July 1, 2020)
 - 7) Digital optical image scanners with maximum scanning width measuring at least 60 cm but not more than 92 cm (described in statistical reporting number 8471.60.8000)
 - 8) Slingshot apparatus, whether or not electrically powered, of a kind used for outdoor games (described in statistical reporting number 9506.99.6080)
 - 9) Swing sets and parts and accessories thereof (described in statistical reporting number 9506.99.6080)
 - 10) Trap shooting launchers and parts and accessories thereof (described in statistical reporting number 9506.99.6080)
3. by amending the last sentence of the first paragraph of U.S. note 20(r):
 - a. by deleting “or (7)” and by inserting “(7)” in lieu thereof; and
 - b. by inserting “; or (8) heading 9903.88.55 and U.S. note 20(hhh) to subchapter III of chapter 99” after “U.S. note 20(fff) to subchapter III of chapter 99”.
 4. by amending the article description of heading 9903.88.15:
 - a. by deleting “9903.88.51 or” and by inserting “9903.88.51,” in lieu thereof; and
 - b. by inserting “or 9903.88.55” after “9903.88.53”.

DEPARTMENT OF TRANSPORTATION**Federal Railroad Administration****[Docket Number FRA–2020–0064]****Petition for Waiver of Compliance**

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on July 28, 2020, BNSF Railway Company (BNSF) petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 213. FRA assigned the petition Docket Number FRA–2020–0064.

Specifically, BNSF requests relief from 49 CFR 213.233, which requires track inspections to be conducted visually by railroad track inspectors qualified under 49 CFR 213.7 at certain frequencies based on the class of track. BNSF seeks to replace these visual track inspection requirements with a combination of performance-based automated and visual inspections. Proposed automated inspections would be performed by Unmanned Automated Track Geometry Cars every 12 million gross tons, not to exceed four weeks between tests. Proposed visual inspections would be performed either twice per month, weekly, or three times per week, based on risk model calculations made weekly for each track segment.

In support of its petition, BNSF references data and analysis from BNSF's ongoing Track Inspection Test Program, Docket Number FRA–2018–0091. BNSF states that the requested relief would positively impact safety by increasing defect identification and remediation, reduce employee exposure to potential hazards, and facilitate maintenance program planning.

A copy of the petition, as well as any written communications concerning the petition, if any, are available for review online at www.regulations.gov.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing for these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Website:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- *Fax:* 202–493–2251.

- *Mail:* Docket Operations Facility, U.S. Department of Transportation (DOT), 1200 New Jersey Ave. SE, W12–140, Washington, DC 20590.

- *Hand Delivery:* 1200 New Jersey Ave. SE, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by September 25, 2020 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable. Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. 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 <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacyNotice> for the privacy notice of www.regulations.gov.

Issued in Washington, DC.

John Karl Alexy,

*Associate Administrator for Railroad Safety,
Chief Safety Officer.*

[FR Doc. 2020–17479 Filed 8–10–20; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF THE TREASURY**Community Development Financial Institutions Fund****Open Meeting: Community Development Advisory Board**

ACTION: Notice of open meeting.

SUMMARY: This notice announces an open meeting of the Community Development Advisory Board (the Advisory Board), which provides advice to the Director of the Community Development Financial Institutions Fund (CDFI Fund). This meeting will be conducted virtually. A link to register to view the meeting can be found at the top of www.cdfifund.gov/cdab.

DATES: The meeting will be held from 2:00 p.m. to 5:00 p.m. Eastern Time on Thursday, August 27, 2020.

Submission of Written Statements: Participation in the discussions at the meeting will be limited to Advisory Board members, Department of the Treasury staff, and certain invited guests. Anyone who would like to have the Advisory Board consider a written statement must submit it by 5:00 p.m. Eastern Time on Wednesday, August 19, 2020. Send electronic statements to AdvisoryBoard@cdfi.treas.gov.

