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

DEPARTMENT OF ENERGY

10 CFR Part 590

Extending Natural Gas Export Authorizations to Non-Free Trade Agreement Countries Through the Year 2050

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of final policy statement and response to comments.

	FE Docket Nos.
Sabine Pass Liquefaction, LLC	[FE Docket No. 10–111–LNG].
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Cheniere Marketing LLC and Corpus Christi Liquefaction, LLC	[FE Docket Nos. 13–30–LNG, 13–42 LNG, & 13–121–LNG].
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	FE Docket Nos.
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SUMMARY: The U.S. Department of Energy's (DOE) Office of Fossil Energy (FE) will act on applications and amendments requesting to export domestically produced natural gas—including liquefied natural gas (LNG), compressed natural gas, and compressed gas liquid—from the lower-48 states to non-free trade agreement (non-FTA) countries for a term ending on December 31, 2050, discontinuing its practice of issuing standard 20-year export terms. In this Final Policy Statement, DOE responds to the 22 public comments received on the Proposed Policy Statement and describes the implementation process for long-term non-FTA authorization holders and applicants to request this term extension, and for DOE to adjudicate each request.

DATES: This policy statement is effective on August 25, 2020.

FOR FURTHER INFORMATION CONTACT: Amy Sweeney, U.S. Department of Energy (FE–34), Office of Regulation, Analysis, and Engagement, Office of Fossil Energy, Forrestal Building, Room 3E–042, 1000 Independence Avenue SW, Washington, DC 20585; (202) 586–2627; *amy.sweeney@hq.doe.gov;* Cassandra Bernstein or Edward Toyozaki, U.S. Department of Energy (GC–76), Office of the Assistant General Counsel for Electricity and Fossil Energy, Forrestal Building, Room 6D–033, 1000 Independence Ave. SW, Washington, DC 20585; (202) 586–9793 or (202) 586–0126; *cassandra.bernstein@hq.doe.gov* or *edward.toyozaki@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

Acronyms and Abbreviations. Frequently used acronyms and abbreviations are set forth below for reference.

AEO Annual Energy Outlook
API American Petroleum Association
Bcf/d Billion Cubic Feet per Day
Bcf/yr Billion Cubic Feet per Year
CPP Clean Power Plan
CLNG Center for Liquefied Natural Gas
DECP Dominion Energy Cove Point LNG, LP
DOE U.S. Department of Energy
EA Environmental Assessment
EIA U.S. Energy Information Administration
EIS Environmental Impact Statement
FE Office of Fossil Energy, U.S. Department of Energy
FTA Free Trade Agreement
GDP Gross Domestic Product
GHG Greenhouse Gas
IECA Industrial Energy Consumers of America
LCA Life Cycle Analysis
LNG Liquefied Natural Gas
NEPA National Environmental Policy Act of 1969
NETL National Energy Technology Laboratory
NGA Natural Gas Act
NGSA Natural Gas Supply Association

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I. Authority and Background

DOE is responsible for authorizing exports of natural gas, including LNG,[1] to foreign countries pursuant to section 3 of the Natural Gas Act (NGA), 15 U.S.C. 717b.[2] The policy announced in this notice is specific to applications to export natural gas to countries with which the United States does not have a free trade agreement (FTA) requiring national treatment for trade in natural gas, and with which trade is not prohibited by U.S. law or policy (non-FTA countries).[3] For such applications, NGA section 3(a) authorizes the exportation of natural gas from the United States unless DOE determines that doing so ''will not be consistent with the public interest.''[4] DOE has consistently interpreted this provision as creating a rebuttable presumption favoring export authorization.[5] Accordingly, DOE will conduct an informal adjudication and grant a non-FTA application unless DOE finds that

[1] In referring to natural gas, DOE refers primarily, but not exclusively, to LNG. To date, two non-FTA proceedings have involved types of natural gas other than LNG: Compressed natural gas (CNG) in FE Docket No. 13–157–CNG, and compressed gas liquid (CGL) in FE Docket No. 16–22–CGL. *See* 15 U.S.C. 717a(5) (definition of natural gas); 10 CFR 590.102(i) (same).

[2] The authority to regulate the imports and exports of natural gas, including LNG, under section 3 of the NGA (15 U.S.C. 717b) has been delegated to the Assistant Secretary for FE in Redelegation Order No. 00–002.04G, issued on June 4, 2019.

[3] 15 U.S.C. 717b(a). This Final Policy Statement does not apply to exports to FTA countries under section 3(c) of the NGA, 15 U.S.C. 717b(c). DOE recognizes, however, that authorization holders and applicants likely will seek to align their long-term non-FTA export terms under this Final Policy Statement with their FTA export terms, as discussed herein. *See infra* § III.C.

[4] 15 U.S.C. 717b(a).

[5] *See Sierra Club* v. *U.S. Dep't of Energy,* 867 F.3d 189, 203 (D.C. Cir. 2017) (''We have construed [NGA section 3(a)] as containing a 'general presumption favoring [export] authorization.'''') (quoting *W. Va. Pub. Serv. Comm'n* v. *U.S. Dep't of Energy,* 681 F.2d 847, 856 (D.C. Cir. 1982)).

the proposed exportation of natural gas will not be consistent with the public interest.[6]

Before reaching a final decision, DOE must also comply with the National Environmental Policy Act of 1969 (NEPA).[7] DOE's environmental review process under NEPA may result in the preparation or adoption of an environmental impact statement (EIS) or environmental assessment (EA) describing the potential environmental impacts associated with the application.[8] In other cases, DOE may determine that an application is eligible for a categorical exclusion from the preparation or adoption of an EIS or EA, pursuant to DOE's regulations implementing NEPA.[9]

Both the NGA and DOE's regulations (10 CFR 590.404) provide DOE with broad authority to attach conditions to non-FTA export authorizations.[10] However, neither NGA section 3(a) nor DOE's regulations prescribe a specific time period for a non-FTA authorization. For this reason, DOE has determined that it has discretion under 10 CFR 590.404 to impose a suitable term for long-term non-FTA authorizations, in light of the evidence in each proceeding.[11]

For nearly a decade, DOE has issued long-term authorizations to export LNG (and compressed natural gas) produced from the lower-48 states to non-FTA countries for a standard term of 20 years.[12] As set forth in each order, the 20-year term begins when the authorization holder commences commercial export from its facility.[13] DOE also allows a term for commercial export operations to commence—typically seven years—set from the date the order is issued, and a three-year ''make-up period'' following the end of the 20-year export term, during which the authorization holder may continue to export any ''make-up volume'' that it was unable to export during the 20-year export term.[14]

To date, DOE has issued 43 final long-term non-FTA authorizations to export domestically produced LNG and compressed natural gas from the lower-48 states—each with an export term of 20 years. These authorizations total a cumulative volume of 45.89 billion cubic feet (Bcf) per day (Bcf/d) of natural gas, or approximately 16.7 trillion cubic feet per year.[15] Additionally, 16 long-term non-FTA applications requesting to export domestically produced LNG or compressed gas liquid from the lower-48 states are currently pending before DOE.[16]

On February 11, 2020, DOE published a notice in the **Federal Register** proposing to extend this standard 20-year term for non-FTA authorizations (Proposed Policy Statement or Proposal).[17] Publication of the notice began a 30-day public comment period that ended on March 12, 2020. In the Proposed Policy Statement, DOE proposed an end date of December 31, 2050, for non-FTA exports, inclusive of any make-up period. DOE explained that, under this change, existing authorization holders would be able to extend their export term from 20 to 30 (or more) years, depending on when the authorization holder begins exporting LNG.[18] DOE stated, however, that for the majority of existing authorization holders, the proposed term extension would result in a maximum 30-year export term. Likewise, DOE stated that it would provide up to a 30-year export term—through December 31, 2050—for new authorizations issued beginning this year (*i.e.,* in 2020). DOE explained that, by extending the period over which these exports would occur, a term extension would provide a mechanism for existing authorization holders to increase the total volume of LNG exports over the life of their authorization.

The Proposed Policy Statement described an implementation process based on the status of the authorization holder or applicant, as follows:

(1) Existing non-FTA authorization holders would apply to DOE to extend their export term through December 31, 2050, on a voluntary opt-in basis;

(2) Existing non-FTA applicants would amend their pending non-FTA application to request an export term through December 31, 2050, on a voluntary opt-in basis; and

(3) DOE would issue all future non-FTA export authorizations with a standard export term lasting through December 31, 2050, unless a shorter term was requested by the applicant.

DOE explained that, in each individual non-FTA proceeding, the authorization holder or applicant would be required to submit an application (for #1 and #3) or an amendment to its pending application (for #2) with relevant facts and argument supporting the term request. Following the notice and comment period in each proceeding, DOE would conduct a public interest analysis of the application (or amended application) under NGA section 3(a). DOE also would have to comply with NEPA, as discussed herein.

DOE offered two principal reasons for this proposed term extension.[19] First, DOE stated that there is new evidence

[6] *See id.* (''there must be 'an affirmative showing of inconsistency with the public interest' to deny the application'' under NGA section 3(a)) (quoting *Panhandle Producers & Royalty Owners Ass'n* v. *Econ. Regulatory Admin.,* 822 F.2d 1105, 1111 (D.C. Cir. 1987)). As of August 24, 2018, qualifying small-scale exports of natural gas to non-FTA countries are deemed to be consistent with the public interest under NGA section 3(a). *See* 10 CFR 590.102(p); 10 CFR 590.208(a); *see also* U.S. Dep't of Energy, Small-Scale Natural Gas Exports; Final Rule, 83 FR 35106 (July 25, 2018).

[7] 42 U.S.C. 4321 *et seq.*

[8] Typically, the federal agency responsible for permitting the export facility—either the Federal Energy Regulatory Commission or the U.S. Department of Transportation's Maritime Administration—serves as the lead agency in the NEPA review process, and DOE serves as a cooperating agency. Where no other federal agency is responsible for permitting the export facility, DOE serves as the lead agency in the NEPA review process.

[9] In prior non-FTA proceedings where DOE has determined that a categorical exclusion under NEPA is appropriate, DOE has relied on 10 CFR 1021.410, appendix B to subpart D of part 1021, Categorical Exclusion B5.7 (''Approvals or disapprovals of new authorizations or amendments of existing authorizations to import or export natural gas under section 3 of the Natural Gas Act that involve minor operational changes (such as changes in natural gas throughput, transportation, and storage operations) but not new construction.'').

[10] For purposes of this policy, DOE uses the terms ''authorization'' and ''order'' interchangeably.

[11] Under DOE practice, ''long-term'' refers to authorizations and contracts greater than two years in duration.

[12] *See* U.S. Dep't of Energy, 10 CFR part 590; Extending Natural Gas Export Authorizations to Non-Free Trade Agreement Countries Through the Year 2050; Notice of Proposed Policy Statement and Request for Comments, 85 FR 7672, 7676 (Feb. 11, 2020) [hereinafter Proposed Policy Statement] (explaining basis for 20-year term). This Final Policy Statement applies to exports of natural gas produced from the lower-48 states. Because there is no natural gas pipeline interconnection between Alaska and the lower 48 states, DOE generally views those LNG export markets as distinct.

[13] *See, e.g., Jordan Cove Energy Project L.P.,* DOE/FE Order No. 3413–A, FE Docket No. 12–32–LNG, Final Opinion and Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations, at 123 (Ordering Para. A) (July 6, 2020), *available at: https://www.energy.gov/sites/prod/files/2020/07/f76/3143a.pdf.*

[14] *See id.* at 123 (Ordering Paras. B & C).

[15] *See id.* at 112–16. This volume includes existing authorizations involving U.S. natural gas produced in the lower-48 states and liquefied in Canada and Mexico for export to non-FTA countries. DOE notes that the amount of U.S. LNG export capacity that is currently operating or under construction totals 15.54 Bcf/d of natural gas across eight large-scale export projects in the lower-48 states. *See* U.S. Energy Info. Admin., *U.S. Liquefaction Capacity* (Apr. 22, 2020), *available at: https://www.eia.gov/naturalgas/U.S.liquefaction capacity.xlsx* (total of 15.54 Bcf/d calculated byadding Column N in the ''Existing & Under Construction'' worksheet).

[16] U.S. Dep't of Energy, Summary of LNG Export Applications as of July 6, 2020, *available at: https://www.energy.gov/fe/downloads/summary-lng-export-applications-lower-48-states.* This number includes one pending application involving U.S. natural gas produced in the lower-48 states, proposed to be liquefied in Mexico for export to non-FTA countries.

[17] Proposed Policy Statement, 85 FR 7678–7679.

[18] *Id.,* 85 FR 7679.

[19] *Id.,* 85 FR 7678–7679.

to support changing from the standard 20-year export term to an export term with an end date of December 31, 2050. DOE cited its 2018 LNG Export Study, which was performed by NERA Economic Consulting (NERA).[20] The principal conclusion of the 2018 LNG Export Study is that the United States will experience net economic benefits from the export of domestically produced LNG through the 30-year study period, *i.e.,* from 2020 through 2050.[21] DOE explained that, although it had limited its existing non-FTA export authorizations to a 20-year export term based on the projections in its prior LNG export studies, that limitation is no longer required based on the findings of the 2018 LNG Export Study that included analysis on an expanded time period.[22] Specifically, because the 2018 LNG Export Study considered unconstrained (or market-determined) levels of LNG exports and included analysis through the year 2050, the 2018 LNG Export Study supports export terms lasting through December 31, 2050.[23]

DOE also pointed to a new environmental analysis entitled *Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas From the United States: 2019 Update* (LCA GHG Update). In 2018, DOE's National Energy Technology Laboratory (NETL) conducted this study as a follow-up to its life cycle analysis (LCA) conducted in 2014. The analysis in the LCA GHG Update was based on the most current available science, methodology, and data from the U.S. natural gas system to assess emissions of greenhouse gases (GHGs) associated with exports of U.S. LNG. In January 2020, upon review of both the LCA GHG Update and the public comments received on that study, DOE determined that it saw no reason to conclude that U.S. LNG exports will increase global GHG emissions in a material or predictable way. DOE thus found that the LCA GHG Update ''supports the proposition that exports of LNG from the lower-48 states will not be inconsistent with the public interest.'' [24]

Second, DOE stated that authorization holders have indicated that a 30-year export term would better match the operational life of LNG export facilities, which are typically designed for a service life of 30 to 50 years. A 30-year export term thus would provide authorization holders with greater security in financing their export facility and would maximize their ability to enter into natural gas supply and export contracts for a longer period of time.

In particular, DOE observed that a 30-year export term would benefit U.S. authorization holders as they compete for long-term export contracts in the global market. DOE noted that, in December 2019, the Canadian Government granted the first-ever 40-year export term to a Canadian LNG export project—the proposed Kitimat LNG project, being developed by Chevron Canada Limited. Additionally, citing an earlier comment in a proceeding made by Cheniere Energy, Inc. (Cheniere)—the first company to have large-scale exports of U.S. LNG to non-FTA countries from the lower-48 states, and currently the leading U.S. exporter in terms of volume [25]—DOE observed that foreign buyers have shown an interest in securing long-term contracts for U.S. LNG that last beyond 20 years. Therefore, a 30-year export term could prove decisive when foreign buyers are deciding between U.S. LNG and alternative long-term sources of LNG, such as the Canadian project.

II. Public Comments and DOE's Response

DOE received 22 comments on the Proposed Policy Statement from a variety of sources, including U.S. Senators, participants in the natural gas industry, environmental organizations, and individuals. Eight comments supported the Proposed Policy Statement,[26] 13 comments opposed the Proposed Policy Statement,[27] and one comment was non-responsive.[28] The Proposed Policy Statement and comments received in response are available on DOE's website at *https://fossil.energy.gov/app/docketindex/docket/index/22.*Several comments express general opposition to LNG exports and the use of fossil fuels, advocate for the use of renewable energy, argue against an individual non-FTA application, or challenge the design of the 2018 LNG Export Study. DOE has considered these comments carefully, but considers them outside the scope of the Proposed Policy Statement, which addressed whether DOE should extend the standard 20-year term for non-FTA authorizations through December 31, 2050. DOE previously received public comments on the 2018 LNG Export Study, and addressed those comments in the **Federal Register** in December 2018.[29] The remaining relevant comments are summarized below, together with DOE's response to these comments.

A. Economic Benefits of the Term Extension

a. Comments

Commenters in support of the Proposed Policy Statement cite the 2018 LNG Export Study, maintaining that economic benefits for the United States will increase with U.S. LNG exports ''since the U.S. natural gas industry . . . will remain demand-limited, and not supply-limited.'' [30] The commenters also identify the following positive commercial benefits that, in their view, will accrue as a result of the proposed term extension.

• *Planning and financing.* Delfin, DECP, API, and CLNG/NGSA state that an extended export term through December 31, 2050, will better align

[20] DOE published the 2018 LNG Export Study on its website on June 7, 2018, and concurrently provided notice of the availability of the Study. *See* NERA Economic Consulting, Macroeconomic Outcomes of Market Determined Levels of U.S. LNG Exports (June 7, 2018), *available at: https://www.energy.gov/sites/prod/files/2018/06/f52/Macroeconomic%20LNG%20Export%20Study%202018.pdf* [hereinafter 2018 LNG Export Study or 2018 Study].

[21] *See* U.S. Dep't of Energy, Study on Macroeconomic Outcomes of LNG Exports; Notice of Availability of the 2018 LNG Export Study and Request for Comments, 83 FR 27314 (June 12, 2018); U.S. Dep't of Energy, Study on Macroeconomic Outcomes of LNG Exports; Response to Comments Received on Study, 83 FR 67251 (Dec. 28, 2018) [hereinafter 2018 Study Response to Comments].

[22] Proposed Policy Statement, 85 FR 7678; *see also id.* 85 FR 7677 (citing 2018 Study Response to Comments, 83 FR 67260–67272).

[23] The Proposed Policy Statement provides additional background on DOE's practice of issuing non-FTA export authorizations and the various studies DOE has commissioned to evaluate the reasonably foreseeable economic and environmental impacts of natural gas exports, including the 2018 LNG Export Study that is the basis for this Final Policy Statement.

[24] *See* U.S. Dep't of Energy, Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas From the United States: 2019 Update—Response to Comments, 85 FR 72, 86 (Jan. 2, 2020), *cited in* Proposed Policy Statement, 85 FR 7678.

[25] Cheniere owns and operates two LNG facilities: The Sabine Pass LNG Terminal in Cameron Parish, Louisiana, and the Corpus Christi Liquefaction Facility in San Patricio County, Texas.

[26] Supporting comments were submitted by Delfin LNG LLC (Delfin); Dominion Energy Cove Point LNG, LP (DECP); LNG Allies, The U.S. LNG Association (LNG Allies); Golden Pass LNG Terminal LLC (Golden Pass LNG); Cheniere; American Petroleum Institute (API); U.S. Senators John Barrasso, Bill Cassidy, John Hoeven, and Kevin Cramer (filing jointly); and the Center for Liquefied Natural Gas and the Natural Gas Supply Association (filing jointly, and together, CLNG/NGSA).

[27] Opposing comments were submitted by Senators Edward Markey and Jeffrey Merkley (filing jointly), Cindy Spoon, Industrial Energy Consumers of America (IECA), Public Citizen, Jody McCaffree, A. Pani, Morgan Schmitz Anonymous, Sarah-Hope Parmeter, Suzanne Sorkin, Corey Capehart, Jean Connochie, and Margaret Gordon.

[28] A non-responsive comment was submitted by Lindsey Cox-McQueen.

[29] *See* 2018 Study Response to Comments, 83 FR 67251.

[30] Comment of LNG Allies at 2; *see also* Comment of Cheniere at 1; Comment of API at 2–3.

with the expected lifespan of export facilities—which, DECP states, is ''much longer than 20 years.'' [31] Commenters including LNG Allies and API emphasize that LNG export projects are highly capital intensive and require a considerable amount of planning and construction time.[32] They state that, for an export project to be successful, developers must be reasonably certain that the LNG project can remain in operation long enough to recover those costs and generate a return.[33] According to Delfin and Senators Barrasso, Cassidy, Hoeven, and Cramer, the longer export term will provide reassurance that export facilities have a reasonable expectation of recouping their investment.[34] This reassurance, in turn, will facilitate the financing of such projects, as well as enable project development teams to move forward with greater confidence when making critical investment decisions.[35]

• *Market competitiveness.* API and other commenters assert that the proposed term extension will afford U.S. authorization holders more flexibility in responding to LNG buyers, and thus will level the playing field in competing with other global suppliers.[36] LNG Allies states that DOE's current non-FTA practice—authorizing exports for a 20-year term—constrains the flexibility that U.S. companies can offer in contract negotiations. Specifically, LNG Allies and API assert that the inability of U.S. exporters to offer export terms longer than 20 years is a major disadvantage in an increasingly competitive, dynamic global LNG market with new projects planned in Qatar, Russia, Mozambique, and elsewhere. According to LNG Allies, export facilities require most U.S. project sponsors to raise financing of up to $10 billion or more to construct their terminals, underwritten by long-term LNG offtake contracts. A longer export term thus would allow U.S. companies to offer contract arrangements that have a greater certainty of supply and that are more attractive to potential customers.[37] LNG Allies points to the proposed Kitimat LNG export facility to be constructed in British Columbia, Canada, which it states has a 40-year export license and will be a direct competitor to U.S. projects seeking to serve importing countries in Asia.[38] API also notes that other exporting countries, such as Russia, place few limitations on a project's operational timeline.[39] In sum, these commenters argue that the proposed term extension will better reflect domestic and international market dynamics.[40]

• *Regulatory certainty in the United States and abroad.* CLNG/NGSA and Senators Barrasso, Cassidy, Hoeven, and Cramer state that the proposed term extension provides a more certain pathway for U.S. natural gas to be sold abroad, sends a clear statement of confidence in U.S. LNG, and provides greater regulatory certainty to the industry.[41]

On the other hand, opponents of the Proposed Policy Statement challenge the anticipated economic and commercial benefits associated with an extended export term. IECA, for example, contends that DOE should not extend export terms to 2050 or approve any additional LNG export applications until DOE conducts economic studies that, in IECA's view, fully evaluate the economic impacts of exporting U.S. LNG.[42] Additionally, Public Citizen asserts that the trend of LNG exports is shifting away from long-term, fixed price contracts and towards spot and short-term sales.[43] According to Public Citizen, this shift increases the likelihood that LNG export destinations will be determined by the markets offering the highest prices, and thus is at odds with DOE's proposal to ''lock in'' 30-year export volumes.[44]

b. DOE Response

DOE agrees with the commenters stating that this Final Policy Statement will provide important commercial benefits to existing and future authorization holders in the lower-48 states, while enhancing long-term regulatory certainty for both authorization holders and foreign buyers of U.S. LNG. More generally, DOE notes that the 2018 LNG Export Study, as well as DOE's four prior LNG export studies, consistently have projected positive economic benefits from increased levels of U.S. LNG exports, as measured by GDP.[45]

Although Public Citizen notes certain commercial trends in the U.S. LNG market—such as the use of flexible short-term sales, in addition to long-term contracts—Public Citizen does not explain how these market variations are any more or less significant whether existing authorization holders have a 20-year export term or an extended export term lasting through 2050.[46]

Insofar as IECA argues that the 2018 LNG Export Study used propriety economic models and failed to evaluate certain economic impacts, and thus cannot provide support for the Proposed Policy Statement, DOE finds that these issues are beyond the scope of this proceeding. DOE previously addressed IECA's (and other commenters') arguments concerning the scope, design, and methodology of the 2018 LNG Export Study. In that proceeding, DOE determined that none of the comments opposing the 2018 LNG Export Study—including IECA's arguments—provided sufficient evidence to rebut the findings of the 2018 Study.[47]

B. Distributional Impacts

1. Gross Domestic Product (GDP) and Consumer Welfare

a. Comments

Some commenters, including IECA, Public Citizen, and Senators Markey and Merkley, suggest that any net economic benefits associated with the proposed term extension are overstated and not sustainable. Senators Markey and Merkley contend, for example, that the Proposed Policy Statement will result in higher profits for the natural gas industry, while ''cutting American consumers out of any potential benefits.'' [48] Likewise, IECA and Public Citizen argue that the Proposed Policy Statement prioritizes the supply of natural gas to foreign countries and the financial interests of natural gas producers and LNG exporters at the

[31] Comment of DECP at 2; *see also* Comment of Delfin; Comment of API at 1; Comment of CLNG/NGSA at 4.

[32] Comment of LNG Allies at 2; Comment of API at 2.

[33] Comment of API at 2; *see also* Comment of CLNG/NGSA at 4.

[34] Comment of Delfin; Comment of Senators Barrasso, Cassidy, Hoeven, and Cramer at 1.

[35] Comment of Delfin.

[36] Comment of API at 2.

[37] Comment of LNG Allies at 2–3; Comment of Delfin.

[38] Comment of LNG Allies at 3.

[39] Comment of API at 2.

[40] *See id.* at 5; *see also* Comment of CLNG/NGSA at 1, 4.

[41] Comment of CLNG/NGSA at 5; Comment of Senators Barrasso, Cassidy, Hoeven, and Cramer at 1.

[42] Comment of IECA at 2.

[43] Comment of Public Citizen.

[44] *Id.*

[45] *See, e.g.,* 2018 Study Response to Comments, 83 FR 67259 (citing 2018 LNG Export Study), 67263.

[46] Additionally, DOE continues to be guided by the longstanding principles established in the 1984 Policy Guidelines of minimizing federal involvement in energy markets and promoting market competition. *See Jordan Cove Energy Project L.P.,* DOE/FE Order No. 3413–A, at 28–30 (citing, *e.g.,* U.S. Dep't of Energy, New Policy Guidelines and Delegations Order Relating to Regulation of Imported Natural Gas, 49 FR 6684, 6685 (Feb. 22, 1984)).

[47] 2018 Study Response to Comments, 83 FR 67260–67273.

[48] Comment of Senators Markey and Merkley.

expense of domestic consumers and households.[49]

Public Citizen and Morgan Schmitz also contend that extending export terms for LNG would link U.S. GDP to price-volatile, finite natural resources that will become increasingly more difficult to obtain.[50] Ms. Schmitz argues that the fossil fuel industry causes negative economic effects, and the United States would experience more economic gain over the long term by expanding renewable energy sources and investing in jobs in ''green energy.'' [51]

Other commenters, including LNG Allies, Cheniere, and API, seek to rebut these concerns by pointing to the conclusion of the 2018 LNG Export Study that the United States will experience net economic benefits from the export of domestically produced LNG (in a volume up to 52.8 Bcf/d of natural gas) through the year 2050.[52] Cheniere also emphasizes the Study's conclusion that ''there is greater gain in GDP as the LNG export volume increases.'' [53]

Additionally, Senators Barrasso, Cassidy, Hoeven, and Cramer maintain that LNG exports will help the U.S. natural gas industry continue to be an engine for growth—creating thousands of jobs in the United States and generating millions in tax revenue for federal, state, and local governments.[54] API adds that the 2018 LNG Export Study's conclusion was consistent with an API study published in 2017, which found that an increase in LNG export volumes to approximately 16 Bcf/d in 2040 could support between 220,000 to 452,000 additional jobs and add $50 to $73 billion to the U.S. economy.[55]

b. DOE Response

The 2018 LNG Export Study measured the broad macroeconomic effects of LNG exports on the U.S. economy through several metrics, including the wellbeing of the average U.S. consumer, total household income from all sources, economy-wide investment, output effects on key manufacturing sectors, and GDP.

With respect to GDP, the 2018 LNG Export Study showed that, for each of the supply scenarios, higher levels of LNG exports in response to international demand consistently lead to higher levels of GDP.[56] Specifically, GDP grows as LNG exports increase because the U.S. economy benefits from investment in liquefaction facilities, export revenues, income from the upstream and midstream natural gas industry, and tolling charges generated by the LNG export facilities. With respect to consumer well-being, the 2018 LNG Export Study found that all scenarios within the ''more likely'' range of results are welfare-improving for the average U.S. household.[57]

Upon review, DOE is not persuaded by the commenters' claims of negative economic impacts from the proposed term extension. The commenters have not presented sufficient evidence to support their assertions of economic harm and, indeed, do little more than acknowledge the 2018 LNG Export Study without rebutting its analysis. Consistent with the conclusions of the 2018 LNG Export Study, DOE finds that exports of U.S. LNG under the proposed term extension will generate positive economic benefits in the United States through the year 2050.

2. Sectoral Impacts

a. Comments

IECA and Public Citizen contend that LNG exports will impact the domestic energy-intensive, trade exposed (EITE) sectors disproportionately. Specifically, IECA states that, if natural gas prices rise due to LNG exports over an extended export term, U.S. manufacturers will lose their current competitive advantage of relatively low natural gas prices. IECA asserts that DOE's implementation of this Final Policy Statement thus ''could jeopardize nearly 13 million manufacturing jobs and trillions of dollars in assets.'' [58]

In contrast, LNG Allies asserts that IECA has failed to cite evidence supporting its claim that manufacturers have been adversely affected over the past four years as U.S. LNG exports have increased.[59] LNG Allies states that IECA cannot point to any manufacturing facility in the United States that has been forced to cut back its operations due to an inability to secure an adequate or affordable supply of natural gas.[60]

b. DOE Response

In response to IECA's claim that increases in LNG exports will threaten the competitiveness of the U.S. manufacturing base by driving up natural gas prices, DOE notes that the 2018 LNG Export Study and U.S. Energy Information Administration's (EIA) *Annual Energy Outlook 2020* (AEO 2020) [61] project robust domestic supply conditions that are more than adequate to satisfy both domestic needs and exports of LNG under the proposed term extension—*i.e.,* through December 31, 2050.[62]

Further, the 2018 LNG Export Study consistently shows macroeconomic benefits to the U.S. economy in every scenario, as well as positive annual growth across the energy intensive sectors of the economy.[63] Specifically, the 2018 Study found that, ''[a]ll negatively affected sectors, and in particular the natural gas intensive sectors, continue to grow robustly at higher levels of LNG exports, albeit at slightly lower rates of increase than they would at lower levels.'' [64] Based on these and other findings in the 2018 LNG Export Study, DOE does not find it credible that approval of the Proposed Policy Statement would put trillions of dollars of U.S. manufacturing assets and millions of jobs at risk, as IECA claims.[65]

C. Market-Based Export Levels and Price Impacts

a. Comments

Some commenters, such as IECA, Public Citizen, and Senators Markey and Merkley, warn of large increases in domestic prices of natural gas if the term extension is implemented. They contend that increases in LNG exports through 2050 will increase demand for natural gas—thus driving up prices in the United States and adversely affecting electric and natural gas utility customers (including residential customers) and manufacturing-based energy-intensive industries.[66]

[49] Comment of IECA at 2; Comment of Public Citizen.

[50] Comment of Public Citizen; *see also* Comment of Morgan Schmitz at 3.

[51] Comment of Morgan Schmitz at 3–4.

[52] Comment of LNG Allies 2–3; Comment of Cheniere at 1; Comment of API at 2–3.

[53] Comment of Cheniere at 1 (quoting 2018 LNG Export Study at 67–68).

[54] Comment of Senators Barrasso, Cassidy, Hoeven, and Cramer at 1.

[55] Comment of API at 2.

[56] *See* 2018 Study Response to Comments, 83 FR 67255 (citing 2018 LNG Export Study at 18).

[57] *See id.,* 83 FR 67264 (citing 2018 LNG Export Study at 66–67). For a detailed discussion of these distributional impacts in the context of the 2018 LNG Export Study, see *id.,* 83 FR 67264 (GDP), 67265–67266 (consumer welfare).

[58] Comment of IECA at 2; *see also* Comment of Public Citizen.

[59] Comment of LNG Allies (Response of LNG Allies to IECA) at 1.

[60] *Id.*

[61] U.S. Energy Info. Admin., *Annual Energy Outlook 2020 (with projections to 2050)* (Jan. 29, 2020), *available at: https://www.eia.gov/outlooks/aeo/pdf/aeo2020.pdf.*

[62] *See, e.g.,* 2018 Study Response to Comments, 83 FR 67262.

[63] *See id.* 83 FR 67268–67269 (citing 2018 LNG Export Study at 67, 70).

[64] *See id.* 83 FR 67265 (quoting 2018 LNG Export Study at 70).

[65] For a detailed discussion of sectoral impacts in the context of the 2018 LNG Export Study, see *id.* 83 FR 67265–67266.

[66] *See, e.g.,* Comment of Public Citizen.

According to Senators Markey and Merkley, EIA has concluded that increased LNG exports result in increased domestic consumer expenditures and higher natural gas prices.[67] Senators Markey and Merkley, along with Public Citizen, further contend that extending non-FTA export terms will harm American consumers by giving companies ''free rein'' to export natural gas overseas for a higher profit, which drives up domestic household costs.[68] Public Citizen argues that, in Australia, domestic natural gas prices skyrocketed in response to ''unfettered LNG exports,'' which caused Australian manufacturers to close their doors as they became unable to compete globally.[69]

Other commenters dispute that the proposed term extension will increase the price of domestic natural gas. LNG Allies states that, due to the large size of the U.S. resource base (among other factors), EIA forecasts U.S. natural gas prices to remain low at increasing levels of production through at least 2050.[70] LNG Allies states that EIA has revised its estimate of U.S. natural gas prices downward—despite increasing exports—for each year in recent years. LNG Allies thus asserts that the proposed term extension will not have a negative impact on the availability or price of U.S. natural gas in the domestic market.[71] Citing DOE's 2018 LNG Export Study and a study conducted by API in 2017, API likewise contends that increased exports of LNG are estimated to have a minimal effect on the domestic price of natural gas.[72]

Finally, LNG Allies disputes IECA's claim that increases in U.S. LNG exports will increase price volatility.[73] LNG Allies contends that, in fact, natural gas price volatility has declined since the first cargo of U.S. LNG was shipped in 2016.[74]

b. DOE Response

As a preliminary matter, DOE emphasizes that DOE's approval of non-FTA applications to date—and its proposal in this proceeding—does not amount to the ''rubber stamping'' of unlimited exports of natural gas.[75] In the context of individual non-FTA proceedings, DOE has performed its statutory obligation under NGA section 3(a), which creates a rebuttable presumption that a proposed export of natural gas is in the public interest.[76] In evaluating the public interest, DOE takes seriously the potential economic impacts of higher natural gas prices. In addition to commissioning five economic studies since 2011 to examine these issues (most recently, the 2018 LNG Export Study), DOE has taken into account factors that could mitigate price impacts, such as the current oversupply situation and data indicating that the natural gas industry would increase natural gas supply in response to increasing demand from the export markets.[77]

Further, it is far from certain that all or even most of the proposed LNG export projects will ever be realized because of the time, complexity, and expense of commercializing, financing, and constructing LNG export terminals, as well as the uncertainties inherent in the global market demand for LNG. The 2018 Study found that exports of LNG from the lower-48 states, in volumes up to and including 52.8 Bcf/d of natural gas, will bring net economic benefits to the United States.[78] These scenarios exceed the current amount of LNG exports authorized in the final non-FTA export authorizations to date (45.89 Bcf/d of natural gas). Additionally, the volume of LNG export capacity that is currently operating or under construction in the United States totals 15.54 Bcf/d of natural gas in the lower-48 states.[79] The LNG export capacity actively operating or undergoing commissioning in the United States is lower still—currently 10.24 Bcf/d of natural gas.[80]

Most recently, in EIA's *Short-Term Energy Outlook* issued on July 7, 2020, EIA observed that ''[h]istorically low natural gas and LNG spot prices in Europe and Asia have reduced the economic viability of U.S. LNG exports, which are highly price sensitive.''[81] Thus far in the summer of 2020, more than 100 LNG export cargoes under long-term contract from authorized LNG exporters in the United States have been cancelled. EIA estimates that, as a result of these cancellations, U.S. LNG exports averaged 3.6 Bcf/d of natural gas in June 2020. EIA forecasts that U.S. LNG exports will average 2.2 Bcf/d in July and August 2020, implying a 25% utilization of U.S. LNG export capacity.[82] EIA projects that, as global natural gas demand gradually recovers, U.S. LNG exports may average 7.1 Bcf/d from December 2020 to February 2021.[83] Each of these export levels is below the capacity actively operating or undergoing commissioning in the United States referenced above (10.24 Bcf/d).

Additionally, DOE takes administrative notice of EIA's recent authoritative projections for natural gas supply, demand, and prices, set forth in the *Annual Energy Outlook 2020* (AEO 2020), issued on January 29, 2020.[84] DOE has analyzed AEO 2020 to evaluate any differences from *Annual Energy Outlook 2017* (AEO 2017),[85] which formed the basis for the 2018 LNG Export Study.[86] Comparing key results from 2050 (the end of the projection period in the Reference case without the Clean Power Plan (CPP) from AEO 2017) shows that the Reference case outlook in AEO 2020 projects lower-48 market conditions that would be even more supportive of LNG exports than in AEO 2017, including higher production and demand coupled with lower prices. For example, for the year 2050, the AEO 2020 Reference case anticipates over 13% more natural gas production in the

[67] Comment of Senators Markey and Merkley.

[68] *See id.; see also* Comment of Public Citizen.

[69] Comment of Public Citizen; *see also* Comment of IECA at 2.

[70] Comment of LNG Allies at 3.

[71] *Id.; see also* Comment of LNG Allies (Response of LNG Allies to IECA) at 2.

[72] Comment of API at 2.

[73] *See* Comment of LNG Allies (Response of LNG Allies to IECA) at 1.

[74] *Id.*

[75] *See, e.g.,* Comment of Senators Markey and Merkley.

[76] *See supra* § I.

[77] *See, e.g.,* U.S. Energy Info. Admin., *Short-Term Energy Outlook* (July 7, 2020), *available at: https://www.eia.gov/outlooks/steo/report/natgas.php* (natural gas forecasts).

[78] 2018 Study Response to Comments, 83 FR 67272.

[79] *See supra* note 15.

[80] *See* U.S. Energy Info. Admin., *U.S. Liquefaction Capacity* (Apr. 22, 2020), *available at: https://www.eia.gov/naturalgas/U.S.liquefaction capacity.xlsx* (calculated by adding the volumes in Column N in the ''Existing & Under Construction'' worksheet that are cross-listed in Column G as ''commercial operation'' or ''commissioning'').

[81] U.S. Energy Info. Admin., *Short-Term Energy Outlook* (July 7, 2020), *available at: https://www.eia.gov/outlooks/steo/report/natgas.php* (natural gas forecasts).