In general, the CDFI Fund will make all statements available in their original format, including any business or personal information provided such as names, addresses, email addresses, or telephone numbers, for virtual public inspection and copying. The CDFI Fund is open on official business days between the hours of 9:00 a.m. and 5:00 p.m. Eastern Time. You can make arrangements to virtually inspect statements by emailing AdvisoryBoard@cdfi.treas.gov. All statements received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. You should only submit information that you wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: Bill Luecht, Senior Advisor, Office of Legislative and External Affairs, CDFI Fund; (202) 653–0322 (this is not a toll free number); or AdvisoryBoard@cdfi.treas.gov. Other information regarding the CDFI Fund and its programs may be obtained through the CDFI Fund's website at <http://www.cdfifund.gov>.

SUPPLEMENTARY INFORMATION: Section 104(d) of the Riegle Community Development and Regulatory Improvement Act of 1994 (Pub. L. 103–325), which created the CDFI Fund, established the Advisory Board. The charter for the Advisory Board has been filed in accordance with the Federal Advisory Committee Act, as amended (5 U.S.C. App.), and with the approval of the Secretary of the Treasury.

The function of the Advisory Board is to advise the Director of the CDFI Fund (who has been delegated the authority to administer the CDFI Fund) on the policies regarding the activities of the CDFI Fund. The Advisory Board does not advise the CDFI Fund on approving or declining any particular application for monetary or non-monetary awards.

In accordance with section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. 2 and the regulations thereunder, Bill Luecht, Designated Federal Officer of the Advisory Board, has ordered publication of this notice that the Advisory Board will convene an open meeting, which will be conducted

virtually, from 2:00 p.m. to 5:00 p.m. Eastern Time on Thursday, August 27. Members of the public who wish to view the meeting must register in advance. The link to the registration system can be found in the meeting announcement found at the top of www.cdfifund.gov/cdab. The registration deadline is 11:59 p.m. Eastern Time on Tuesday, August 25, 2020.

The Advisory Board meeting will include two panel discussions and a report from the CDFI Fund Director on the activities of the CDFI Fund since the last Advisory Board meeting. The first panel discussion will focus on the impact of the pandemic and resulting economic distress on CDFIs and the clients and communities they serve, and how they have responded. The second panel will discuss the future needs of CDFIs and the clients and communities they serve and what is needed to address those needs.

Authority: 12 U.S.C. 4703.

Jodie L. Harris,

Director, Community Development Financial Institutions Fund.

[FR Doc. 2020-17493 Filed 8-10-20; 8:45 am]

BILLING CODE 4810-70-P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section for applicable date(s).

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, tel.: 202-622-2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202-622-2490; Assistant Director for Licensing, tel.: 202-622-2480.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional

information concerning OFAC sanctions programs are available on OFAC's website (<https://www.treasury.gov/ofac>).

Notice of OFAC Actions

On August 6, 2020, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked pursuant to the relevant sanctions authority listed below.

Individuals

1. AL-WADI, Faysal (a.k.a. WADI, Faisal Mohamed M), Malta; DOB 15 Dec 1978; alt. DOB 15 Dec 1976; POB Libya; nationality Libya; Gender Male; National ID No. 037956A (Malta) (individual) [LIBYA3].

Designated pursuant to section 1(a)(i)(A) of Executive Order 13726 of April 19, 2016, "Blocking Property and Suspending Entry Into the United States of Persons Contributing to the Situation in Libya," 81 FR 23559, 3 CFR, 2017 Comp., p. 454, (E.O. 13726) for being responsible for or complicit in, or having engaged in, directly or indirectly, actions or policies that threaten the peace, security, or stability of Libya, including through the supply of arms or related materiel.

Designated pursuant to section 1(a)(iv) of E.O. 13726 for being involved in, or having been involved in, the illicit exploitation of crude oil or any other natural resources in Libya, including the illicit production, refining, brokering, sale, purchase, or export of Libyan oil.

2. WADI, Musbah Mohamad M, Malta; Cyprus; Omar Almohar, Tripoli, Libya; DOB 12 Jul 1993; POB Libya; nationality Libya; Gender Male; Passport 524945 (Libya) (individual) [LIBYA3].

Designated pursuant to section 1(a)(vi) of E.O. 13726 for having materially assisted, sponsored, or provided financial, material, logistical, or technological support for, or goods or services in support of, actions or policies that threaten the peace, security, or stability of Libya, including through the supply of arms or related materiel.

3. MUSBAH, Nourddin Milood M, Malta; Cyprus; Ben Ashoor, Tripoli, Libya; DOB 02 Sep 1974; nationality Libya; Gender Male; Passport 998635 (Libya) (individual) [LIBYA3].

Designated pursuant to section 1(a)(vi) of E.O. 13726 for having materially assisted, sponsored, or provided financial, material, logistical, or technological support for, or goods or services in support of, actions or policies that threaten the peace, security, or stability of Libya, including through the supply of arms or related materiel.

Entity

1. ALWEFAQ LTD, 15 Grognet Street, Mosta MST 3613, Malta; 22 Freedom Street, Famagusta, Cyprus; Registration Number C 68939 (Malta) [LIBYA3] (Linked To: MUSBAH, Nourddin Milood M; Linked To: WADI, Musbah Mohamad M).

Designated pursuant to section 1(a)(vii) of E.O. 13726 for being owned or controlled by, or having acted or purported to act for or on behalf of, Musbah Mohamad M Wadi, a

person whose property and interests in property are blocked pursuant to E.O. 13726.

Designated pursuant to section 1(a)(vii) of E.O. 13726 for being owned or controlled by, or having acted or purported to act for or on behalf of, Nourddin Milood M Musbah, a person whose property and interests in property are blocked pursuant to E.O. 13726.

Vessel

1. MARAYA (f.k.a. MED PATRON) Palletized Cargo Ship Samoa flag; Vessel Registration Identification IMO 7514517 (vessel) [LIBYA3] (Linked To: ALWEFAQ LTD).

Identified pursuant to E.O. 13726 as property in which Alwefaq Ltd, an entity whose property and interests in property are blocked pursuant to E.O. 13726, has an interest.

Dated: August 6, 2020.

Andrea M. Gacki,

Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2020-17497 Filed 8-10-20; 8:45 am]

BILLING CODE 4810-AL-P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (the SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them. Additionally, OFAC is publishing the names of one or more persons that have been removed from the SDN List. Their property and interests in property are no longer blocked, and U.S. persons are no longer generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section for applicable date(s).

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, tel.: 202-622-2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202-622-2490; Assistant Director for Licensing, tel.: 202-622-2480.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (www.treas.gov/ofac).

Notice of OFAC Actions

A. On August 5, 2020, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

Individual

1. TAGWIREI, Kudakwashe Regimond (a.k.a. TAGWIREI, Kuda), 4 Luna Road, Borrowdale, Harare, Zimbabwe; DOB 12 Feb 1969; POB Shurugwi, Zimbabwe; nationality Zimbabwe; alt. nationality South Africa; Gender Male; Passport FN920256 (Zimbabwe) issued 02 Jul 2019 expires 01 Jul 2029; National ID No. 29135894Z66 (Zimbabwe) (individual) [ZIMBABWE].

Designated pursuant to section 1(a)(vii) of Executive Order 13469 of July 25, 2008, "Blocking Property of Additional Persons Undermining Democratic Processes or Institutions in Zimbabwe," 73 FR 43841, 3 CFR, 2009 Comp., p. 216, (E.O. 13469) for having materially assisted, sponsored, or provided financial, material, logistical, or technical support for, or goods or services in support of, the Government of Zimbabwe, any senior official thereof, or any person whose property and interests in property are blocked pursuant to Executive Order 13288, Executive Order 13391, or E.O. 13469.

Entity

1. SAKUNDA HOLDINGS (a.k.a. SAKUNDA HOLDINGS (PRIVATE) LIMITED), Samora Machel Avenue No. 45 (between J. Nyerere Way and L. Takawira Street), 4th, 15th, 16th, & 17th Floors, Century Towers, Harare, Zimbabwe [ZIMBABWE] (Linked To: TAGWIREI, Kudakwashe Regimond).