[82] *See id.*

[83] *See id.*

[84] U.S. Energy Info. Admin., *Annual Energy Outlook 2020 (with projections to 2050)* (Jan. 29, 2020), *available at: https://www.eia.gov/outlooks/aeo/pdf/aeo2020.pdf.*

[85] U.S. Energy Info. Admin., *Annual Energy Outlook 2017 (with projections to 2050)* (Jan. 5, 2017), *available at: https://www.eia.gov/outlooks/aeo/pdf/0383(2017).pdf.*

[86] AEO 2017 included two versions of the Reference case—one with, and one without, the implementation of the Clean Power Plan. In recent non-FTA orders, DOE discussed both versions of the AEO 2017 Reference case, noting that the U.S. Environmental Protection Agency (EPA) was reviewing the CPP and considering an alternative regulatory approach. On June 19, 2019, EPA repealed the CPP and issued the final Affordable Clean Energy (ACE) rule. *See* U.S. Envtl. Prot. Agency, Repeal of the Clean Power Plan; Emission Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units; Revisions to Emission Guidelines Implementing Regulations, 84 FR 32520 (July 8, 2019). Accordingly, in this Final Policy Statement, DOE refers only to the AEO 2017 Reference case without the CPP. The AEO 2020 Reference case does not include the CPP, so the comparisons between AEO 2017 and AEO 2020 are consistent in that regard.

lower-48 states than the AEO 2017 Reference case without the CPP.[87]

Turning to the commenters' concerns about increases in natural gas prices, the 2018 LNG Export Study found that ''[i]ncreasing U.S. LNG exports under any given set of assumptions about U.S. natural gas resources and their production *leads to only small increases in U.S. natural gas prices.*'' [88] The 2018 LNG Export Study also found that, because available natural gas resources have the largest impact on natural gas prices, ''U.S. natural gas prices are far more dependent on available resources and technologies to extract available resources than on U.S. policies surrounding LNG exports.'' [89]

In analyzing AEO 2020 to evaluate any differences from AEO 2017 (the basis for the 2018 LNG Export Study), DOE notes that, for the year 2050, AEO 2020 projects an average Henry Hub natural gas price that is lower than the AEO 2017 Reference case without the CPP by over 38%.[90] Further, in the period since authorization holders began exporting U.S. LNG from the lower-48 states in 2016, wholesale prices of U.S. natural gas at Henry Hub have remained low.[91] This is a function of the size of domestic natural gas supply to meet both domestic and export demand.

Finally, the 2018 LNG Export Study consistently showed macroeconomic benefits to the U.S. economy in every scenario at the projected Henry Hub natural gas prices, as well as positive annual growth across the energy-intensive sectors.[92] The commenters opposing the Proposed Policy Statement did not offer studies or other evidence to rebut these findings. For these reasons, and as explained in DOE/FE's Response to Comments on the 2018 Study, the commenters' arguments concerning domestic price increases are not supported by the record evidence.[93]

D. International Trade and Geopolitical Impacts

a. Comments

API states that increasing the availability of U.S. natural gas over longer export terms will benefit both the United States and its trading partners. According to API, increasing the use of U.S.-sourced natural gas enhances national security in both the United States and abroad by providing a reliable alternative to U.S. allies around the world, who otherwise would rely more heavily on foreign energy supplies.[94] Senators Barrasso, Cassidy, Hoeven, and Cramer add that the Proposed Policy Statement ''sends a strong signal to our allies and trading partners'' on U.S. global energy leadership—in particular, as a leader in clean energy and as a committed natural gas trading partner.[95]

On the other hand, Public Citizen argues that the ability of LNG exports to increase American influence for geopolitical reasons—such as reducing the dependency of European countries on the Russian natural gas supply—is limited.[96] Public Citizen critiques what it calls ''commodity diplomacy,'' stating that the destination of U.S. LNG is market-driven, not determined by the U.S. Government.[97]

b. DOE Response

DOE's long-standing review of non-FTA applications under NGA section 3(a) includes consideration of the international consequences of DOE's decisions.[98] An efficient, transparent international market for natural gas with diverse sources of supply provides both economic and strategic benefits to the United States and its allies. After four years exporting at market-based levels, the United States has become one of the top three global LNG exporters. Cheniere points out, for example, that its two LNG facilities—Sabine Pass and Corpus Christi—have produced, loaded, and exported more than 1,000 LNG cargoes since 2016.[99]

Public Citizen points out that the destination of U.S. LNG cargoes around the world is driven by market demand. However, DOE notes that to the extent U.S. exports can diversify global LNG supplies and increase the volumes of LNG available globally, these exports will improve energy security for many U.S. allies and trading partners. Indeed, the reach of U.S. LNG exports has been expansive, with cargoes already delivered to the majority of importing countries.[100] Further, shipments of LNG that would have been destined to U.S. markets have been redirected to Europe and Asia, improving energy security for many of our key trading partners. Therefore, by providing a mechanism for authorization holders to increase the total volume of LNG exports over the life of their authorization, this Final Policy Statement will advance the public interest.

E. Environmental Issues

a. Comments

Some commenters argue that the Proposed Policy Statement is inconsistent with the public interest on environmental grounds. They assert that extending the standard 20-year term for export authorizations through 2050 will lead to the increased production and transportation of natural gas (in the form of LNG)—which, in turn, will result in negative environmental and public health impacts.[101]

Specifically, these commenters express concerns regarding hydraulic fracturing (or fracking).[102] Public Citizen states, for example, that increasing LNG exports directly correlates to increases in domestic gas production, mostly through the fracking of shale gas.[103] The commenters also argue that increased exports of natural gas under the Proposed Policy Statement will result in increased emissions of GHGs, which they contend will accelerate climate change both in the United States and in the importing countries.[104]

According to these commenters, the proposed term extension will prolong the use of fossil fuels, making it harder

[87] *See, e.g., Jordan Cove Energy Project L.P.,* DOE/FE Order No. 3413–A, at 104–05 & Table 1 (row entitled ''Lower-48 Dry Natural Gas Production'').

[88] *See* 2018 Study Response to Comments, 83 FR 67258 (quoting 2018 LNG Export Study at 55) (emphasis added).

[89] *Id.,* 83 FR 67268 (quoting 2018 LNG Export Study at 55).

[90] *See, e.g., Jordan Cove Energy Project L.P.,* DOE/FE Order No. 3413–A, at 104–05 & Table 1 (row entitled ''Henry Hub Spot Price'').

[91] *See* U.S. Energy Info. Admin., *Today in Energy,* ''U.S. Henry Hub natural gas spot prices reached record lows in the first half of 2020'' (July 13, 2020), *available at: https://www.eia.gov/todayinenergy/detail.php?id=44337* (graph entitled ''Monthly Henry Hub natural gas spot prices (Jan. 2016–Dec. 2020)'').

[92] 2018 Study Response to Comments, 83 FR 67268–67269 (citing 2018 LNG Export Study at 67, 70).

[93] *Id.*

[94] Comment of API at 5.

[95] Comment of Senators Barrasso, Cassidy, Hoeven, and Cramer at 1; *see also* Comment of CLNG/NGSA at 5.

[96] Comment of Public Citizen.

[97] *Id.*

[98] *See, e.g., Jordan Cove Energy Project L.P.,* DOE/FE Order No. 3413–A, at 28, 105–06.

[99] Comment of Cheniere at 1.

[100] Since February 2016, U.S. LNG has been delivered by region as follows: Europe and Central Asia (31.5%), East Asia and Pacific (35.2%), Latin America and the Caribbean (22.4%), Middle East and North Africa (4.9%), and South Asia (6.1%). *See* U.S. Dep't of Energy, Office of Fossil Energy, *LNG Monthly,* at 1, Table 1a (July 2020), *available at: https://www.energy.gov/sites/prod/files/2020/07/f76/LNG%20Monthly%202020_2.pdf* (Table of Exports of Domestically Produced LNG Delivered by Region, Cumulative from February 2016 through May 2020).

[101] *See, e.g.,* Comment of Senators Markey and Merkley; Comment of Cindy Spoon; Comment of Morgan Schmitz at 2; Comment of Public Citizen (Attachment at 10–11).

[102] *See, e.g.,* Comment of Sarah-Hope Parmeter; Comment of Suzanne Sorkin; Comment of Public Citizen; Comment of Morgan Schmitz at 2–3; Comment of Margaret Gordon.

[103] Comment of Public Citizen (Attachment at 10); *see also* Comment of Cindy Spoon.

[104] *See, e.g.,* Comment of Senators Markey and Merkley; Comment of Public Citizen.

for the United States and other countries to transition from fossil fuels to clean, renewable sources of energy.[105] They argue that DOE should be focused on encouraging renewable sources of energy on a global scale, rather than facilitating exports of natural gas over a longer time period.[106]

Two commenters add that LNG facilities have negative impacts on local communities. Cindy Spoon asserts that communities living near proposed LNG export facilities in Texas have made it clear they do not want to live close to these facilities.[107] Jody McCaffree describes the threat of eminent domain to landowners who live near the site of the proposed Jordan Cove LNG Terminal and associated pipeline in Oregon.[108]

In contrast, DECP and Senators Barrasso, Cassidy, Hoeven, and Cramer maintain that exports of U.S. LNG are important to providing clean, safe, and affordable energy to U.S. trading partners around the world.[109] LNG Allies, API, and CLNG/NGSA likewise assert that the proposed term extension will help to reduce global GHG emissions by reducing the use of coal for electric power and industrial uses.[110] In support of this argument, the commenters point to DOE's life cycle analyses of greenhouse gases—the first conducted in 2014 (the LCA GHG Report) and the second conducted in 2019 (the LCA GHG Update).[111] API states that the LCA GHG Update is an extensive ''cradle-to-grave'' assessment of GHG emissions associated with LNG exports over 20- and 100-year global warming potential time horizons.[112] In API's view, the LCA GHG Update not only supports the Proposed Policy Statement, but likely would satisfy the requirement of any NEPA review associated with the proposed term extension.[113] LNG Allies further states that the findings of DOE's LCA GHG studies have been confirmed by other peer-reviewed LNG life-cycle analyses conducted by academic research teams.[114]

CLNG/NGSA also points out that, while the greater use of natural gas will help to reduce carbon emissions, it also will help to reduce traditional pollutants, such as emissions of sulfur dioxide, nitrogen oxides, and particulate matter.[115]

Addressing renewable energy, CLNG/NGSA argues that when countries increase their use of natural gas for power generation, they not only reduce their GHG emissions through fuel switching (from coal to less carbon-intensive natural gas), but they also have the opportunity to increase their use of renewable energy. According to CLNG/NGSA, natural gas is a ''perfect ally'' to ramp up and support renewable resources, allowing for more generation to be powered by renewables.[116]

b. DOE Response

Upon review, the commenters' environmental concerns associated with natural gas production do not establish that a term extension under the Final Policy Statement is inconsistent with the public interest. DOE notes that, in 2017, the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit) rejected similar arguments challenging non-FTA authorizations issued by DOE on this basis.[117] The Court's conclusions and reasoning in *Sierra Club I* and *II* guide DOE's review of comments regarding environmental concerns in this proceeding.[118]

Turning to the issue of GHG emissions and climate impacts raised by several commenters, DOE notes that the recent LCA GHG Update demonstrated that the conclusions of DOE's original 2014 LCA GHG Report remained the same. While acknowledging uncertainty, the LCA GHG Update shows that, to the extent U.S. LNG exports are preferred over coal in LNG-importing nations, U.S. LNG exports are likely to reduce global GHG emissions on per unit of energy consumed basis for power production.[119] Further, to the extent U.S. LNG exports are preferred over other forms of imported natural gas, they are likely to have only a small impact on global GHG emissions.[120] The LCA GHG Update thus concluded that the use of U.S. LNG exports for power production in European and Asian markets will not increase global GHG emissions from a life cycle perspective, when compared to regional coal extraction and consumption for power production.[121] On this basis, DOE found that the 2019 Update ''supports the proposition that exports of LNG from the lower-48 states will not be inconsistent with the public interest.'' [122]

In the Proposed Policy Statement, DOE discussed the LCA GHG Update and noted that it was a recent regulatory development supporting the proposed term extension.[123] No commenters in this proceeding disputed the findings of the LCA GHG Update or DOE's reliance on it to support the proposed term extension.

In response to commenters who assert that exports of U.S. natural gas provide clean, safe, and affordable energy to countries around the world, DOE notes that foreign demand for U.S. natural gas has increased as countries in the Caribbean, Central America, and South America seek to import cleaner sources of energy. DOE further observes that many of these countries are currently dependent on diesel and/or fuel oil for their generation needs. These energy needs are challenging from both a cost- and emissions-perspective. By importing LNG from the United States, these countries will have access to a more reliable, cost-effective supply of energy that also has emissions benefits over current energy sources. At the same time, the United States will facilitate stronger relationships with these importing countries, while promoting U.S. leadership in the global energy market.

DOE also recognizes that numerous commenters are advocating for the development and use of renewable energy on a global scale, rather than for DOE to facilitate exports of natural gas

[105] *See id.*

[106] *See, e.g.,* Comment of Senators Markey and Merkley; Comment of Jean Connochie; Comment of Morgan Schmitz; Comment of Sarah-Hope Parmeter; Comment of Suzanne Sorkin; Comment of Corey Capehart.

[107] Comment of Cindy Spoon at 1.

[108] Comment of Jody McCaffree at 1, 7.

[109] Comment of Senators Barrasso, Cassidy, Hoeven, and Cramer at 1; Comment of DECP at 3.

[110] Comment of LNG Allies at 1; *see also* Comment of Senators Barrasso, Cassidy, Hoeven, and Cramer at 1; Comment of API at 4–5; Comment of CLNG/NGSA at 3.

[111] *See supra* § I.

[112] Comment of API at 4; *see also id.* at 5.

[113] *See id.*

[114] Comment of LNG Allies at 1.

[115] Comment of CLNG/NGSA at 3.

[116] Comment of CLNG/NGSA at 3–4.

[117] *Sierra Club* v. *U.S. Dep't of Energy,* 867 F.3d 189 (D.C. Cir. 2017) [hereinafter Sierra Club I] (denying petition for review of the LNG export authorization issued to Freeport LNG Expansion, L.P., *et al.*); *Sierra Club* v. *U.S. Dep't of Energy,* 703 Fed. App'x 1 (D.C. Cir. Nov. 1, 2017) [hereinafter Sierra Club II] (denying petitions for review in Nos. 16–1186, 16–1252, and 16–1253 of the LNG export authorizations issued to Dominion Cove Point LNG, LP, Sabine Pass Liquefaction, LLC, and Cheniere Marketing, LLC, *et al.,* respectively).

[118] *See also* Proposed Policy Statement, 85 FR 7676–7677.

[119] *See* U.S. Dep't of Energy, Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas From the United States: 2019 Update—Response to Comments, 85 FR 72, 85 (Jan. 2, 2020) [hereinafter DOE Response to Comments on 2019 Update].

[120] *Id.*

[121] *Id.* at 85 FR 78, 85.

[122] *Id.* at 85 FR 86. DOE notes that, in *Sierra Club I,* the D.C. Circuit rejected a challenge to the 2014 LCA GHG Report. The Court's decision in *Sierra Club I* guided DOE's development of the 2019 LCA GHG Update.

[123] Proposed Policy Statement, 85 FR 7677–7678.

over an extended time period.[124] However, imports of U.S. LNG can work in concert with the development of renewable generation both in the United States and in importing countries. Imported natural gas can provide reliable standby energy supply immediately, while renewable development is occurring.[125] Imported LNG also can provide continued reliability to enhance solar or other renewable sources once they are developed. For these reasons, authorization holders who qualify for the proposed term extension may provide indirect benefits to the use of renewable energy in importing countries.[126]

F. Categorical Exclusion From NEPA for Existing Non-FTA Authorizations

a. Comments

Commenters including API, Cheniere, and CLNG/NGSA assert that DOE's action to grant a term extension to any existing non-FTA authorization under the Proposed Policy Statement should be eligible for a categorical exclusion under DOE's NEPA regulations—specifically, categorical exclusion B5.7 (10 CFR part 1021, subpart D, appendix B).[127] Cheniere and CLNG/NGSA state that local environmental and land use impacts associated with each existing authorization holder's facility have already been considered by DOE.[128] Cheniere further argues that a categorical exclusion would be appropriate for existing authorizations because the proposed term extension would not require approvals for new construction projects associated with the export facilities.[129] CLNG/NGSA adds that any pending and future non-FTA authorizations will be subject to NEPA, and thus will ''complete the appropriate process for public notice, comment and disclosure of environmental impacts.'' [130] Finally, API asserts that application of a categorical exclusion for existing authorization holders would assist in reducing unnecessary regulatory burdens and delays under NEPA, thus facilitating exports of clean-burning natural gas.[131]

b. DOE Response

As explained in the Proposed Policy Statement, DOE's environmental review process under NEPA may result in the preparation or adoption of an EIS or EA describing the potential environmental impacts associated with the application. In some cases, DOE may determine that an application is eligible for a categorical exclusion pursuant to DOE's regulations implementing NEPA, 10 CFR 1021.410, appendices A & B. As the commenters note, the categorical exclusion most commonly used by DOE in this context is categorical exclusion B5.7 (10 CFR part 1021, subpart D, appendix B5.7), which applies to natural gas import or export activities requiring minor operational changes to existing projects, but no new construction.[132]

DOE agrees with the suggestion of API and CLNG/NGSA that categorical exclusions facilitate NEPA by allowing federal agencies to focus their environmental review and resources on actions that could have significant impacts. The Council on Environmental Quality's NEPA regulations provide for categorical exclusions when an agency has identified a ''category of actions which do not individually or cumulatively have a significant effect on the human environment and which have been found to have no such effect in procedures adopted by a Federal agency . . . .'' [133] DOE has made such a determination with respect to categorical exclusion B5.7.[134]

Nonetheless, it is possible that an application to extend the export term of an existing non-FTA authorization could involve ''extraordinary circumstances'' that warrant additional consideration under NEPA.[135] DOE therefore declines to decide whether all applications requesting term extensions for existing non-FTA authorizations will fit within categorical exclusion B5.7 (or any other categorical exclusion). When implementing the Final Policy Statement for existing authorization holders, DOE will review the record and comply with its NEPA obligations in each individual application proceeding, consistent with its NEPA implementing regulations.

DOE acknowledges the concerns about delay raised by API, LNG Allies, and other commenters, who urge DOE to make efficient, timely decisions on applications for term extensions. As stated both in the Proposed Policy Statement and below, DOE is seeking to streamline these proceedings by providing a suggested application template for existing authorization holders and current applicants to utilize.[136]

G. Clarification of Export Limits

a. Comments

DOE stated in the Proposed Policy Statement that ''[a] proposed change in export terms through the year 2050 would not alter the maximum daily rate of export currently approved under each existing non-FTA authorization,'' because ''[t]he maximum daily rate of export, set in billion cubic feet per day (Bcf/d), is already based on each facility's maximum approved liquefaction production capacity . . . .'' [137]

Industry commenters raise questions over DOE's use of the phrase ''maximum daily rate of export.'' They point out that DOE's non-FTA orders authorize the volume of natural gas that may be exported each *year*—meaning in Bcf/yr—not each day (in Bcf/d).[138] Accordingly, they ask DOE to clarify that the reference to ''maximum daily rate of export'' in the Proposed Policy Statement is not intended to establish daily export limits in existing or future non-FTA authorizations. Finally, they ask DOE to clarify that varying export quantities on any given day are permissible, so long as the authorization

[124] *See, e.g.,* Comment of Senators Markey and Merkley; Comment of Jean Connochie; Comment of Morgan Schmitz.

[125] *See, e.g.,* U.S. Energy Info. Admin., *Today in Energy,* ''EIA projects less than a quarter of the world's electricity generated from coal by 2050'' (Jan. 22, 2020), *available at: https://www.eia.gov/todayinenergy/detail.php?id=42555* (projecting that ''global electric power generation from renewable sources will increase more than 20% throughout the projection period (2018–2050),'' while the share of natural gas generation remains fairly stable through 2050).

[126] Some commenters discussed the environmental and health risks that, in their view, are associated with the siting and operation of LNG export facilities near their home or community. These concerns generally involve the siting of natural gas-related infrastructure, and thus they are outside the scope of this proceeding. DOE notes, however, that all authorization holders under NGA section 3 are required to comply with any preventative and mitigative measures at export facilities imposed by federal, state, and local agencies, including by the Federal Energy Regulatory Commission. *See, e.g., Jordan Cove Energy Project L.P.,* DOE/FE Order No. 3413–A, at 124 (Ordering Para. H).