Designated pursuant to section 1(a)(viii) of E.O. 13469 for being owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, Kudakwashe Regimond Tagwirei, a person whose property and interests in property are blocked pursuant to E.O. 13469.

B. OFAC previously determined on November 25, 2008 that the individual and entities listed below met one or more of the criteria under E.O. 13469. On August 5, 2020, the Director of OFAC determined that circumstances no longer warrant the inclusion of the following individual and entities on the SDN List under this authority. These persons are no longer subject to the blocking provisions of Section 1(a) of E.O. 13469.

Individual

1. BREDEKAMP, John (a.k.a. BREDEKAMP, John A.; a.k.a.

BREDEKAMP, John Arnold), Thetford Farm, P.O. Box HP86, Mount Pleasant, Harare, Zimbabwe; 10 Montpelier Square, London SW7 1JU, United Kingdom; Hurst Grove, Sanford Lane, Hurst, Reading, Berkshire RG10 0SQ, United Kingdom; Middleton House, Titlarks Hill Road, Sunningdale, Ascot, Berkshire SL5 0JB, United Kingdom; New Boundary House, London Road, Sunningdale, Ascot, Berkshire SL5 0DJ, United Kingdom; Mapstone House, Mapstone Hill, Lustleigh, Newton Abbot, Devon TQ13 9SE, United Kingdom; Dennerlei 30, Schoten, Belgium; 62 Chester Square, London, United Kingdom; DOB 11 Aug 1940; citizen Netherlands; alt. citizen Zimbabwe; alt. citizen Suriname; Passport ND1285143 (Netherlands); alt. Passport Z01024064 (Netherlands); alt. Passport Z153612 (Netherlands); alt. Passport 367537C (Suriname) (individual) [ZIMBABWE].

Entities

1. ALPHA INTERNATIONAL (PRIVATE) LTD (a.k.a. ALPHA INTERNATIONAL (PRIVATE) LIMITED), Flat 1, Aileen Gardens, 51A Park Road, Camberley, Surrey GU15 2SP, United Kingdom [ZIMBABWE].

2. BRECO (ASIA PACIFIC) LTD, First Floor, Falcon Cliff, Palace Road, Douglas IM2 4LB, Man, Isle of; Business Registration Document # M78647 (United Kingdom) [ZIMBABWE].

3. BRECO (EASTERN EUROPE) LTD (a.k.a. BRECO (EASTERN EUROPE) LIMITED), Hurst Grove, Standord Lane, Hurst, Reading, Berkshire RG10 0SQ, United Kingdom; Falcon Cliff, Palace Road, Douglas IM99 1ZW, Man, Isle of; Business Registration Document # FC0021189 (United Kingdom) [ZIMBABWE].

4. BRECO (SOUTH AFRICA) LTD, Cumbrae House, Market Street, Douglas IM1 2PQ, Man, Isle of; 9 Columbus Centre, Pelican Drive, Road Town, Tortola, Virgin Islands, British; Business Registration Document # Q1962 (United Kingdom) [ZIMBABWE].

5. BRECO (U.K.) LTD (a.k.a. BRECO (U.K.) LIMITED), New Boundary House, London Road, Sunningdale, Ascot, Berkshire SL5 0DJ, United Kingdom; Business Registration Document # 2969104 (United Kingdom) [ZIMBABWE].

6. BRECO GROUP, Thetford Farm, P.O. Box HP86, Mount Pleasant, Harare, Zimbabwe; 10 Montpelier Square, London SW7 1JU, United Kingdom; Hurst Grove, Sandford Lane, Hurst, Reading, Berkshire RG10 0SQ, United Kingdom; Middleton House, Titlarks Hill Road, Sunningdale, Ascot, Berkshire SL5 0JB, United Kingdom; New Boundary House, London road, Sunningdale, Ascot, Berkshire SL5 0DJ, United Kingdom; Mapstone House, Mapstone Hill, Lustleigh, Newton Abbot, Devon TQ13 9SE, United Kingdom; Dennerlei 30, Schoten, Belgium [ZIMBABWE].

7. BRECO INTERNATIONAL, 25 Broad Street, St. Helier JE2 3RR, Jersey [ZIMBABWE].

8. BRECO NOMINEES LTD, New Boudary House, London Road, Sunningdale, Ascot, Berkshire SL5 0DJ, United Kingdom; Business Registration Document # 2799499 (United Kingdom) [ZIMBABWE].

9. BRECO SERVICES LTD (a.k.a. BRECO SERVICES LIMITED), New Boundary House, London Road, Sunningdale, Ascot, Berkshire SL5 0DJ, United Kingdom; Business Registration Document # 2824946 (United Kingdom) [ZIMBABWE].

10. CORYBANTES LTD, New Boudary House, London Road, Sunningdale, Ascot, Berkshire SL5 0DJ, United Kingdom; Middleton House, Titlarks Hill Road, Sunningdale, Ascot, Berkshire SL5 0JB, United Kingdom; Business Registration Document # FC21190 (United Kingdom) [ZIMBABWE].

11. ECHO DELTA HOLDINGS LTD, Thetford Farm, P.O. Box HP86, Mount Pleasant, Harare, Zimbabwe; Hurst Grove, Sandford Lane, Hurst, Reading, Berkshire RG10 0SQ, United Kingdom; Newboudary House, London Road, Sunningdale, Ascot, Berkshire SL5 0DJ, United Kingdom [ZIMBABWE].

12. KABABANKOLA MINING COMPANY (a.k.a. KMC), Nr. 1106 Avenue Lomami, Lubumbashi, Katanga, Congo, Democratic Republic of the [ZIMBABWE].

13. MASTERS INTERNATIONAL LTD., New Boundary House, London Road, Sunningdale, Ascot, Berkshire SL5 0DJ, United Kingdom; Business Registration Document # 2927685 (United Kingdom) [ZIMBABWE].

14. MASTERS INTERNATIONAL, INC., 1905 S. Florida Avenue, Lakeland, FL 33803, United States; US FEIN 133798020 (United States) [ZIMBABWE].

15. PIEDMONT (UK) LIMITED, Newboundary House, London Road, Sunningdale, Ascot, Berkshire SL5 0DJ, United Kingdom [ZIMBABWE].

16. RACEVIEW ENTERPRISES, Zimbabwe [ZIMBABWE].

17. SCOTTFLEE HOLDINGS (PVT) LTD, 124 Josiah Chinamano Avenue, P.O. Box CY3371, Causeway, Harare, Zimbabwe; New Boundary House, London Road, Sunningdale, Berkshire SL5 0DJ, United Kingdom [ZIMBABWE].

18. SCOTTFLEE RESORTS (a.k.a. SCOTTFLEE RESORTS LIMITED), 124 Josiah Chinamano Avenue, P.O. Box CY 3371, Causeway, Harare, Zimbabwe; Newboundary House, London Road, Sunningdale, Berkshire SL5 0DJ, United Kingdom [ZIMBABWE].

19. TIMPANI LTD (a.k.a. TIMPANI EXPORT LTD; a.k.a. TIMPANI LIMITED), Mapstone House, Mapstone Hill, Lustleigh, Newton Abbot, Devon TQ13 9SE, United Kingdom; Falcon Cliff, Palace Road, Douglas, Isle of Man, Man, Isle of; Moorgate House, King Street, Newton Abbot, Devon TQ12 2LG, United Kingdom; Business Registration Document # 3547414 (United Kingdom) [ZIMBABWE].

20. TREMALT LTD (a.k.a. TREMALT LIMITED), Virgin Islands, British; Thetford Farm, P.O. Box HP86, Mount Pleasant, Harare, Zimbabwe; Hurst Grove, Sandford Lane, Hurst, Reading, Berkshire RG10 0SQ, United Kingdom; New Boundary House, London Road, Sunningdale, Ascot, Berkshire SL5 0DJ, United Kingdom [ZIMBABWE].

Dated: August 5, 2020.