[127] *See supra* note 9; Comment of Cheniere at 2; Comment of API at 3–4; Comment of CLNG/NGSA at 2.

[128] Comment of Cheniere at 2; Comment of CLNG/NGSA at 2.

[129] Comment of Cheniere at 2.

[130] Comment of CLNG/NGSA at 2.

[131] Comment of API at 3; *see also* Comment of LNG Allies at 3 (asking DOE to conduct term extension proceedings for existing authorization holders ''in an expedited manner'').

[132] *See supra* note 9 (quoting categorical exclusion B5.7).

[133] 40 CFR 1508.4.

[134] 10 CFR 1021.410(a).

[135] 10 CFR 1021.410(b)(2) (under DOE's NEPA regulations, a proposal may not be categorically excluded from NEPA where there are ''extraordinary circumstances related to the proposal that may affect the significance of the environmental effects of the proposal'').

[136] *See infra* § III.B.

[137] Proposed Policy Statement, 85 FR 7678–7679.

[138] Comment of DECP at 2; Comment of LNG Allies at 3; Comment of Golden Pass LNG at 1, 4–6; Comment of CLNG/NGSA at 4.

holder does not exceed its authorized annual quantity of exports (in Bcf/yr).[139]

b. DOE Response

In Ordering Paragraph A of all existing long-term non-FTA orders, DOE authorizes exports strictly in annual terms (Bcf/yr).[140] DOE clarifies that its reference to a LNG facility's ''maximum daily rate of export'' in the Proposed Policy Statement was not intended to suggest any deviation from this annual volume limitation. Rather, DOE's intent was to make clear that, although DOE's proposed term extension will increase the total volume of exports over the life of each authorization (by extending the duration of each qualifying authorization through December 31, 2050), the term extension will not affect the day-to-day liquefaction and export operations of any facility. Accordingly, so long as authorization holders do not exceed the annual export volume set forth in their order (in Bcf/yr), DOE takes no position on the quantities of LNG (or other natural gas) exported on any given day during their authorization term. A maximum daily rate would be impracticable, given the varied capacity of LNG tankers and the variability in volumes being handled at LNG export facilities each day.[141]

III. Final Policy Statement

A. Extended Term for Long-Term Non-FTA Authorizations

For the reasons provided in the Proposed Policy Statement and in this Final Policy Statement, DOE adopts a term through December 31, 2050, as the standard export term for long-term non-FTA authorizations. DOE has considered its obligations under NGA section 3(a), the public comments supporting and opposing the Proposed Policy Statement, and a wide range of information bearing on the public interest.[142] DOE is thus discontinuing its practice of granting a standard 20-year export term for long-term authorizations to export domestically produced natural gas from the lower-48 states to non-FTA countries. For such applications and amendments granted under NGA section 3(a), DOE will authorize an export term lasting through December 31, 2050, inclusive of any make-up period (unless an applicant requests a shorter time period).[143]

This Final Policy Statement does not affect the continued validity of long-term non-FTA orders that DOE has already issued. Nor are existing authorization holders required to apply for the term extension. If an authorization holder wishes to maintain its current 20-year term—or is uncertain whether or when to apply for the term extension—the authorization holder is under no obligation to take action under this Final Policy Statement. For authorization holders and applicants who wish to apply for the term extension, however, DOE will implement the process for the term extension as proposed.

B. Implementation Process

DOE's process for implementing the term extension will be based on the status of the authorization holder or applicant, as follows:

(1) *For existing non-FTA authorizations:* As noted, DOE has issued 43 final long-term non-FTA authorizations.[144] These existing authorization holders may request the term extension on a voluntary opt-in basis. Specifically, each non-FTA authorization holder may file an application with DOE requesting to amend its authorization to extend its export term through December 31, 2050 (inclusive of any make-up period), with an attendant increase in the total export volume over the life of the authorization;

(2) *For pending non-FTA applications:* There are currently 16 long-term non-FTA applications pending before DOE.[145] On a voluntary opt-in basis, these applicants may amend their application to request an export term through December 31, 2050 (inclusive of any make-up period), with an attendant increase in the total requested export volume over the life of the authorization;[146] and

(3) *For future non-FTA applications:* Future long-term non-FTA export authorizations, if granted, will have a standard export term lasting through December 31, 2050, unless a shorter term is requested by the applicant. Accordingly, all new long-term applications to export domestically produced natural gas from the lower-48 states, including LNG, should request an export term lasting through December 31, 2050 (inclusive of any make-up period)—or state that the applicant requests a shorter export term.

In each individual docket proceeding, the authorization holder or applicant will be required to submit an application (for #1 and #3) or an amendment to its pending application (for #2) with relevant facts and argument supporting the term request.[147] For applications to amend existing non-FTA orders and pending non-FTA applications (#1 and #2), DOE is providing a suggested application template (including an option for consolidated non-FTA and FTA application proceedings) to ensure more consistent, streamlined proceedings. This template may be found on DOE/FE's website at: *www.energy.gov/node/4513092.*

For applications to amend existing non-FTA orders and pending non-FTA applications (#1 and #2), DOE will provide notice of the term extension in the **Federal Register**. Interested parties will be provided 15 days in which to submit protests, motions to intervene (or notices of intervention, as applicable), and written comments on the requested term extension only.[148] Following the notice and comment period in each proceeding, DOE will conduct a public interest analysis of the application (or amended application) under NGA section 3(a).

For existing non-FTA orders, the public interest analysis will be limited to the application for the term extension—meaning an intervenor or protestor may challenge the requested extension but not the existing non-FTA order. DOE also will comply with NEPA. Consistent with its established practice, DOE will respond to any comments or protests received in its final order on each application (or amendment) requesting the extended export term.

For new long-term non-FTA applications (#3), DOE will provide notice of the application in the **Federal Register** and will take action on the application consistent with its established procedures.[149]

[139] Comment of DECP at 2; Comment of LNG Allies at 3; Comment of Golden Pass LNG at 6; Comment of CLNG/NGSA at 4.

[140] *See, e.g., Jordan Cove Energy Project L.P.,* DOE/FE Order No. 3413–A, at 123 (Ordering Para. A) (authorizing exports ''in a volume up to the equivalent of 395 Bcf/yr of natural gas''). DOE notes that it routinely expresses the cumulative total of approved non-FTA exports in daily terms (Bcf/d), but it authorizes export volumes in annual terms (Bcf/yr).

[141] *See* Comment of Golden Pass LNG at 6.

[142] *See* Proposed Policy Statement, 85 FR 7674–7678.

[143] Although the Final Policy Statement applies only to long-term exports from the lower-48 states (*see supra* note 12), DOE will consider whether to authorize a similar export term to non-FTA exports from Alaska as appropriate, in the context of any such application proceedings.

[144] *See supra* note 15.

[145] *See supra* note 16.

[146] *See* 10 CFR 590.204.

[147] *See* 10 CFR 590.201, 590.202, 590.204(a) (''The applicant may amend . . . the application at any time prior to issuance of the Assistant Secretary's final opinion and order resolving the application . . . .''), 590.407 (''Reports of changes'').

[148] *See* 10 CFR 590.205.

[149] *See id.*

C. Alignment of FTA Export Terms

Applicants typically apply for both long-term FTA and non-FTA authorizations to have flexibility in determining their export destinations.[150] As stated, however, this Final Policy Statement does not apply to applications and authorizations to export natural gas to FTA countries.[151] Under NGA section 3(c), DOE is required to grant FTA applications ''without modification or delay.'' [152] Because of this statutory standard, applicants for long-term FTA authorizations have not been subject to DOE's standard 20-year term for non-FTA authorizations, and numerous FTA orders already have export terms of 25 or more years. Nonetheless, authorization holders often prefer to align their FTA and non-FTA exports over the same time period for administrative efficiencies.[153] For this reason, DOE anticipates that authorization holders and applicants who take action under this Final Policy Statement will request a comparable extension in their existing or future long-term FTA export terms, respectively. Where possible, DOE requests that authorization holders and applicants submit a consolidated FTA and non-FTA extension application (using DOE's suggested template) to ensure more consistent, streamlined proceedings.

IV. Administrative Benefits

In this Final Policy Statement, DOE is not proposing any new requirements under 10 CFR part 590. Rather, DOE's intent is to minimize administrative burdens and to enhance certainty for both authorization holders and foreign buyers of U.S. LNG. This, in turn, will make U.S. export projects even more competitive in the global market.

[150] The United States currently has FTAs requiring national treatment for trade in natural gas with Australia, Bahrain, Canada, Chile, Colombia, Dominican Republic, El Salvador, Guatemala, Honduras, Jordan, Mexico, Morocco, Nicaragua, Oman, Panama, Peru, Republic of Korea, and Singapore. FTAs with Israel and Costa Rica do not require national treatment for trade in natural gas.

[151] *See supra* note 3.

[152] 15 U.S.C. 717b(c).

[153] Under DOE's long-term orders, the volumes authorized for export to FTA and non-FTA countries are not additive to one another. Rather, each order grants authority to export the entire volume of a facility to FTA or non-FTA countries, respectively, to enhance flexibility. *See, e.g., Jordan Cove Energy Project L.P.,* DOE/FE Order No. 3413–A, at 122 (Term and Condition I) (stating that ''Jordan Cove may not treat the FTA and non-FTA export volumes as additive to one another'').

V. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this Final Policy Statement.

Signing Authority

This document of the Department of Energy was signed on July 29, 2020, by Steven Eric Winberg, Assistant Secretary, Office of Fossil Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on July 29, 2020.

Treena V. Garrett

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

[FR Doc. 2020–16836 Filed 8–24–20; 8:45 am]

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FARM CREDIT ADMINISTRATION

12 CFR Parts 611, 615, and 621

RIN 3052–AD09

Criteria To Reinstate Non-Accrual Loans

AGENCY: Farm Credit Administration.

ACTION: Final rule.

SUMMARY: The Farm Credit Administration (FCA, we, or our) amends our regulations governing how high-risk loans within the Farm Credit System are classified by clarifying the factors used to place loans in nonaccrual status and revising reinstatement criteria.

DATES: This regulation shall become effective no earlier than 30 days after publication in the **Federal Register** during which either or both Houses of Congress are in session. Pursuant to 12 U.S.C. 2252(c)(1), FCA will publish a notice of the effective date in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT:

Technical information: Ryan Leist, Senior Accountant, Office of Regulatory Policy, (703) 883–4223, TTY (703) 883–4056.

Legal information: Laura McFarland, Senior Counsel, Office of General Counsel, (703) 883–4020, TTY (703) 883–4056.

SUPPLEMENTARY INFORMATION:

I. Objectives

The final rule objectives are to:

- Enhance the usefulness of high-risk loan categories;
- Replace the subjective measure of ''reasonable doubt'' used for reinstating loans to accrual status with a measurable standard;
- Improve the timely recognition of a change in a loan's status; and
- Update existing terminology and make other grammatical changes.

II. Background

The Farm Credit Act of 1971, as amended (Act),[1] requires Farm Credit System (System) institutions to maintain financial statements in accordance with generally accepted accounting principles (GAAP).[2] FCA is charged with issuing regulations to implement this requirement. FCA regulations at Part 621 address accounting and reporting requirements for System institutions, including the use of GAAP. As part of these requirements, subpart C of part 621, ''Loan Performance and Valuation Assessment,'' establishes standard performance categories for high-risk loans and sets forth the criteria for reinstating those loans to accrual status.[3]

We issued a proposed rule on April 3, 2019, to amend subparts A and C of part 621.[4] Specifically, we proposed changes to § 621.6 on loan performance categories as well as the § 621.9 criteria for reinstating loans to accrual status. We proposed using more measurable standards and aligning high-risk loan categories with the criteria used to determine when a loan is suitable for reinstatement to accrual status. We also proposed emphasizing the role servicing plays in addressing high-risk loans and moving definitions currently located in the body of §§ 621.6 and 621.9 to the existing definition section of part 621. We proposed moving four terms and their meaning from subpart C to subpart A, which contains the ''Definition'' section at § 621.2. In doing so, we proposed some modifications to the terms. The comment period for the proposed rule closed on June 3, 2019.

III. Comments and Our Responses

We received eight comment letters on our proposed changes to subparts A and

[1] Public Law 92–181, 85 Stat. 583.

[2] *See, for example,* 12 U.S.C. 2254(b).

[3] 58 FR 48780, September 20, 1993.

[4] 84 FR 12959.

C of part 621: One letter from the Federal Farm Credit Banks Funding Corporation on behalf of the System's Accounting Standards Workgroup (SASW); one letter from a Farm Credit bank (CoBank, ACB); and six letters from System associations. CoBank and two associations expressed support for remarks made by the SASW, but the associations noted either exceptions or additions to specific aspects of the SASW comments. Two associations submitted remarks substantially similar to those offered by SASW. Two other associations offered comments independent of the SASW comment letter.

In general, all the commenters supported our objectives in issuing the proposed rule. However, most commenters asked that we amend the rule to mirror the guidance provided by the Federal Financial Institutions Examination Council (FFIEC).[5] The commenters' reason for asking us to change our rules to mirror FFIEC standards was comparability within the financial services industry. In the proposed rule, we explained that, unlike commercial lenders and their regulators, neither FCA nor the System is subject to the reporting standards issued by the FFIEC.[6] However, FCA's present accounting classification rules are generally similar, although not identical, to FFIEC standards.[7] Further, we issued the proposed rule with an understanding of the financial regulatory environment as it relates to both the System's cooperative structure and status as a GSE. As a result, we continue our policy of maintaining a similarity to the FFIEC guidance, but deviating where necessary to accommodate the different operational and credit considerations of the System.

Separately, two associations commented on certain areas of discussion in the preamble to the proposed rule. One association expressed concern with the sample list of risk factors we gave for evaluating the collectability of a loan. This commenter stated that the examples of substantial collateral being abandoned and a lawsuit being filed against a primary obligor could, as stand-alone considerations, cause a loan to be placed into nonaccrual status. We believe there are many risks affecting current or future payments on a loan, including but not limited to those described in the preamble to the proposed rule. However, institutions must still evaluate the risk to the continued collection of principal or interest in connection with the requirements in § 621.6 to determine the proper loan performance category. The other commenter raised concerns with a footnote in the preamble to the proposed rule that gave samples of what might be an ''adverse action.'' This commenter remarked that the samples given were more expansive then those currently in regulations. We agree that we provided in the preamble to the proposed rule more examples of what might be considered an adverse action than are listed in § 617.7400(d). Just as examples given in part 617 of our regulations are not all-inclusive, the list we used in the preamble is also not all-inclusive. Both lists of examples are intended to inform the reader of possible items to consider when making the identification of an adverse action.

Below we address comments specific to our proposed changes to §§ 621.2, 621.6 and 621.9. All provisions are finalized as proposed, unless changes are discussed in our response to comments below.

A. Definitions [§ 621.2]

We proposed moving four existing terms, whose meanings are currently located in the body of regulatory provisions, to the ''Definitions'' section in § 621.2. In moving the terms, we also proposed contextual and grammatical changes to each of the terms to improve clarity. We finalize this action, but with changes to the definitions for three terms to respond to comments received.

1. *Term ''adequately secured''.*

We proposed clarifying language to explain that the term ''adequately secured'' describes collateral where there is a perfected security interest. Five of the eight commenters suggested the term ''adequately secured'' be replaced by ''well secured'' to mirror FFIEC terminology. These commenters also asked that the definition be replaced with the one used by other financial regulators. One association supported our proposed clarifications to the meaning of the term ''adequately secured'' and stated it did not believe the term should be changed to ''well secured'' as doing so would change System credit quality classifications, specifically the loss given default parameters for loan-to-net-realizable-value requirements.[8] Instead, this commenter suggested just using the term ''secured.'' Another association stated a preference for a clearer definition, making no comment on the term ''adequately secured'' itself. This commenter asked for the definition to discuss net realizable value.

We believe the existing term ''adequately secured'' is known and established in System policies and procedures. Changing it as suggested by some commenters could create unnecessary confusion. The term ''adequately secured'' has been used in FCA regulations since 1986[9] to describe loan security. Additionally, it is used in System-wide risk rating guidance for specific loan risk categories. Any of the suggested changes to the term would directly impact this credit guidance and potentially result in deviations from the operational and credit considerations of the System. Therefore, we do not believe changing the existing term, ''adequately secured,'' to either ''well secured'' or just ''secured'' would be appropriate.

We considered making some adjustments to the definition of ''adequately secured'' based on comments expressing concern with the phrase ''perfected security interest'' but decided to make no change to that element. We want institutions to consider whether a lien on collateral is valid and enforceable when making ''adequately secured'' decisions in the context of categorizing high-risk assets. Should a particular security interest not be properly perfected, we expect institutions to look to other collateral when deciding if the loan is ''adequately secured.'' However, we are replacing the term ''collateralized'' with ''secured'' in the introductory sentence of the definition to improve clarity and comparability with other financial regulators. Additionally, the final rule adds ''collateral in the form of'' to the beginning of item (1) in the definition of ''adequately secured.'' This change increases comparability with other financial regulators and adds clarity to the term's use as requested by commenters. We also corrected punctuation identified by one commenter as causing confusion. As

[5] FFIEC was created in 1979 through title X of Public Law 95–630. FFIEC facilitates uniformity in those federal examinations of financial institutions conducted by the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the National Credit Union Administration, the Office of the Comptroller of the Currency, and the Consumer Financial Protection Bureau. FFIEC issues uniform principles, standards and reporting formats used by these regulators.

[6] FCA is not a FFIEC regulatory agency and therefore neither it nor the System is required to follow FFIEC standards.

[7] We consider the policy positions of other regulators to decide if we should follow them or take a different approach if appropriate to implement the requirements and expectations of the Act.

[8] The commenter referred to its individual risk guidance. The Combined Farm Credit System Risk Rating Guidance also uses the term adequately secured.

[9] *See* 51 FR 8644 (March 13, 1986). Also, the United States Department of Agriculture Farm Service Agency uses the term ''adequately secured'' in its guaranteed loan program requirements.

finalized, the rule clarifies that the term ''adequately secured'' means either a lienhold on property or a guarantee on repayment, or both.

2. *Term ''in the process of collection''.*

We proposed removing language on documented future collection of past due amounts, replacing it with language clarifying that the term ''in the process of collection'' includes both debt collection and loan servicing efforts expected to result in either the recovery of the loan balance (including accrued interest and penalties) or reinstatement of the loan to current status in the near future. One association supported the proposed removal of the 180 day timeframe in the definition, while all other commenters were silent on that specific aspect. The SASW, CoBank, and four associations commented that the definition of ''in the process of collection'' was too restrictive. Commenters explained that the use of a probable and specific event is a higher hurdle than the definition used by other financial regulators.

We agree with the comments that using probable and specific events within the definition is too constraining so we remove it from the final rule text. Instead, as suggested by commenters, we replace it by adding the word ''reasonably'' before ''expected to result in recovery.'' We believe this increases the definition's similarity to FFIEC guidance without adverse impact to the System's unique operating structure. We also remove the word ''and'' joining both ''debt collection and loan servicing efforts'', replacing it with ''or'' as is done in FFIEC guidance. We believe this change is appropriate as it may not always be applicable to have both debt collection and loan servicing occurring in all circumstances.

3. *Term ''past due''.*

We proposed replacing language within the definition of ''past due'' when discussing existing servicing actions. There were no specific comments on this proposed change to the definition. Instead, the SASW, CoBank, and four associations asked that the definition of ''past due'' be adjusted to reflect the definition used by other financial regulators under FFIEC. Commenters specifically remarked that our definition of ''past due'' is inconsistent with other financial regulators and suggested clarifying the term to allow for either interest or principle to be delinquent in satisfaction of the term ''past due.''

We reviewed the FFIEC definition for ''past due'' and believe the concerns of the commenters regarding separation of principle and interest was based on receipt of partial payments. As such, we adjust the definition to provide that when loan payments have not been received in full and on time, they will be ''past due.'' We believe adding ''in full'' addresses concerns that past due amount may consist of interest and not principal, or vice versa. If either principal or interest are due under the payment terms (as may be the case when there is a partial payment), but unpaid, the loan is past due.

4. *Term ''sustained performance''.*

We proposed clarifying that ''sustained performance'' on a loan is based on contractual payment terms. Only one comment was received on this proposed clarification. That commenter was an association that expressed support for the clarification. We final the term as proposed.

B. High-Risk Loan Classification [§ 621.6]

We proposed clarifying changes to the categories for high-risk loans in § 621.6, including removing redundancies and aligning § 621.6 with proposed changes to § 621.9. We also proposed removing the last sentence of this section's introductory paragraph that required loans meeting more than one performance category to be, in all cases, categorized as ''nonaccrual.'' One association objected to removing this sentence, expressing concern that doing so would result in inconsistencies in classifications due each association's interpretation of which is the most appropriate performance category to assign a loan. We do not share this commenter's concern and final this change as proposed. We believe institutions should determine the most appropriate performance category for a high-risk loan, understanding that no more than one category may be used at any given time. We also believe the other changes to §§ 621.6 and 621.9 will facilitate this decision-making process.

We note that the final rule does not address disclosures required by the Accounting Standards Update related to credit losses and the disclosure of nonaccrual loans.[10] FCA addressed disclosure requirements related to the new accounting standard in a separate rulemaking process.[11] While the current incurred loss methodology under GAAP is based on a probable threshold, the measurement of credit losses is changing under the Financial Accounting Standards Board's (FASB) new credit loss standard. When effective, the new standard will replace the current GAAP incurred loss methodology with one that reflects lifetime expected credit losses for financial assets measured at amortized cost over the entire contractual term.[12] Although the new standard does not address when a financial asset should be placed in nonaccrual status, it will increase the credit quality-related disclosures for loans.

1. Identifying Nonaccrual Loans [§ 621.6(a)]

We proposed updating language in § 621.6(a) to clarify that a loan is properly categorized as a ''nonaccrual loan'' when there is a known risk to the continued collection of principal or interest. We also proposed clarifying the use of ''charge off'' in § 621.6 by retaining its classification use for loans with any portion charged off through means other than formal loan servicing as discussed in part 617 or a Troubled Debt Restructuring (TDR). The SASW, CoBank, and four associations suggested conforming our nonaccrual loan classification rules to those used by other financial regulators, which do not use charge offs in classifications.[13]

In response to these comments, the final rule does not include charge offs as a consideration when classifying a loan. By removing charge offs, the final rule increases comparability with the FFIEC's three possible conditions for nonaccrual status: Deterioration in the financial condition of the borrower; payment of full principal and interest is not expected; and loans 90 days or more past due. A loan with a charge off should still be considered for nonaccrual status if there is known risk to the continued collection of the principal or interest. If an institution has determined the collection of a loan's outstanding principal and interest, plus future interest accruals, over the full term of the loan is not expected because of a documented deterioration in the financial condition of the borrower, then the loan should be placed in nonaccrual status, including loans with charge offs.

As final, the rule regarding categorizing high-risk loans remains

[10] Accounting Standards Update No. 2016–13, Financial Instruments—Credit Losses (Topic 326): Measurement of Credit Losses on Financial Instruments, dated June 2016.

[11] *See* Proposed rule, ''Implementation of the Current Expected Credit Losses Methodology for Allowances, Related Adjustments to the Tier 1/Tier 2 Capital Rule, and Conforming Amendments.'' (84 FR 49684 September 23, 2019).

[12] On October 16, 2019, the FASB affirmed its decision to allow public business entities such as the System (who are not SEC filers) to defer adopting the new credit loss standard until January 1, 2023.

[13] *See* ''Nonaccrual Status'' definition in Glossary of FFIEC Instructions for Preparation of Consolidated Reports of Condition and Income, FFIEC 031 and 041, updated September 2019.

consistent with GAAP and the financial industry's performance categories.[14] Although not exactly matching FFIEC guidelines, those aspects of FFIEC guidance appropriate for System operations already exist in our rules, to the extent possible. Therefore, we are not making the other requested changes to § 621.6(a) beyond a corresponding adjustment to language on loans past due to read ''90 days or more past due.'' We also make a technical change to adjust the numbering of the subparagraphs required after removing the charge off provision.

One association questioned how the term ''charge off'' was used in a footnote of the preamble to the proposed rule. The commenter explained the usage of the term was inconsistent with how the term was applied in the context of existing §§ 621.6 and 621.9, noting that we did not propose a definition of ''charge off'' in § 621.2. Any identified loan loss, whether it is principal or interest, must be charged off. The charge off discussion in the proposed rule preamble related to earned but uncollected interest income that was accrued and determined to be uncollectible. FCA was not attempting to define the term charge off to include only interest income, but explaining that when an institution determines that the contractual value of a loan or other asset exceeds the amount that can reasonably be expected to be collected, the institution is expected to immediately charge off the asset in the amount determined to be uncollectible.[15]

2. Formally Restructured Loans (TDR) [§ 621.6(b)]

We proposed adding a short explanation of loans classified under the TDR category. The SASW, CoBank, and four associations suggested what we proposed was too narrow, explaining the reference to 'financial concession' does not encompass other potential concessions. These commenters suggested we replace the sentence with the GAAP definition. A separate commenter expressed support for our clarification effort to distinguish TDRs from other servicing.

Since we proposed the language to add clarity and comments received indicated the proposed additional language raised more questions, we are not finalizing the rule with this second sentence. We believe referencing a TDR under GAAP in the first sentence accurately reflects the category and, by removing the last sentence, the rule will avoid having to be amended for any future changes to GAAP. For this same reason we are not accepting the suggestion to quote GAAP within the rule. We also make a technical change to spell out the meaning of ''TDR'' within the rule text.

3. Classifying Loans 90 Days Past Due [§ 621.6(c)]

We proposed changes to the high-risk loan category, ''Loans 90 days past due still accruing interest,'' to improve readability and add clarity. We received no comments on our proposed changes, but as a conforming change to comments made on our definition of ''past due'' and other comments asking for our rules to more closely resemble FFIEC guidance, we have adjusted the language discussing this category to read ''90 days or more past due.'' This change allows the specific provision to read substantially similar to FFIEC guidance.

C. Reinstating Nonaccrual Loans [§ 621.9]

We proposed replacing the criteria a loan must satisfy before being reinstated to accrual status with requirements that are based upon repayment patterns and loan security. The SASW, CoBank, and four associations asked that we instead use the same reinstatement criteria as is contained in FFIEC guidance. In response to comments received, we again considered the FFIEC reinstatement guidance but continue to believe System operations require different reinstatement criteria. In particular, we are sensitive to the fact the FFIEC guidelines are premised upon monthly loan repayments whereas the System most often provides annual payment amortizations. Additionally, safety and soundness concerns related to the economics of primarily lending to the agricultural sector also warrant deviations from the reinstatement practices of commercial lenders. As such, we believe the final rule strikes the appropriate balance given the risks arising from the specialized lending activities of the System.

Some commenters questioned the value of qualifying reinstatement based on a loan becoming past due while classified as nonaccrual. We agree with these comments and final the rule with changes that remove the language regarding a loan becoming past due while in nonaccrual status from all of paragraph (a), excepting the core requirement that a loan be current when reinstated. Additionally, a commenter remarked on an apparent redundancy in the proposed text discussing servicing efforts. We agree and the final rule removes the identified redundancy between paragraph (a) and subparagraph (a)(1). Specifically, we removed from § 621.9(a)(1) the requirement that known risks have been addressed through servicing, because the servicing element is already mentioned in paragraph (a) as an aspect that must be considered for all loans in nonaccrual status. We also accepted the related comment that the proposed language of (a)(1) implied only servicing could address the risks leading a loan to be classified as nonaccrual. The final rule replaces the relevant phrase in (a)(1) with one asking that the risks be mitigated. This change leaves open the manner of mitigation, as suggested by the commenter.

One association asked that we entirely remove servicing as a consideration to reinstating a loan to accrual status. This same commenter asked if documentation maintained elsewhere in a loan file regarding servicing could serve to demonstrate an association's efforts for purposes of complying with § 621.9(a). Other commenters remarked that servicing should not be used at all in accounting classifications. We disagree that servicing does not play an important role in addressing high risk loans. Servicing a loan is a key element of addressing risk to collectability and assessing the loan's readiness to be reinstated to accrual status. Loans that receive effective and constructive loan servicing have a much greater likelihood of remaining current over time. Further, loan servicing is a critical process for institutions to work through with borrowers to address the underlying cause of the borrower's financial and repayment weaknesses that caused the loan's original nonaccrual designation. We also remind the commenters that the servicing element replaces the requirement to remove all reasonable doubt as to the willingness and ability of the borrower to perform under the loan terms. As explained in the preamble to the proposed rule, we looked for alternative criteria that were more measurable than the ''reasonable doubt'' requirement and identified loan servicing as an appropriate substitute. We continue to believe servicing addresses the safety and soundness concerns behind the ''reasonable doubt'' requirement and therefore is an appropriate replacement. As to the question on documentation, as a general matter we are not seeking duplication of existing servicing documentation when considering a loan for reinstatement. We

[14] *See* SEC Industry Guides, Statistical disclosure by bank holding companies, III Loan portfolio, C. Risk elements.

[15] *Refer to* 12 CFR 621.5(b).

anticipate a reference to documented servicing should be sufficient.

One commenter supported changing the reinstatement criteria to allow a continuously current loan to be restored to accrual status without sustained performance. Six other commenters stated that the reinstatement criteria should not consider future performance or repayment. We believe the consideration of future repayment capacity is part of the process in determining the collectability of the loan and whether the loan should be reinstated to accrual status. Demonstrating future repayment capacity ensures the known risks to the collection of the loan have been mitigated. By requiring future repayment capacity, a reinstated loan should have mitigated the known risks to loan collection and the loan should not subsequently fall back into nonaccrual status in the next reporting period. We also believe this is consistent with prudent credit risk management practices. Further, the final rule adds flexibility for establishing the repayment pattern for loans placed in nonaccrual status when past due and that are adequately secured, which we believe improve the timely recognition of a change in a loan's status when compared to the existing rule.

One association asked that we incorporate into our nonaccrual regulations the guidance contained in our Informational Memorandum, ''Examination of Loans Guaranteed by Federal and Local Government Agencies,'' dated July 10, 1998. This IM discusses, among other things, the loan guarantees from United States Department of Agriculture Farm Services Agency. We do not believe our nonaccrual regulations should prescribe the accounting treatment for specific loan types and circumstances. We continue to believe guaranteed loans being serviced in accordance with the terms of a Government guarantee are normally presumed to be in process of collection and adequately secured.

Two associations commented that our performance criteria, used to reinstate nonaccrual loans, causes a direct negative monetary impact on member-borrowers. These commenters explained that under each of their board approved patronage program, member-borrowers are not eligible for patronage when a loan is in nonaccrual status, even if the loan is current on payments. Therefore, by not being able to reinstate the loan to accrual status once current, its member-borrowers are denied patronage.

FCA does not believe our regulations created the disadvantage cited by the commenters because each association sets its own patronage payment pools in a manner it determines is rational and equitable.[16] Further, FCA discourages System institutions from solely using loan performance categories for patronage policies. As illustrated by the above two comments, using loan performance categories for purposes other than what they are intended may inappropriately cost a member-borrower patronage he or she earned. One of the benefits of being a member-borrower of the System is the opportunity to earn, and be paid, patronage. When an institution has a patronage policy, the policy sets forth if patronage will be paid and the eligibility requirements for receiving patronage payments.[17] Should, for example, a policy provide that patronage may be denied or reduced based solely on a loan's performance classification, a member-borrower with a current loan in nonaccrual status would be denied patronage. Meaning, the institution relying solely on a performance classification when setting patronage pools may not be giving full consideration to whether those loans in nonaccrual status that also are current on payments contributed to the earnings of the institution and therefore should receive consideration for patronage payments.[18] Thus, these commenters can address their concerns about a loan classification's having a direct negative monetary impact on their member-borrowers by changing their own patronage policies.

As a corresponding change to those made in § 621.6, we final the rule without the proposed § 621.9(a)(2), which would have required charged off amounts to be collected prior to reinstatement. As discussed earlier, we removed charge offs as a consideration to placing a loan into nonaccrual status. For consistency, we also remove use of charge offs when reinstating a loan. In relation to this, the proposed subparagraphs (a)(3) and (a)(4) were renumbered (a)(2) and (a)(3) within this final rulemaking.

D. Other Comments on Subpart C of Part 621

We received several comments on a section of our regulations where no changes had been proposed. The comments were directed at our rules of aggregation in § 621.7, asking us to apply the rule at the loan level rather than the customer level. Commenters also asked us to consider revising or eliminating the rule of aggregation because it requires an institution to move a performing loan to nonaccrual status despite having its own performance assessment and collateral support. The commenters also stated FCA's rule of aggregation is not consistent with other financial regulators.

We proposed no changes to this section of our regulations so are not making any as part of this final rulemaking. Instead, we will take the request for changes to § 621.7 under consideration and potentially address them in future rulemakings. We do explain that when one loan to a borrower is placed into nonaccrual status, FCA regulations do not require an institution to automatically place all of a borrower's loans into nonaccrual status. The primary purpose of FCA's rule of aggregation is to ensure that when a borrower's loan is placed in nonaccrual status, an institution immediately evaluates whether or not other loans to the same borrower, or loans for which the same borrower is responsible for repayment, should also be placed in nonaccrual.[19] FCA regulation § 621.7(b) provides if the borrower's other loans represent an independent credit risk and are fully collectible, then they may remain in their current performance category and are not required to be moved to nonaccrual status. This is comparable to the recommendation of other financial regulators that a financial institution evaluate its loans and other extensions of credit to a single borrower when one of the borrower's loans meets the criteria for nonaccrual status.

IV. Regulatory Flexibility Act and Major Rule Conclusion

Pursuant to section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), FCA hereby certifies that the final rule would not have a significant economic impact on a substantial number of small entities. Each of the banks in the System, considered together with its affiliated associations, has assets and annual income in excess of the amounts that would qualify them as small entities. Therefore, System institutions are not ''small entities'' as defined in the Regulatory Flexibility Act.

[16] 12 CFR 615.5230(c)(3).

[17] Each institution determines its own patronage policy, setting forth eligibility criteria. *See* 12 CFR 615.5230(c)(3).

[18] *Refer to* 12 CFR 615.5230(c)(3), providing in relevant part that ''payment of patronage shall be established on a rational and equitable basis that will ensure that each patron of the institution receives its fair share of the earnings of the institution and bears its fair share of the expenses of the institution.''

[19] *See* 58 FR 48780 (Sept. 20, 1993).

Under the provisions of the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Office of Management and Budget's Office of Information and Regulatory Affairs has determined that this final rule is not a ''major rule,'' as the term is defined at 5 U.S.C. 804(2).

List of Subjects in 12 CFR Parts 611, 615 and 621

Accounting, Agriculture, Banks, Banking, Government securities, Investments, Reporting and recordkeeping requirements, Rural areas.

For the reasons stated in the preamble, parts 611, 615 and 621 of chapter VI, title 12 of the Code of Federal Regulations is amended as follows:

PART 611—ORGANIZATION

■ 1. The authority citation for part 611 is revised to read as follows:

Authority: Secs. 1.2, 1.3, 1.4, 1.5, 1.12, 1.13, 2.0, 2.1, 2.2, 2.10, 2.11, 2.12, 3.0, 3.1, 3.2, 3.3, 3.7, 3.8, 3.9, 4.3A, 4.12, 4.12A, 4.15, 4.20, 4.21, 4.25, 4.26, 4.27, 4.28A, 5.9, 5.17, 5.25, 7.0–7.13, 8.5(e) of the Farm Credit Act (12 U.S.C. 2002, 2011, 2012, 2013, 2020, 2021, 2071, 2072, 2073, 2091, 2092, 2093, 2121, 2122, 2123, 2124, 2128, 2129, 2130, 2154a, 2183, 2184, 2203, 2208, 2209, 2211, 2212, 2213, 2214, 2243, 2252, 2261, 2279a–2279f–1, 2279aa–5(e)); secs. 411 and 412 of Pub. L. 100–233, 101 Stat. 1568, 1638; secs. 414 of Pub. L. 100–399, 102 Stat. 989, 1004.

§ 611.1205 [Amended]

■ 2. Section 611.1205 is amended by removing ''§ 621.2(c)'' and adding in its place ''§ 621.2'' wherever it appears.

PART 615—FUNDING AND FISCAL AFFAIRS, LOAN POLICIES AND OPERATIONS, AND FUNDING OPERATIONS

■ 3. The authority citation for part 615 is revised to read as follows:

Authority: Secs. 1.5, 1.7, 1.10, 1.11, 1.12, 2.2, 2.3, 2.4, 2.5, 2.12, 3.1, 3.7, 3.11, 3.25, 4.3, 4.3A, 4.9, 4.14B, 4.25, 5.9, 5.17, 6.20, 6.26, 8.0, 8.3, 8.4, 8.6, 8.8, 8.10, 8.12 of the Farm Credit Act (12 U.S.C. 2013, 2015, 2018, 2019, 2020, 2073, 2074, 2075, 2076, 2093, 2122, 2128, 2132, 2146, 2154, 2154a, 2160, 2202b, 2211, 2243, 2252, 2278b, 2278b–6, 2279aa, 2279aa–3, 2279aa–4, 2279aa–6, 2279aa–8, 2279aa–10, 2279aa–12); sec. 301(a), Pub. L. 100–233, 101 Stat. 1568, 1608; sec. 939A, Pub. L. 111–203, 124 Stat. 1326, 1887 (15 U.S.C. 78o–7 note).

§ 615.5131 [Amended]

■ 4. Section 615.5131 is amended by removing the word ''§ 621.2(f)'' and adding in its place the word ''§ 621.2'' each place it appears.

PART 621—ACCOUNTING AND REPORTING REQUIREMENT

■ 5. The authority citation for part 621 is revised to read as follows:

Authority: Secs. 4.12(b)(5), 4.14, 4.14A, 4.14D, 5.17, 5.22A, 8.11 of the Farm Credit Act (12 U.S.C. 2183, 2202, 2202a, 2202d, 2252, 2257a, 2279aa–11); sec. 514 of Pub. L. 102–552.

■ 6. Section 621.2 is amended by:
■ a. Removing the paragraph designations (a) through (n); and
■ b. Adding definitions in alphabetical order for ''Adequately secured'', ''In the process of collection'', ''Past due'', and ''Sustained performance'' to read as follows:

§ 621.2 Definitions.

* * * * *

Adequately secured means the loan is secured by either or both:

(1) Collateral in the form of perfected security interests in, or pledges of, real and/or personal property (including securities with an estimable value) having a net realizable value sufficient to repay the loan's outstanding principal and accrued interest.

(2) The guarantee of a financially responsible party in an amount sufficient to repay the loan's outstanding principal and accrued interest.

* * * * *

In the process of collection means debt collection or loan servicing efforts are proceeding in due course and are reasonably expected to result in the recovery of the loan's principal balance, accrued interest and penalties or reinstatement of the loan to current status within a reasonable time period.

* * * * *

Past due means a contractually scheduled loan payment has not been received in full on or before the contractual due date and remains due.