Andrea M. Gacki,

*Director, Office of Foreign Assets Control,
U.S. Department of the Treasury.*

[FR Doc. 2020-17457 Filed 8-10-20; 8:45 am]

BILLING CODE 4810-AL-P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Disability Compensation; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, that a virtual meeting of the Advisory Committee on Disability Compensation (Committee) will begin and end as follows:

Dates	Times
September 1, 2020 ...	9 a.m.–12 p.m. (Eastern Standard Time).
September 2, 2020 ...	9 a.m.–12 p.m. (Eastern Standard Time).

The virtual meeting is open to the public.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on the maintenance and periodic readjustment of the VA Schedule for Rating Disabilities. The Committee is to assemble and review relevant information relating to the nature and character of disabilities arising during service in the Armed Forces, provide an ongoing assessment of the effectiveness of the rating schedule, and give advice on the most appropriate means of responding to the needs of Veterans relating to disability compensation.

The agenda will include overview briefings on the VA Schedule for Rating Disabilities, the 1 Million Veteran Study, Records Research Team, and a Panel Discussion on Camp Lejeune water contamination.

No time will be allocated at this virtual meeting for receiving oral presentations from the public. The public may submit 1-2-page summaries of their written statements for the Committee's review. Public comments may be received no later than August 25, 2020, for inclusion in the official meeting record. Please send these comments to Janice Stewart, of the Veterans Benefits Administration, Compensation Service, Implementation Staff at Janice.Stewart@va.gov.

Members of the public who wish to obtain a copy of the agenda, should contact Janice Stewart at Janice.Stewart@va.gov, and provide his/her name, professional affiliation, email address, and phone number. There will also be a call-in number at 1-800-767-1750; access code: 75937#.

Dated: August 5, 2020.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2020-17459 Filed 8-10-20; 8:45 am]

BILLING CODE P

DEPARTMENT OF VETERANS AFFAIRS

Veterans' Family, Caregiver, and Survivor Advisory Committee, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act (FACA) that the Veterans' Family, Caregiver, and Survivor Advisory Committee will meet virtually on September 10, 2020. The public teleconference and access code is (404) 397-1496 access code 1997625835#. The meeting session will begin and end as follows:

Date	Time
September 10, 2020	1:00 p.m. to 4:00 p.m. EST.

The meeting is open to the public.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on matters related to: The need of Veterans' families, caregivers, and survivors across all generations, relationships, and Veterans status; the use of VA care, benefits and memorial services by Veterans' families, caregivers, and survivors, and opportunities for improvements to the experience using such services; VA policies, regulations, and administrative requirements related to the transition of Servicemembers from the Department of Defense (DoD) to enrollment in VA that impact Veterans' families, caregivers, and survivors; and factors that influence access to, quality of, and accountability for services, benefits and memorial services for Veterans' families, caregivers, and survivors.

On September 10, the agenda will include opening remarks from the Committee Chair and the Chief Veterans Experience Officer. There will be presentations from the two subcommittee Chairs (Care, Benefits, Memorial and Service Resources; and, Research, Partnership, Community Service and Outreach) on topics for consideration by the Committee for their next report.

Individuals wishing to share information with the Committee should contact Ms. Toni Bush Neal (Alternate Designated Federal Official) at VEOFACA@va.gov to submit a 1-2 page summary of their comments for inclusion in the official meeting record.

Any member of the public seeking additional information should contact Betty Moseley Brown (Designated Federal Official) at Betty.MoseleyBrown@va.gov or 210-392-2505.

Dated: August 6, 2020.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2020-17478 Filed 8-10-20; 8:45 am]

BILLING CODE 8320-01-P



FEDERAL REGISTER

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Tuesday,

No. 155

August 11, 2020

Part II

The President

Executive Order 13942—Addressing the Threat Posed by TikTok, and Taking Additional Steps To Address the National Emergency With Respect to the Information and Communications Technology and Services Supply Chain

Executive Order 13943—Addressing the Threat Posed by WeChat, and Taking Additional Steps To Address the National Emergency With Respect to the Information and Communications Technology and Services Supply Chain

Presidential Documents

Title 3—**Executive Order 13942 of August 6, 2020****The President****Addressing the Threat Posed by TikTok, and Taking Additional Steps To Address the National Emergency With Respect to the Information and Communications Technology and Services Supply Chain**

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3, United States Code,

I, DONALD J. TRUMP, President of the United States of America, find that additional steps must be taken to deal with the national emergency with respect to the information and communications technology and services supply chain declared in Executive Order 13873 of May 15, 2019 (Securing the Information and Communications Technology and Services Supply Chain). Specifically, the spread in the United States of mobile applications developed and owned by companies in the People's Republic of China (China) continues to threaten the national security, foreign policy, and economy of the United States. At this time, action must be taken to address the threat posed by one mobile application in particular, TikTok.

TikTok, a video-sharing mobile application owned by the Chinese company ByteDance Ltd., has reportedly been downloaded over 175 million times in the United States and over one billion times globally. TikTok automatically captures vast swaths of information from its users, including internet and other network activity information such as location data and browsing and search histories. This data collection threatens to allow the Chinese Communist Party access to Americans' personal and proprietary information—potentially allowing China to track the locations of Federal employees and contractors, build dossiers of personal information for blackmail, and conduct corporate espionage.

TikTok also reportedly censors content that the Chinese Communist Party deems politically sensitive, such as content concerning protests in Hong Kong and China's treatment of Uyghurs and other Muslim minorities. This mobile application may also be used for disinformation campaigns that benefit the Chinese Communist Party, such as when TikTok videos spread debunked conspiracy theories about the origins of the 2019 Novel Coronavirus.

These risks are real. The Department of Homeland Security, Transportation Security Administration, and the United States Armed Forces have already banned the use of TikTok on Federal Government phones. The Government of India recently banned the use of TikTok and other Chinese mobile applications throughout the country; in a statement, India's Ministry of Electronics and Information Technology asserted that they were “stealing and surreptitiously transmitting users' data in an unauthorized manner to servers which have locations outside India.” American companies and organizations have begun banning TikTok on their devices. The United States must take aggressive action against the owners of TikTok to protect our national security.

Accordingly, I hereby order:

Section 1. (a) The following actions shall be prohibited beginning 45 days after the date of this order, to the extent permitted under applicable law:

any transaction by any person, or with respect to any property, subject to the jurisdiction of the United States, with ByteDance Ltd. (a.k.a. Zìjié Tiàodòng), Beijing, China, or its subsidiaries, in which any such company has any interest, as identified by the Secretary of Commerce (Secretary) under section 1(c) of this order.

(b) The prohibition in subsection (a) of this section applies except to the extent provided by statutes, or in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted before the date of this order.

(c) 45 days after the date of this order, the Secretary shall identify the transactions subject to subsection (a) of this section.

Sec. 2. (a) Any transaction by a United States person or within the United States that evades or avoids, has the purpose of evading or avoiding, causes a violation of, or attempts to violate the prohibition set forth in this order is prohibited.

(b) Any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

Sec. 3. For the purposes of this order:

(a) the term “person” means an individual or entity;

(b) the term “entity” means a government or instrumentality of such government, partnership, association, trust, joint venture, corporation, group, subgroup, or other organization, including an international organization; and

(c) the term “United States person” means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States.

Sec. 4. The Secretary is hereby authorized to take such actions, including adopting rules and regulations, and to employ all powers granted to me by IEEPA as may be necessary to implement this order. The Secretary may, consistent with applicable law, redelegate any of these functions within the Department of Commerce. All departments and agencies of the United States shall take all appropriate measures within their authority to implement this order.

Sec. 5. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department, agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

A handwritten signature in black ink, appearing to be "Donald Trump", located in the upper right quadrant of the page.

THE WHITE HOUSE,
August 6, 2020.