* * * * *

Sustained performance means the borrower has resumed on-time payment of the full amount of scheduled contractual loan payments over a sustained period. In accordance with the contractual payment schedule, the sustained on-time repayment period is demonstrated by making 6 consecutive monthly payments, 4 consecutive quarterly payments, 3 consecutive semiannual payments, or 2 consecutive annual payments. The payments considered are those listed in the loan contract as due during the sustained performance period, regardless of whether scheduled payments are interest-only, unequally amortized principal and interest, equally amortized principal and interest, or a combination of payment amounts.

■ 7. Revise § 621.6 to read as follows:

§ 621.6 Categorizing high-risk loans and other property owned.

Each institution must employ the practices of this section when categorizing high-risk loans and loan-related assets. A loan must not be put into more than one performance category.

(a) *Nonaccrual loans.* A loan is categorized as nonaccrual if there is a known risk to the continued collection of principal or interest. Once a loan is categorized as nonaccrual, it must remain in that category until reinstated to accrual status pursuant to § 621.9. Loans placed into nonaccrual status when current are also subject to the notice and review provisions of part 617 of this chapter. A loan must be categorized as nonaccrual if one or more of the following conditions exist:

(1) The loan may or may not be past due, but the institution has determined collection of the outstanding principal and interest, plus future interest accruals, over the full term of the loan is not expected because of a documented deterioration in the financial condition of the borrower;

(2) The loan is 90 days or more past due and is not otherwise eligible for categorization under paragraph (c) of this section; or

(3) Legal action, including foreclosure or other forms of collateral conveyance, has been initiated to collect the outstanding principal and interest.

(b) *Formally restructured loans (TDR).* A loan is categorized as a formally restructured loan (Troubled Debt Restructure(TDR)) if the restructuring is determined to be a TDR under generally accepted accounting principles and the guidance issued by the Financial Accounting Standards Board.

(c) *Loans 90 days past due still accruing interest.* A loan is categorized as 90 days past due still accruing interest when it is 90 days or more contractually past due, adequately secured, and in the process of collection. If the loan is not adequately secured, it cannot be categorized under this category unless there is evidence to suggest repayment within a reasonable time period of either the past due amount or the remaining principal and interest owed.

(d) *Other property owned.* Any real or personal property, other than an interest-earning asset, that has been acquired as a result of full or partial liquidation of a loan, through foreclosure, deed in lieu of foreclosure, or other legal means.

■ 8. Revise § 621.9 to read as follows:

§ 621.9 Reinstatement to accrual status.

(a) Before being reinstated to accrual status, a loan must be current on contractual payments and the borrower offered servicing in accordance with the institution's policies maintained under either § 614.4170 or part 617 of this chapter, whichever is applicable. Additional reinstatement eligibility requirements are dependent upon certain characteristics of the loan under review.

(1) A loan that was current when placed in nonaccrual status pursuant to § 621.6(a)(1) may be reinstated to accrual status if the known risks to the continued collection of principal or interest have been mitigated. If the loan was past due when placed in nonaccrual status, it may only be reinstated under either paragraph (a)(2) or (a)(3) of this section, as applicable.

(2) A loan placed in nonaccrual status when past due and not adequately secured must remain current on contractual payments for a period of sustained performance before it may be reinstated.

(3) A loan placed in nonaccrual status when past due and adequately secured must have a recent repayment pattern demonstrating future repayment capacity to make on-time payments before it may be reinstated. The repayment pattern is established in one of two ways:

(i) Sustained performance in making on-time contractual payments, or

(ii) A recent history of making on-time partial payments in amounts the same or greater than newly restructured payment amounts.

(b) Nothing in this section prevents a current loan from being reinstated to accrual status in response to a Credit Review Committee decision issued under section 4.14D(d) of the Farm Credit Act of 1971, as amended, when that decision was made in compliance with applicable laws, regulations, and in accordance with generally accepted accounting principles.

Dated: July 21, 2020.

Dale Aultman,

Secretary, Farm Credit Administration Board.

[FR Doc. 2020–16135 Filed 8–24–20; 8:45 am]

BILLING CODE 6705–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0777; Project Identifier MCAI–2020–01071–T; Amendment 39–21217; AD 2020–17–12]

RIN 2120–AA64

Airworthiness Directives; Dassault Aviation Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Dassault Aviation Model MYSTERE–FALCON 900, FALCON 900EX, FALCON 2000, and FALCON 2000EX airplanes. This AD was prompted by reports of loose or missing nuts on the pilot and co-pilot ventral seat belt attachment points. This AD requires a detailed inspection of certain seat belt attaching point nuts for any loose or missing nuts and replacement, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD becomes effective September 9, 2020.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of September 9, 2020.

The FAA must receive comments on this AD by October 9, 2020.

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

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

For material incorporated by reference (IBR) in this AD, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this IBR material on the EASA website at *https://ad.easa.europa.eu.* You may view this IBR material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0777.

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–2020–0777; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Tom Rodriguez, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3226; email *Tom.Rodriguez@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020–0168R1, dated July 29, 2020 (''EASA AD 2020–0168R1'') (also referred to as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Dassault Aviation Model MYSTERE–FALCON 900, FALCON 900EX, FALCON 2000, and FALCON 2000EX airplanes.

This AD was prompted by reports of loose or missing nuts on the pilot and co-pilot ventral seat belt attachment points. The FAA is issuing this AD to address this condition, which could lead to detachment of the seat belt at a critical phase of flight, such as landing or, in the case of turbulence or emergency landing, resulting in the flight crew becoming unrestrained from their seat, causing injury to the flight crew and/or subsequent loss of control of the airplane. This condition could impede the continued safety of flight. See the MCAI for additional background information.

Related IBR Material Under 1 CFR Part 51

EASA AD 2020–0168R1 describes procedures for a detailed inspection of certain seat belt attaching point nuts for any loose or missing nuts and corrective action, which is replacement. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

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

Requirements of This AD

This AD requires accomplishing the actions specified in EASA AD 2020–0168R1, described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA initially worked with Airbus and EASA to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has since coordinated with other manufacturers and civil aviation authorities (CAAs) to use this process. As a result, EASA AD 2020–0168R1 is incorporated by reference in this final rule. This AD, therefore, requires compliance with EASA AD 2020–0168R1 in its entirety, through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD. Using common terms that are the same as the heading of a particular section in the EASA AD does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in the EASA AD. Service information specified in EASA AD 2020–0168R1 that is required for compliance with EASA AD 2020–0168R1 is available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0777.

FAA's Justification and Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies foregoing notice and comment prior to adoption of this rule because the detachment of the seat belt at a critical phase of flight such as landing or, in the case of turbulence or emergency landing, could result in the flight crew becoming unrestrained from their seat, causing injury to the flight crew and/or subsequent loss of control of the airplane, thereby impeding continued safety of flight. 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 the FAA did not precede it by notice and opportunity for public comment. The FAA invites you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2020–0777; Project Identifier MCAI–2020–01071–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 the FAA receives, without change, to *https://www.regulations.gov,* including any personal information you provide. The FAA will also post a report summarizing each substantive verbal contact the FAA receives about this AD.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this 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 documents 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 the 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 793 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
4 work-hours × $85 per hour = $340	$4	$344	$272,792

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2020–17–12 Dassault Aviation: Amendment 39–21217; Docket No. FAA–2020–0777; Project Identifier MCAI–2020–01071–T.

(a) Effective Date

This AD becomes effective September 9, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Dassault Aviation Model MYSTERE–FALCON 900, FALCON 900EX, FALCON 2000, and FALCON 2000EX airplanes, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2020–0168R1, dated July 29, 2020 (''EASA AD 2020–0168R1'').

(d) Subject

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

(e) Reason

This AD was prompted by reports of loose or missing nuts on the pilot and co-pilot ventral seat belt attachment points. The FAA is issuing this AD to address this condition, which could lead to detachment of the seat belt at a critical phase of flight such as landing or, in the case of turbulence or emergency landing, resulting in the flight crew becoming unrestrained from their seat, causing injury to the flight crew and/or subsequent loss of control of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2020–0168R1.

(h) Exceptions to EASA AD EASA AD 2020–0168R1

(1) Where EASA AD 2020–0168R1 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where paragraph (2) of EASA AD 2020–0168R1 specifies actions if, ''deficiencies (as defined in the applicable inspection SB) are found on,'' for this AD deficiencies are defined as any missing nuts or any axial end play on any bolt assemblies (loose nuts).

(3) Paragraph (4) of EASA AD 2020–0168R1 provides credit for ''accomplishment of a 'C' check (as per Dassault definition).'' For this AD, that credit is allowed provided it can be conclusively determined that each affected part was inspected as specified in that 'C' check.

(4) The ''Remarks'' section of EASA AD 2020–0168R1 does not apply to this AD.

(i) No Reporting Requirement

Although the service information referenced in EASA AD 2020–0168R1 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(k) Related Information

For more information about this AD, contact Tom Rodriguez, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3226; email *Tom.Rodriguez@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2020–0168R1, dated July 29, 2020.

(ii) [Reserved]

(3) For information about EASA AD 2020–0168R1, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.*

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0777.

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

Issued on August 13, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–18488 Filed 8–24–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0690; Project Identifier AD–2020–00860–T; Amendment 39–21207; AD 2020–17–02]

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 certain The Boeing Company Model 747–8 and –8F series airplanes, and Model 787–8, –9, and –10 airplanes. This AD requires removing Kathon FP 1.5 biocide from the fuel tanks and engines, installing a fuel limitation placard, and revising the existing airplane flight manual (AFM) to prohibit operation of the airplane with Kathon FP 1.5 biocide in a fuel tank or engine. This AD was prompted by a report indicating that Kathon FP 1.5 biocide added to fuel and running through the engines can lead to significant engine anomalies. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective August 25, 2020.

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

The FAA must receive comments on this AD by October 9, 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 final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0690.

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–2020–0690; 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: Tak Kobayashi, Aerospace Engineer, Propulsion Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3553; email: *takahisa.kobayashi@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The FAA has received a report indicating that a The Boeing Company Model 787 airplane equipped with General Electric Company (GE) GEnx–1B model turbofan engines experienced temporary thrust anomalies on both engines during descent into Kansai International Airport in Japan, on March 29, 2019. Specifically, both engines briefly fell below idle thrust, and the flightcrew received failure messages for both engines.

The FAA's review of the data from this incident indicated the thrust anomalies resulted from fuel control instability. The fuel tanks of the event airplane had recently been treated with Kathon FP 1.5 biocide for suspected microbial growth contamination. Salt crystals can form in the fuel under certain conditions after Kathon FP 1.5 biocide is applied. These salt crystals have the potential to cause slow response of engine hydromechanical control features, resulting in compressor stalls or flameouts, potentially on both engines.

This condition, if not addressed, could result in malfunction of the engine's control system hydromechanical unit due to undispersed Kathon FP 1.5 biocide contaminating and restricting the movement of internal parts. Because the fuel systems for both engines on an affected airplane are likely to be similarly affected, there is the potential for loss of thrust control on both engines. Loss of thrust control on both engines could result in failure to climb on takeoff, a forced off-airport landing, or an unacceptably high flightcrew workload.

However, after this biocide is added to the fuel tanks, adding fuel without biocide diminishes the hazard. Eventually, after the tanks have been refilled a sufficient number of times with untreated fuel, enough of the treated fuel would be dissipated, and the unsafe condition would be removed. Specifically, Boeing determined that operating the airplane, or any individual engine, for at least 30 flight cycles, while adding only fuel that has not been treated with this biocide, would flush the biocide from the fuel tank system and the engines. The FAA finds this number of flight cycles to be sufficiently conservative, and therefore has incorporated it the requirements of this AD.

The FAA's analysis of the risks posed by this issue has been ongoing, as has the information available to the agency. On March 10, 2020, the manufacturer of Kathon FP 1.5 issued a letter recommending an immediate halt of using Kathon FP 1.5 biocide for aviation fuel applications. A copy of that letter is in the docket for this rulemaking. On March 25, 2020, the FAA issued a Special Airworthiness Information Bulletin (SAIB), which is in the docket for this rulemaking, regarding the use of Kathon FP 1.5 and another biocide. Most recently, on June 25, 2020, the Japan Transport Safety Board issued an ''Aircraft Serious Incident Investigation Report'' regarding the March 29, 2019 incident. That report is in the docket for this rulemaking.

The engine and aircraft manufacturers also evaluated the potential of Kathon FP 1.5 biocide application resulting in adverse effects on the engines besides GEnx–1B model engines installed on Model 787 airplanes. Based on this evaluation, the FAA has determined that the unsafe condition also exists on The Boeing Company Model 747–8 and –8F series airplanes powered by GEnx–2B model engines.

Related Rulemaking

The FAA issued AD 2020–14–09, Amendment 39–21163 (85 FR 42689, July 15, 2020), for The Boeing Company Model 737–8 and –9 airplanes to require the same actions required by this AD.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Boeing Multi-Operator Messages MOM–MOM–20–0577–01B, dated July 13, 2020; and MOM–MOM–20–0578–01B, dated July 14, 2020. This service information describes procedures for removing Kathon FP 1.5 biocide from fuel tanks and engines. These documents are distinct since they apply to different airplane models. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

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 removing Kathon FP 1.5 biocide from the fuel tanks and engines, installing a fuel limitation placard, and revising the existing AFM to prohibit operation of the airplane with Kathon FP 1.5 biocide in a fuel tank or engine.

Justification for Immediate Adoption and Determination of the Effective Date

Section 553(b)(3)(B) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) authorizes agencies to dispense with notice and comment procedures for rules when the agency, for ''good cause,'' finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under this section, an agency, upon finding good cause, may issue a final rule without providing notice and seeking comment prior to issuance. Further, section 553(d) of the APA authorizes agencies to make rules effective in less than thirty days, upon a finding of good cause.

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public and flightcrews justifies forgoing notice and comment prior to adoption of this rule because the simultaneous loss of thrust control on both engines, due to malfunction of the engine's control system hydromechanical unit due to undispersed Kathon FP 1.5 biocide contaminating and restricting the movement of internal parts, could result in failure to climb on takeoff, a forced off-airport landing, or an unacceptably high flightcrew workload. 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 this rule must be issued immediately, to ensure the continued safe operation of these airplanes. Accordingly, notice and opportunity for prior public comment are impracticable and contrary to the public interest pursuant to 5 U.S.C. 553(b)(3)(B). In addition, the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days, for the same reasons the FAA found good cause to forgo notice and comment.

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number FAA–2020–0690 and Project Identifier AD–2020–00860–T at the beginning of your comments. The most helpful comments refer to 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 final rule because of those comments. Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *https://www.regulations.gov,* including any personal information you provide. The FAA will also post a report summarizing each substantive verbal contact received about this final rule.

Confidential Business Information

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

Regulatory Flexibility Act (RFA)

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

Costs of Compliance

The FAA estimates that this AD affects 137 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
Kathon FP 1.5 biocide removal	Up to 24 work-hours × $85 per hour = Up to $2,040	$30	Up to $2,070	Up to $283,590
Fueling placard installation	1 work-hour × $85 per hour = $85	50	135	18,495
AFM revision	1 work-hour × $85 per hour = $85	0	85	11,645

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):

2020–17–02 The Boeing Company: Amendment 39–21207; Docket No. FAA–2020–0690; Project Identifier AD–2020–00860–T.

(a) Effective Date

This AD is effective August 25, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company airplanes identified in paragraphs (c)(1) and (2) of this AD.

(1) Model 747–8 and –8F series airplanes, certificated in any category, with an original standard airworthiness certificate or original export certificate of airworthiness issued on or before October 31, 2020.

(2) Model 787–8, –9, and –10 airplanes, certificated in any category, with an original standard airworthiness certificate or original export certificate of airworthiness issued on or before October 31, 2020, and equipped with General Electric Model GEnx–1B engines.

(d) Subject

Air Transport Association (ATA) of America Code 28, Fuel; 73, Engine.

(e) Unsafe Condition

This AD was prompted by a report that Kathon FP 1.5 biocide, when used as a fuel additive and running through the engines, can lead to significant engine anomalies. The FAA is issuing this AD to prevent these anomalies, which could result in loss of thrust control on both engines because the fuel systems for both engines are likely to be similarly affected. Loss of thrust control on both engines could result in failure to climb on takeoff, a forced off-airport landing, or an unacceptably high flightcrew workload.

(f) Compliance

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

(g) Removal of Kathon FP 1.5 Biocide

(1) For airplanes identified in paragraphs (g)(1)(i) and (ii) of this AD: Before further flight, remove Kathon FP 1.5 biocide from the fuel tanks and engines, as applicable, in accordance with Boeing Multi-Operator Message MOM–MOM–20–0577–01B, dated July 13, 2020 (for Model 747–8 and –8F series airplanes); or MOM–MOM–20–0578–01B, dated July 14, 2020 (for Model 787–8, –9, and –10 airplanes); as applicable.

(i) Airplanes that have operated for fewer than 30 flight cycles after the last treatment with Kathon FP 1.5 biocide.

(ii) Airplanes having any engine that has operated for fewer than 30 flight cycles after the last exposure to Kathon FP 1.5 biocide.

(2) No action is required by paragraph (g) of this AD for the engines on which General Electric confirmed via a GE Salesforce case response that the engines are operating as expected.

(h) Airplane Flight Manual (AFM) Revision for Fuel Additive Limitation

Within 30 days after the effective date of this AD, revise the Certificate Limitations section of the existing Boeing 787 AFM or Boeing 747–8 AFM to include the information specified in figure 1 or 2 to paragraph (h) of this AD, as applicable. This may be done by inserting a copy of this AD into the existing AFM. When a statement identical to that in figure 1 or figure 2 to paragraph (h) of this AD has been included in the general revisions of the existing Boeing 787 AFM or Boeing 747–8 AFM, as applicable, the general revisions may be inserted into the existing AFM, and the copy of this AD may be removed from the existing AFM.

Figure 1 to paragraph (h) – *AFM revision of Certificate Limitations section for Model 787-8, -9, and -10 Airplanes Equipped with Model GEnx-1B Engines*

(Required by AD 2020-17-02)

Engines – Fuel system

Operation of the GEnx-1B series engines with fuel containing Kathon FP 1.5 biocide is prohibited.

Figure 2 to paragraph (h) – *AFM revision of Certificate Limitations section for Model 747-8 and -8F Airplanes*

(Required by AD 2020-17-02)

Engines – Fuel system

Operation of the GEnx-2B series engines with fuel containing Kathon FP 1.5 biocide is prohibited.

(i) Fueling Placard Installation

Concurrently with accomplishing the actions required by paragraph (h) of this AD, or within 30 days after the issuance of an original standard airworthiness certificate or original export certificate of airworthiness, whichever occurs later: Install a placard with letters having a minimum height of 0.20 inch on white or light gray background containing the text ''DO NOT OPERATE ENGINE WITH KATHON™ FP 1.5 BIOCIDE FUEL ADDITIVE'' on the interior area of the refuel access panel in a location that allows refueling personnel full view of the placard text when the access door is open.

(j) Special Flight Permit

Special flight permits, as described in 14 CFR 21.197 and 21.199, are not allowed until the applicable actions required by paragraph (g) of this AD have been accomplished.

(k) Alternative Methods of Compliance (AMOCs)

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

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

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

(l) Related Information

For more information about this AD, contact Tak Kobayashi, Aerospace Engineer, Propulsion Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3553; email: *takahisa.kobayashi@faa.gov.*

(m) Material Incorporated by Reference

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

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

(i) Boeing Multi-Operator Message MOM–MOM–20–0577–01B, dated July 13, 2020.

(ii) Boeing Multi-Operator Message MOM–MOM–20–0578–01B, dated July 14, 2020.

(3) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.*

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

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

Issued on August 6, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–18491 Filed 8–24–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0682; Product Identifier 2020–NM–090–AD; Amendment 39–21202; AD 2020–16–18]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Airbus SAS Model A310 series airplanes. This AD was prompted by reports of cracking found at certain fuselage frames. This AD requires repetitive inspections for discrepancies of certain locations in and around the fuselage and applicable corrective actions, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD becomes effective September 9, 2020.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of September 9, 2020.