Presidential Documents

Executive Order 13943 of August 6, 2020

Addressing the Threat Posed by WeChat, and Taking Additional Steps To Address the National Emergency With Respect to the Information and Communications Technology and Services Supply Chain

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3, United States Code,

I, DONALD J. TRUMP, President of the United States of America, find that additional steps must be taken to deal with the national emergency with respect to the information and communications technology and services supply chain declared in Executive Order 13873 of May 15, 2019 (Securing the Information and Communications Technology and Services Supply Chain). As I explained in an Executive Order of August 6, 2020 (Addressing the Threat Posed by TikTok, and Taking Additional Steps to Address the National Emergency With Respect to the Information and Communications Technology and Services Supply Chain), the spread in the United States of mobile applications developed and owned by companies in the People's Republic of China (China) continues to threaten the national security, foreign policy, and economy of the United States. To protect our Nation, I took action to address the threat posed by one mobile application, TikTok. Further action is needed to address a similar threat posed by another mobile application, WeChat.

WeChat, a messaging, social media, and electronic payment application owned by the Chinese company Tencent Holdings Ltd., reportedly has over one billion users worldwide, including users in the United States. Like TikTok, WeChat automatically captures vast swaths of information from its users. This data collection threatens to allow the Chinese Communist Party access to Americans' personal and proprietary information. In addition, the application captures the personal and proprietary information of Chinese nationals visiting the United States, thereby allowing the Chinese Communist Party a mechanism for keeping tabs on Chinese citizens who may be enjoying the benefits of a free society for the first time in their lives. For example, in March 2019, a researcher reportedly discovered a Chinese database containing billions of WeChat messages sent from users in not only China but also the United States, Taiwan, South Korea, and Australia. WeChat, like TikTok, also reportedly censors content that the Chinese Communist Party deems politically sensitive and may also be used for disinformation campaigns that benefit the Chinese Communist Party. These risks have led other countries, including Australia and India, to begin restricting or banning the use of WeChat. The United States must take aggressive action against the owner of WeChat to protect our national security.

Accordingly, I hereby order:

Section 1. (a) The following actions shall be prohibited beginning 45 days after the date of this order, to the extent permitted under applicable law: any transaction that is related to WeChat by any person, or with respect to any property, subject to the jurisdiction of the United States, with Tencent Holdings Ltd. (a.k.a. Ténghùn Kōnggǔ Yǒuxiàn Gōngsī), Shenzhen, China,

or any subsidiary of that entity, as identified by the Secretary of Commerce (Secretary) under section 1(c) of this order.

(b) The prohibition in subsection (a) of this section applies except to the extent provided by statutes, or in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted before the date of this order.

(c) 45 days after the date of this order, the Secretary shall identify the transactions subject to subsection (a) of this section.

Sec. 2. (a) Any transaction by a United States person or within the United States that evades or avoids, has the purpose of evading or avoiding, causes a violation of, or attempts to violate the prohibition set forth in this order is prohibited.

(b) Any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

Sec. 3. For those persons who might have a constitutional presence in the United States, I find that because of the ability to transfer funds or other assets instantaneously, prior notice to such persons of measures to be taken pursuant to section 1 of this order would render those measures ineffectual. I therefore determine that for these measures to be effective in addressing the national emergency declared in Executive Order 13873, there need be no prior notice of an identification made pursuant to section 1(c) of this order.

Sec. 4. For the purposes of this order:

(a) the term “person” means an individual or entity;

(b) the term “entity” means a government or instrumentality of such government, partnership, association, trust, joint venture, corporation, group, subgroup, or other organization, including an international organization; and

(c) the term “United States person” means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States.

Sec. 5. The Secretary is hereby authorized to take such actions, including adopting rules and regulations, and to employ all powers granted to me by IEEPA as may be necessary to implement this order. The Secretary may, consistent with applicable law, redelegate any of these functions within the Department of Commerce. All departments and agencies of the United States shall take all appropriate measures within their authority to implement this order.

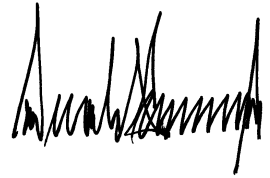
Sec. 6. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department, agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

A handwritten signature in black ink, appearing to be "Donald Trump", located in the upper right quadrant of the page.

THE WHITE HOUSE,
August 6, 2020.

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Last List August 7, 2020

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