The FAA must receive comments on this AD by October 9, 2020.

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

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

For material incorporated by reference (IBR) in this AD, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this IBR material on the EASA website at *https://ad.easa.europa.eu.* You may view this IBR material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket on

the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0682.

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–2020–0682; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

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

SUPPLEMENTARY INFORMATION:

Discussion

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020–0112R1, dated May 27, 2020 (''EASA AD 2020–0112R1'') (also referred to as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus SAS Model A310–203, –204, –221, –222, –304, –322, –324, and –325 airplanes.

This AD was a prompted by reports of cracking found at certain fuselage frames. The FAA is issuing this AD to address crack initiation and propagation, which could result in reduced structural integrity of the fuselage. See the MCAI for additional background information.

Related IBR Material Under 1 CFR Part 51

EASA AD 2020–0112R1 describes procedures for repetitive rototest and high frequency eddy current inspections for discrepancies of the fuselage internal structure from frame (FR) 2 to FR 4, windshield frame lower section and closing panel; repetitive low frequency eddy current inspections for discrepancies of the stringer couplings in circumferential junction areas at FR40/41, from stringer 13 to the crown center line internal surface; and applicable corrective actions (repair of discrepancies). This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

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

Requirements of This AD

This AD requires accomplishing the actions specified in EASA AD 2020–0112R1 described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA initially worked with Airbus and EASA to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has since coordinated with other manufacturers and civil aviation authorities (CAAs) to use this process. As a result, EASA AD 2020–0112R1 is incorporated by reference in this final rule. This AD, therefore, requires compliance with EASA AD EASA AD 2020–0112R1 in its entirety, through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD. Using common terms that are the same as the heading of a particular section in the EASA AD does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in the EASA AD. Service information specified in EASA AD EASA AD 2020–0112R1 that is required for compliance with EASA AD 2020–0112R1 is available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0682.

FAA's Justification and Determination of the Effective Date

There are currently no domestic operators of these products. Therefore, the FAA finds that notice and opportunity for prior public comment are unnecessary and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and the FAA did not precede it by notice and opportunity for public comment. The FAA invites you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2020–0682; Product Identifier 2020–NM–090–AD'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this AD based on those comments.

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

Confidential Business Information

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

which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Regulatory Flexibility Act (RFA)

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

Costs of Compliance

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

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product
90 work-hours × $85 per hour = $7,650	$0	$7,650

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

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

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

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

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2020–16–18 Airbus SAS: Amendment 39–21202; Docket No. FAA–2020–0682; Product Identifier 2020–NM–090–AD.

(a) Effective Date

This AD becomes effective September 9, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus SAS Model A310–203, –204, –221, –222, –304, –322, –324, and –325 airplanes, certificated in any category.

(d) Subject

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

(e) Reason

This AD was prompted by reports of cracking found at certain fuselage frames. The FAA is issuing this AD to address crack initiation and propagation, which could result in reduced structural integrity of the fuselage.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2020–0112R1, dated May 27, 2020 (''EASA AD 2020–0112R1'').

(h) Exceptions to EASA AD 2020–0112R1

(1) Where EASA AD 2020–0112R1 refers to its effective date, this AD requires using the effective date of this AD.

(2) The ''Remarks'' section of EASA AD 2020–0112R1 does not apply to this AD.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(3) *Required for Compliance (RC)*: For any service information referenced in EASA AD 2020–0112R1 that contains RC procedures and tests: Except as required by paragraph (i)(2) of this AD, RC procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or

changes to procedures or tests identified as RC require approval of an AMOC.

(j) Related Information

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

(k) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2020–0112R1, dated May 27, 2020.

(ii) [Reserved]

(3) For information about EASA AD 2020–0112R1, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* Internet *www.easa.europa.eu.* You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.*

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0682.

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

Issued on July 30, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–18539 Filed 8–24–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0688; Project Identifier MCAI–2020–00901–T; Amendment 39–21206; AD 2020–17–01]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Airbus SAS Model A319–115 and –153N; A320–214, –216, –232, –251N, –252N, –271N, and –273N; and A321–211, –231, –251N, –253N, –271N, –272N, –251NX, –252NX, –253NX, and –271NX airplanes. This AD was prompted by reports of fuel leaks at the interface of the low pressure shut off valves on the pylon areas of engines 1 and 2 due to improperly installed parts during production. This AD requires a one-time detailed inspection of each low pressure shut off valve on the pylon areas of engines 1 and 2 for correct installation, and replacing the O-rings and torqueing the mounting bolts within specified values as applicable, as specified in a European Union Aviation Safety Agency (EASA) AD 2020–0148, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD becomes effective September 9, 2020.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of September 9, 2020.

The FAA must receive comments on this AD by October 9, 2020.

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

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

For EASA material incorporated by reference (IBR) in this AD, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this IBR material on the EASA website at *https://ad.easa.europa.eu.* You may view this IBR material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0688.

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–2020–0688; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Sanjay Ralhan, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3223; email *Sanjay.Ralhan@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020–0148, dated July 6, 2020 (''EASA AD 2020–0148'') (also referred to as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus SAS Model A319–115 and –153N; A320–214, –216, –232, –251N, –252N, –271N, and –273N; and A321–211, –231, –251N, –253N, –271N, –272N, –251NX, –252NX, –253NX, and –271NX airplanes.

This AD was prompted by reports of fuel leaks at the interface of the low pressure shut off valves on the pylon areas of engines 1 and 2 due to improperly installed parts during production. The FAA is issuing this AD to address incorrect installation of the low pressure shut off valves, which could result in fuel spillage in the flammable zone. This condition, if not corrected, could result in an uncontrollable fire in an engine pylon. See the MCAI for additional background information.

Related IBR Material Under 1 CFR Part 51

EASA AD 2020–0148 describes procedures for a one-time detailed inspection of each low pressure shut off valve on the pylon areas of engines 1 and 2 for correct installation, and replacing the O-rings and torqueing the mounting bolts within specified values as applicable. This material is

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

FAA's Determination

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

Requirements of This AD

This AD requires accomplishing the actions specified in EASA AD 2020–0148 described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA initially worked with Airbus and EASA to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has since coordinated with other manufacturers and civil aviation authorities (CAAs) to use this process. As a result, EASA AD 2020–0148 is incorporated by reference in this final rule. This AD, therefore, requires compliance with EASA AD 2020–0148 in its entirety, through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD. Using common terms that are the same as the heading of a particular section in the EASA AD does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in the EASA AD. Service information specified in EASA AD 2020–0148 that is required for compliance with EASA AD 2020–0148 is available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0688.

FAA's Justification and Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because incorrect installation of the low pressure shut off valves on the pylon areas of engines 1 and 2 could result in fuel spillage in the flammable zone. This condition, if not corrected, could result in an uncontrollable fire in an engine pylon. 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 the FAA did not precede it by notice and opportunity for public comment. The FAA invites you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2020–0688; Project Identifier MCAI–2020–00901–T'' at the beginning of your comments. The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of this AD. The FAA will consider all comments received by the closing date and may amend this AD based on those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this 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 Sanjay Ralhan, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3223; email *Sanjay.Ralhan@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

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

ESTIMATED COSTS FOR REQUIRED ACTIONS *

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
3 work-hours × $85 per hour = $255	$ *	$255 *	$47,940 *

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2020–17–01 Airbus SAS: Amendment 39–21206; Docket No. FAA–2020–0688; Project Identifier MCAI–2020–00901–T.

(a) Effective Date

This AD becomes effective September 15, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the Airbus SAS airplanes specified in paragraphs (c)(1) through (3) of this AD, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2020–0148, dated July 6, 2020 (''EASA AD 2020–0148'').

(1) Model A319–115 and –153N airplanes.

(2) Model A320–214, –216, –232, –251N, –252N, –271N, and –273N airplanes.

(3) Model A321–211, –231, –251N, –253N, –271N, –272N, –251NX, –252NX, –253NX, and –271NX airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 28, Fuel.

(e) Reason

This AD was prompted by reports of fuel leaks at the interface of the low pressure shut off valves on the pylon areas of engines 1 and 2 due to improperly installed parts during production. The FAA is issuing this AD to address incorrect installation of the low pressure shut off valves, which could result in fuel spillage in the flammable zone. This condition, if not corrected, could result in an uncontrollable fire in an engine pylon.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2020–0148.

(h) Exceptions to EASA AD 2020–0148

(1) Where EASA AD 2020–0148 refers to its effective date, this AD requires using the effective date of this AD.

(2) The ''Remarks'' section of EASA AD 2020–0148 does not apply to this AD.

(3) Where EASA AD 2020–0148 specifies to comply with ''the instructions of the AOT,'' this AD requires compliance with the procedures marked as ''RC'' (required for compliance) in the Alert Operators Transmission (AOT); except, where paragraph (1) of EASA AD 2020–0148 specifies accomplishing a detailed inspection ''in accordance with the instructions of the AOT,'' this AD requires accomplishing a detailed inspection ''in accordance with the instructions in steps 2 through 4 of the AOT.''

(i) No Reporting

Although the service information specified in EASA AD 2020–0148 includes reporting certain information to the manufacturer as an ''RC'' (required for compliance) step, this AD does not include that requirement.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(3) *Required for Compliance (RC):* Except as required by paragraphs (h)(3) and (j)(2) of this AD, for service information that contains steps that are labeled as ''RC'' (required for compliance), the provisions of paragraphs (j)(3)(i) and (ii) of this AD apply.

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

(ii) Steps not referenced in EASA AD 2020–0148 that contains RC procedures and tests: RC procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(k) Related Information

For more information about this AD, contact Sanjay Ralhan, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3223; email *Sanjay.Ralhan@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2020–0148, dated July 6, 2020.

(ii) [Reserved]

(3) For information about EASA AD 2020–0148, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.*

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0688.

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

Issued on August 5, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–18489 Filed 8–24–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0615; Product Identifier 2018–CE–053–AD; Amendment 39–21214; AD 2020–17–09]

RIN 2120–AA64

Airworthiness Directives; GA8 Airvan (Pty) Ltd Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for GA8 Airvan (Pty) Ltd Models GA8 and GA8–TC320 airplanes. This AD results from mandatory continuing airworthiness information (MCAI) issued by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as a design change to the fuselage strut pick up ribs No. 5 and 6 that requires a reduced life limit. The FAA is issuing this AD to require actions to address the unsafe condition on these products.

DATES: This AD is effective September 29, 2020.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of September 29, 2020.

ADDRESSES: For service information identified in this AD, contact GA8 Airvan (Pty) Ltd, c/o GippsAero Pty Ltd, Attn: Technical Services, P.O. Box 881, Morwell Victoria 3840, Australia; telephone: + 61 03 5172 1200; fax: +61 03 5172 1201; email: *aircraft.techpubs@mahindraaerospace.com.* You may view this referenced service information at the FAA Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. It is also available on the internet at *https://www.regulations.gov* by searching for Docket No. FAA–2019–0615.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0615; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the notice of proposed rulemaking (NPRM), the regulatory evaluation, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Doug Rudolph, Aerospace Engineer, FAA, General Aviation & Rotorcraft Section, International Validation Branch, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; fax: (816) 329–4090; email: *doug.rudolph@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued an NPRM to amend 14 CFR part 39 by adding an AD that would apply to GA8 Airvan (Pty) Ltd Models GA8 and GA8–TC320 airplanes. The NPRM published in the **Federal Register** on August 12, 2019 (84 FR 39782). The NPRM proposed to correct an unsafe condition for the specified products and was based on MCAI originated by an aviation authority of another country. The Civil Aviation Safety Authority (CASA), which is the aviation authority for Australia, issued AD No. AD/GA8/10, dated October 17, 2018 (referred to after this as ''the MCAI''), which states:

> Airworthiness Limitations are promulgated in the GippsAero Service Manual [Airworthiness Limitations Section] ALS Chapter 4 Airworthiness Limitations. The change to the Airworthiness Limitations by GippsAero on 15 May 2018 was the result of the manufacturer changing the design of the fuselage strut pick up ribs no. 5 and 6. The revised rib designs have a different life limitation to the earlier rib designs. These Airworthiness Limitations are approved by CASA and non-compliance with these limitations could result in an unsafe condition developing. The Service Manual Chapter 4 Airworthiness Limitations dated 15 May 2018 are mandatory in Australia however foreign National Aviation Authorities may not automatically require revision of service manuals without the issue of this AD.

While the U.S. type certificate holder is GA8 Airvan C/O GippsAero, service manuals for the GA8 and GA8–TC320 model airplanes are issued by GippsAero.

The MCAI can be found in the AD docket on the internet at: *https://www.regulations.gov/document?D=FAA-2019-0615-0002.*

Comments

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

Conclusion

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

Related Service Information Under 1 CFR Part 51

GippsAero has issued GippsAero, Model GA8, GA8 Airplane Service Manual, C01–00–04, Chapter 4, Airworthiness Limitations, dated May 14, 2018; and GippsAero Model GA8–TC 320, GA8–TC 320 Airplane Service Manual, C01–00–06, Chapter 4, Airworthiness Limitations, dated May 14, 2018. For the applicable airplane model indicated on the documents, these revised airworthiness limitations establish life limits for certain fuselage strut pick up ribs No. 5 and 6. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD will affect 30 products of U.S. registry. The FAA also estimates that it will take

about 1 work-hour per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour.

Based on these figures, the FAA estimates the cost of this AD on U.S. operators to be $2,550, or $85 per product.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this AD:

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2020–17–09 GA 8 Airvan (Pty) Ltd: Amendment 39–21214; Docket No. FAA–2019–0615; Product Identifier 2018–CE–053–AD.

(a) Effective Date

This airworthiness directive (AD) becomes effective September 29, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies to GA8 Airvan (Pty) Ltd Model GA8 and Model GA8–TC320 airplanes, all serial numbers, certificated in any category.

(d) Subject

Air Transport Association of America (ATA) Code 5: Time Limits.

(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) issued by the aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as a change to the airworthiness limitations because of a design change by the manufacturer to the fuselage strut pick up ribs No. 5 and 6. The FAA is issuing this AD to require a revision of the airplane service manuals and incorporate new airworthiness limitations.

(f) Actions and Compliance

Unless already done, before further flight, comply with the actions in paragraphs (f)(1) through (3) of this AD.

(1) Remove and replace Chapter 4, Airworthiness Limitations, in your airplane existing service manual with GippsAero Model GA8, GA8 Airplane Service Manual, C01–00–04, Chapter 4, Airworthiness Limitations, dated May 14, 2018, or GippsAero Model GA8–TC 320, GA8–TC 320 Airplane Service Manual, C01–00–06, Chapter 4, Airworthiness Limitations, dated May 14, 2018, as applicable to your model airplane.

(2) Remove from service each part listed in Chapter 4, Airworthiness Limitations, in your airplane service manual that has reached or exceeded its new life limit.

(3) Except as provided in paragraph (g)(1) of this AD, no alternative life limits may be approved for the parts listed in GippsAero Model GA8, GA8 Airplane Service Manual, C01–00–04, Chapter 4, Airworthiness Limitations, dated May 14, 2018, or GippsAero Model GA8–TC 320, GA8–TC 320 Airplane Service Manual, C01–00–06, Chapter 4, Airworthiness Limitations, dated May 14, 2018.

(g) Alternative Methods of Compliance (AMOCs)

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

(h) Related Information

Refer to MCAI issued by the Civil Aviation Safety Authority for the Commonwealth of Australia AD No. AD/GA8/10, dated October 17, 2018, for related information. The MCAI can be found in the AD docket on the internet at: *https://www.regulations.gov/document?D=FAA-2019-0615-0002.*

(i) Material Incorporated by Reference

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

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

(i) GippsAero Model GA8, GA8 Airplane Service Manual, C01–00–04, Chapter 4, Airworthiness Limitations, dated May 14, 2018.

(ii) GippsAero Model GA8–TC 320, GA8–TC 320 Airplane Service Manual, C01–00–06, Chapter 4, Airworthiness Limitations, dated May 14, 2018.

(3) For service information identified in this AD, contact GA8 Airvan (Pty) Ltd, c/o GippsAero Pty Ltd, Attn: Technical Services, P.O. Box 881, Morwell Victoria 3840, Australia; telephone: + 61 03 5172 1200; fax: +61 03 5172 1201; email: *aircraft.techpubs@mahindraaerospace.com.*

(4) You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. In addition, you can access this service information on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0615.

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

Issued on August 18, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–18492 Filed 8–24–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0107; Product Identifier 2019–NM–205–AD; Amendment 39–21209; AD 2020–17–04]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2019–03–06, which applied to certain The Boeing Company Model 737–300, –400, and –500 series airplanes. AD 2019–03–06 required installing lanyard assemblies on the passenger service units (PSUs) and, for certain airplanes, on the life vest panels. This AD was prompted by a report indicating that the PSUs became separated from their attachments during several survivable accident sequences, and by the determination that additional actions are necessary for five airplanes. This AD retains the requirements of AD 2019–03–06 and also requires installation of lanyard assemblies on the life vest panels on those five airplanes. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective September 29, 2020.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of September 29, 2020.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of March 29, 2019 (84 FR 5587, February 22, 2019).

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0107.

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–2020–0107; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Scott Craig, Aerospace Engineer, Cabin Safety and Environmental Systems Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3566; email: *Michael.S.Craig@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2019–03–06, Amendment 39–19558 (84 FR 5587, February 22, 2019) (''AD 2019–03–06''). AD 2019–03–06 applied to certain The Boeing Company Model 737–300, –400, and –500 series airplanes. The NPRM published in the **Federal Register** on March 9, 2020 (85 FR 13581). The NPRM was prompted by a report indicating that the PSUs became separated from their attachments during several survivable accident sequences, and by the determination that additional actions are necessary for five airplanes. The NPRM proposed to retain the requirement to install lanyard assemblies on PSUs and, for certain airplanes, on the life vest panels. The NPRM further proposed to require installing lanyard assemblies on the life vest panels for those five airplanes on which installation was not originally required. The FAA is issuing this AD to address the potential for the PSUs to detach and fall into the cabin, which could lead to passenger injuries and impede egress during an evacuation.

Comments

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

Support for the NPRM

Two anonymous commenters supported the NPRM.

Request Regarding Jurisdiction for Added Airplanes

Another anonymous commenter supported the NPRM and requested information about the five airplanes for which the additional work would be required by the proposed AD. The commenter asked where those airplanes are registered and how they pertain to the jurisdiction of the FAA.

The FAA has jurisdiction over airplanes identified in the applicability of this AD regardless of where they are registered. The United States is the state of design for the affected Boeing airplanes, and the FAA is taking action to resolve the unsafe condition that could exist or develop on the identified airplanes. The FAA has not changed the final rule regarding this issue.

Request To Clarify Credit Provisions

Boeing requested that the FAA revise paragraph (i) of the proposed AD, which would provide credit for use of Boeing Service Bulletin 737–25–1728, dated October 10, 2016, to do the actions specified in paragraph (g)(1) of the proposed AD. (Boeing Service Bulletin 737–25–1728, Revision 1, dated November 26, 2019, was issued when it was discovered that five airplanes had been inadvertently excluded from the requirement to install lanyards on the life vest panels. Revision 1 moved those five airplanes from Group 1 to form new Group 3, and added the lanyard installation procedures for Group 3.) Boeing asserted that the proposed credit language would provide credit for all requirements for a Group 3 airplane, although the work performed would not fully mitigate the unsafe condition because the life vest panels would not include lanyards.

The FAA agrees that clarification is necessary. Boeing Service Bulletin 737–25–1728, dated October 10, 2016, while not requiring the lanyard installation on life vest panels for Group 3 airplanes, did provide the lanyard installation procedures for other airplanes. Therefore, credit may be allowed for a Group 3 airplane if lanyards were installed on the life vest panels using that service bulletin. To emphasize that the lanyard installation is mandatory for Group 3 airplanes, the FAA has clarified the provisions of paragraph (i) of this AD to state that the lanyard installation is required, regardless of the service bulletin revision level used.

Effect of Winglets on Accomplishment of the Proposed Actions

Aviation Partners Boeing stated that the installation of winglets per Supplemental Type Certificate (STC) ST01219SE does not affect the accomplishment of the manufacturer's service instructions.

The FAA agrees that STC ST01219SE does not affect the accomplishment of the manufacturer's service instructions. Therefore, the installation of STC ST01219SE does not affect the ability to accomplish the actions required by this AD. The FAA has not changed this AD in this regard.

Conclusion

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

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

The FAA also determined that these changes will not increase the economic burden on any operator or increase the scope of this AD.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Boeing Special Attention Service Bulletin 737–25–1728, Revision 1, dated November 26, 2019. The service information describes procedures for installing lanyard assemblies on the PSUs and life vest panels, as applicable to the airplane group.

This AD also requires Boeing Requirements Bulletin 737–25–1758 RB, dated November 8, 2017, which the Director of the Federal Register approved for incorporation by reference as of March 29, 2019 (84 FR 5587, February 22, 2019).

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

Costs of Compliance

The FAA estimates that this AD affects 221 airplanes of U.S. registry. The new actions in this AD apply to only 5 airplanes, none of which is registered in the U.S. 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
Lanyard assembly installation	Up to 124 work-hours × $85 per hour = Up to $10,540.	Up to $11,000	Up to $21,540	Up to $4,760,340.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive AD 2019–03–06, Amendment 39–19558 (84 FR 5587, February 22, 2019), and adding the following new AD:

2020–17–04 The Boeing Company: Amendment 39–21209; Docket No. FAA–2020–0107; Product Identifier 2019–NM–205–AD.

(a) Effective Date

This AD is effective September 29, 2020.

(b) Affected ADs

This AD replaces AD 2019–03–06, Amendment 39–19558 (84 FR 5587, February 22, 2019) (''AD 2019–03–06'').

(c) Applicability

This AD applies to The Boeing Company Model 737–300, –400, and –500 series airplanes, certificated in any category, as identified in the service information specified in paragraphs (c)(1) and (2) of this AD.

(1) Boeing Special Attention Service Bulletin 737–25–1728, Revision 1, dated November 26, 2019.

(2) Boeing Requirements Bulletin 737–25–1758 RB, dated November 8, 2017.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a report indicating that the passenger service units (PSUs) became separated from their attachments during several survivable accident sequences, and by the determination that additional actions are necessary for five airplanes. The FAA is issuing this AD to address the potential for the PSUs to detach and fall into the cabin, which could lead to

passenger injuries and impede egress during an evacuation.

(f) Compliance

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

(g) Required Actions

(1) For airplanes identified in Boeing Special Attention Service Bulletin 737–25–1728, Revision 1, dated November 26, 2019: At the applicable times specified in paragraph 1.E., ''Compliance,'' of Boeing Special Attention Service Bulletin 737–25–1728, Revision 1, dated November 26, 2019, do all applicable actions identified as ''RC'' (required for compliance) in, and in accordance with, the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737–25–1728, Revision 1, dated November 26, 2019.

(2) For airplanes identified in Boeing Requirements Bulletin 737–25–1758 RB, dated November 8, 2017: Except as required by paragraph (h) of this AD, at the applicable times specified in the ''Compliance'' paragraph of Boeing Requirements Bulletin 737–25–1758 RB, dated November 8, 2017, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Requirements Bulletin 737–25–1758 RB, dated November 8, 2017.

Note 1 to paragraph (g)(2): Guidance for accomplishing the actions required by paragraph (g)(2) of this AD can be found in Boeing Service Bulletin 737–25–1758, dated November 8, 2017, which is referred to in Boeing Requirements Bulletin 737–25–1758 RB, dated November 8, 2017.

(h) Exception to Service Information Specifications

Where Boeing Requirements Bulletin 737–25–1758 RB, dated November 8, 2017, uses the phrase ''the original issue date of the Requirements Bulletin (RB),'' this AD requires using March 29, 2019 (the effective date of AD 2019–03–06).

(i) Credit for Previous Actions

(1) For airplanes identified as Group 3 in Boeing Service Bulletin 737–25–1728, Revision 1, dated November 26, 2019: This paragraph provides credit for the actions specified in paragraph (g)(1) of this AD, provided those actions were performed before the effective date of this AD using Boeing Service Bulletin 737–25–1728, dated October 10, 2016, and provided lanyards are installed on the life vest panels, using either Boeing Service Bulletin 737–25–1728, dated October 10, 2016; or Revision 1, dated November 26, 2019.

(2) For airplanes not identified in paragraph (i)(1) of this AD: This paragraph provides credit for the actions specified in paragraph (g)(1) of this AD, if those actions were performed before the effective date of this AD using Boeing Service Bulletin 737–25–1728, dated October 10, 2016.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (k)(1) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

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

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

(4) For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (j)(4)(i) and (ii) of this AD apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. If a step or substep is labeled ''RC Exempt,'' then the RC requirement is removed from that step or substep. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

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

(k) Related Information

(1) For more information about this AD, contact Scott Craig, Aerospace Engineer, Cabin Safety and Environmental Systems Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3566; email: *Michael.S.Craig@faa.gov.*

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (l)(5) and (6) of this AD.

(l) Material Incorporated by Reference

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

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

(3) The following service information was approved for IBR on September 29, 2020.

(i) Boeing Special Attention Service Bulletin 737–25–1728, Revision 1, dated November 26, 2019.

(ii) [Reserved]

(4) The following service information was approved for IBR on March 29, 2019 (84 FR 5587, February 22, 2019).

(i) Boeing Requirements Bulletin 737–25–1758 RB, dated November 8, 2017.

(ii) [Reserved]

(5) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.*

(6) 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.

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

Issued on August 6, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–18540 Filed 8–24–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0350; Airspace Docket No. 18–AAL–2]

RIN 2120–AA66

Amendment of Class E Airspace; Kotzebue, AK; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: The Federal Aviation Administration (FAA) is correcting a final rule that appeared in the **Federal Register** on July 23, 2020. The rule modified Class E airspace designated as a surface area. The rule also modified Class E airspace extending upward from 700 feet above the surface and Class E airspace extending upward from 1,200 feet above the surface at Ralph Wien Memorial Airport. The final rule inadvertently included spelling errors within the airport's name in several sections of the Final Rule. This action corrects the spelling errors throughout the final rule document.

DATES: Effective 0901 UTC, November 5, 2020. The Director of the Federal Register approves this incorporation by

reference action under Title 1 Code of Federal Regulations part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Matthew Van Der Wal, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198; telephone (206) 231–3695.

SUPPLEMENTARY INFORMATION:

History

The FAA published a final rule in the **Federal Register** (85 FR 44467; July 23, 2020) for Docket FAA–2020–0350 amending Class E airspace designated as a surface area. Class E airspace extending upward from 700 feet above the surface and Class E airspace extending upward from 1,200 feet above the surface. Subsequent to publication, the FAA identified the spelling errors within the airport's name throughout the document. This action corrects spelling errors.

Class E2, and E5 airspace designations are published in paragraph 6002, and 6005, respectively, of FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, Amendment of the Class E Airspace; Kotzebue, AK, published in the **Federal Register** of July 23, 2020 (85 FR 44467), FR Doc. 2020–15930, is corrected as follows:

§ 71.1 [Corrected]

■ 1. On page 44467, in the third column, in the Summary section, in the first paragraph, the airport name is corrected from Ralph Wein Memorial airport to Ralph Wien Memorial Airport.

§ 71.1 [Corrected]

■ 2. On page 44468, in the first column, in the Authority for This Rulemaking section, the airport name is corrected from Ralph Wein Memorial airport to Ralph Wien Memorial Airport.

§ 71.1 [Corrected]

■ 3. On page 44468, in the first column, in the History section, in the first paragraph, the airport name is corrected from Ralph Wein Memorial airport to Ralph Wien Memorial Airport.

§ 71.1 [Corrected]

■ 4. On page 44468, in the second column, in The Rule section, in the first paragraph, the airport name is corrected from Ralph Wein Memorial airport to Ralph Wien Memorial Airport.

§ 71.1 [Corrected]

■ 5. On page 44468, in the second column, in The Rule section, in the second paragraph, the airport name is corrected from Ralph Wein Memorial airport to Ralph Wien Memorial Airport.

Issued in Seattle, Washington, on August 19, 2020.

B. G. Chew,

Acting Group Manager, Western Service Center, Operations Support Group.

[FR Doc. 2020–18538 Filed 8–24–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 9

[Docket No. TTB–2019–0007; T.D. TTB–1611; Ref: Notice No. 185]

RIN 1513–AC51

Establishment of the Alisos Canyon Viticultural Area

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Final rule; Treasury decision.

SUMMARY: The Alcohol and Tobacco Tax and Trade Bureau (TTB) establishes the approximately 5,774-acre ''Alisos Canyon'' viticultural area in Santa Barbara County, California. The Alisos Canyon viticultural area is located entirely within the existing Central Coast viticultural area. TTB designates viticultural areas to allow vintners to better describe the origin of their wines and to allow consumers to better identify wines they may purchase.

DATES: This final rule is effective September 24, 2020.

FOR FURTHER INFORMATION CONTACT: Karen A. Thornton, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005; phone 202–453–1039, ext. 2175.

SUPPLEMENTARY INFORMATION:

Background on Viticultural Areas

TTB Authority

Section 105(e) of the Federal Alcohol Administration Act (FAA Act), 27 U.S.C. 205(e), authorizes the Secretary of the Treasury to prescribe regulations for the labeling of wine, distilled spirits, and malt beverages. The FAA Act provides that these regulations should, among other things, prohibit consumer deception and the use of misleading statements on labels and ensure that labels provide the consumer with adequate information as to the identity and quality of the product. The Alcohol and Tobacco Tax and Trade Bureau (TTB) administers the FAA Act pursuant to section 1111(d) of the Homeland Security Act of 2002, codified at 6 U.S.C. 531(d). The Secretary has delegated the functions and duties in the administration and enforcement of these provisions to the TTB Administrator through Treasury Order 120–01, dated December 10, 2013 (superseding Treasury Order 120–01, dated January 24, 2003).

Part 4 of the TTB regulations (27 CFR part 4) authorizes TTB to establish definitive viticultural areas and regulate the use of their names as appellations of origin on wine labels and in wine advertisements. Part 9 of the TTB regulations (27 CFR part 9) sets forth standards for the preparation and submission to TTB of petitions for the establishment or modification of American viticultural areas (AVAs) and lists the approved AVAs.

Definition

Section 4.25(e)(1)(i) of the TTB regulations (27 CFR 4.25(e)(1)(i)) defines a viticultural area for American wine as a delimited grape-growing region having distinguishing features, as described in part 9 of the regulations, and a name and a delineated boundary, as established in part 9 of the regulations. These designations allow vintners and consumers to attribute a given quality, reputation, or other characteristic of a wine made from grapes grown in an area to the wine's geographic origin. The establishment of AVAs allows vintners to describe more accurately the origin of their wines to consumers and helps consumers to identify wines they may purchase. Establishment of an AVA is neither an approval nor an endorsement by TTB of the wine produced in that area.

Requirements

Section 4.25(e)(2) of the TTB regulations (27 CFR 4.25(e)(2)) outlines the procedure for proposing an AVA and provides that any interested party may petition TTB to establish a grape-growing region as an AVA. Section 9.12 of the TTB regulations (27 CFR 9.12) prescribes standards for petitions for the establishment or modification of AVAs. Petitions to establish an AVA must include the following:

• Evidence that the area within the proposed AVA boundary is nationally

or locally known by the AVA name specified in the petition;

- An explanation of the basis for defining the boundary of the proposed AVA;
- A narrative description of the features of the proposed AVA affecting viticulture, such as climate, geology, soils, physical features, and elevation, that make the proposed AVA distinctive and distinguish it from adjacent areas outside the proposed AVA;
- The appropriate United States Geological Survey (USGS) map(s) showing the location of the proposed AVA, with the boundary of the proposed AVA clearly drawn thereon;
- If the proposed AVA is to be established within, or overlapping, an existing AVA, an explanation that both identifies the attributes of the proposed AVA that are consistent with the existing AVA and explains how the proposed AVA is sufficiently distinct from the existing AVA and therefore appropriate for separate recognition; and
- A detailed narrative description of the proposed AVA boundary based on USGS map markings.

Alisos Canyon Petition

TTB received a petition from Wesley D. Hagen, on behalf of local vineyard owners and winemakers, proposing the establishment of the ''Alisos Canyon'' AVA in Santa Barbara County, California. The proposed Alisos Canyon AVA lies entirely within the established Central Coast AVA (27 CFR 9.75).

Within the 5,774-acre proposed AVA, there are currently 9 producing commercial vineyards, which cover a total of approximately 238 acres. There is also one winery within the proposed AVA. According to the petition, the distinguishing features of the proposed Alisos Canyon AVA include its climate and soils. The petition also listed topography and geology as distinguishing features. However, based on the petition's descriptions, topography and geology appear to be too integral to the region's climate and soils, respectively, to be considered separately from those features. Therefore, TTB does not consider topography and geology to be separate distinguishing features of the proposed AVA.

The climate of the proposed Alisos Canyon AVA is affected by cool marine air which travels into the proposed AVA via the drainage system of San Antonio Creek. The proposed AVA is located approximately 25 miles from the Pacific Ocean and is situated in a transitional region, between the cooler coastal regions and the warmer inland areas. Growing degree day accumulations [1] within the proposed Alisos Canyon AVA are higher than those of the regions to the northwest and southwest, which are closer to the ocean, and lower than those in the more inland regions to the south and east. The region due north of the proposed AVA also has higher growing degree day accumulations due to its location east of ridges and hills which trap warm air and block cool marine air from entering the region. According to the petition, the proposed AVA's location is a ''Goldilocks Rhone Zone,'' meaning that temperatures are neither too hot nor too cold for growing Rhone wine varietals such as Syrah, which is the most common varietal grown in the proposed AVA.

Soils within the proposed Alisos Canyon AVA are primarily derived from sandstone and shale. The most common soils are the Paso Robles Formation and Careaga Sandstone, which comprise 63 percent and 13 percent of the total soils, respectively. High calcium content from shale pebbles increases the thickness of the skins of red varietal wine grapes, which in turn increases the color and tannin levels in the resulting wine. High sand content provides excellent drainage for vineyards, thus reducing the risks from certain pests such as nematodes and phylloxera. The low clay content of Careaga Sandstone soils reduces the uptake of nutrients and reduces the vigor of the vines, resulting in smaller grapes with a higher skin-to-juice ratio than grapes of the same varietal grown in different soils with higher clay content.

To the north of the proposed AVA, within the Santa Maria Valley, the soils have sandier top soils. South of the proposed Alisos Canyon AVA, the soils are characterized by Metz fine sandy loam. To the east of the proposed AVA, the soils are primarily derived from serpentine and chert. To the west of the proposed AVA, the soils are described as deep, sandy soils of the Shedd, Chamise, and Point Sal Formation series.

Notice of Proposed Rulemaking and Comments Received

TTB published Notice No. 185 in the **Federal Register** on October 15, 2019 (84 FR 55082), proposing to establish the Alisos Canyon AVA. In the notice, TTB summarized the evidence from the petition regarding the name, boundary, and distinguishing features for the proposed AVA. The notice also compared the distinguishing features of the proposed AVA to the surrounding areas. For a detailed description of the evidence relating to the name, boundary, and distinguishing features of the proposed AVA, and for a detailed comparison of the distinguishing features of the proposed AVA to the surrounding areas, see Notice No. 185.

In Notice No. 185, TTB solicited comments on the accuracy of the name, boundary, and other required information submitted in support of the petition. In addition, given the proposed Alisos Canyon AVA's location within the Central Coast AVA, TTB solicited comments on whether the evidence submitted in the petition regarding the distinguishing features of the proposed AVA sufficiently differentiates it from the established AVA. TTB also requested comments on whether the geographic features of the proposed AVA are so distinguishable from the established AVA that the proposed AVA should no longer be part of the established AVA. The comment period closed December 16, 2019.

In response to Notice No. 185, TTB received a total of 18 comments. Commenters included the co-authors of the petition, local wine industry members, and members of the public who did not state an affiliation. All of the comments support the establishment of the proposed Alisos Canyon AVA, with most comments being an expression of general support. A few comments expressed agreement with the petition's description of the proposed AVA's soils and microclimate. None of the comments mentioned the proposed AVA's location within the established Central Coast AVA.

TTB Determination

After careful review of the petition and the comments received in response to Notice No. 185, TTB finds that the evidence provided by the petitioner supports the establishment of the Alisos Canyon AVA. Accordingly, under the authority of the FAA Act, section 1111(d) of the Homeland Security Act of 2002, and parts 4 and 9 of the TTB regulations, TTB establishes the ''Alisos Canyon'' AVA in Santa Barbara County, California, effective 30 days from the publication date of this document.

TTB has also determined that the Alisos Canyon AVA will remain part of the established Central Coast AVA. As discussed in Notice No. 185, the Alisos Canyon AVA shares some broad characteristics with the established

[1] See Albert J. Winkler et al., *General Viticulture* (Berkeley: University of California Press, 2nd ed. 1974), pages 61–64. In the Winkler climate classification system, annual heat accumulation during the growing season, measured in annual growing degree days (GDDs), defines climatic regions. One GDD accumulates for each degree Fahrenheit that a day's mean temperature is above 50 degrees, the minimum temperature required for grapevine growth.

AVA. For example, the proposed AVA has a marine-influenced climate that moderates growing season temperatures. A marine-influenced climate is also the basic viticultural feature of the Central Coast AVA. However, due to its smaller size, the Alisos Canyon AVA experiences a much smaller range of growing degree day accumulations within its proposed boundaries than the diverse, multicounty Central Coast AVA. It also has fewer soil types than the Central Coast AVA.

Boundary Description

See the narrative description of the boundary of the Alisos Canyon AVA in the regulatory text published at the end of this final rule.

Maps

The petitioners provided the required maps, and they are listed below in the regulatory text. The Alisos Canyon AVA boundary may also be viewed on the AVA Map Explorer on the TTB website, at *https://www.ttb.gov/wine/ava-map-explorer.*

Impact on Current Wine Labels

Part 4 of the TTB regulations prohibits any label reference on a wine that indicates or implies an origin other than the wine's true place of origin. For a wine to be labeled with an AVA name or with a brand name that includes an AVA name, at least 85 percent of the wine must be derived from grapes grown within the area represented by that name, and the wine must meet the other conditions listed in 27 CFR 4.25(e)(3). If the wine is not eligible for labeling with an AVA name and that name appears in the brand name, then the label is not in compliance and the bottler must change the brand name and obtain approval of a new label. Similarly, if the AVA name appears in another reference on the label in a misleading manner, the bottler would have to obtain approval of a new label. Different rules apply if a wine has a brand name containing an AVA name that was used as a brand name on a label approved before July 7, 1986. See 27 CFR 4.39(i)(2) for details.

With the establishment of the Alisos Canyon AVA, its name, ''Alisos Canyon,'' will be recognized as a name of viticultural significance under § 4.39(i)(3) of the TTB regulations (27 CFR 4.39(i)(3)). The text of the regulations clarifies this point. Consequently, wine bottlers using the name ''Alisos Canyon'' in a brand name, including a trademark, or in another label reference as to the origin of the wine, will have to ensure that the product is eligible to use the AVA name as an appellation of origin.

The establishment of the Alisos Canyon AVA will not affect the existing Central Coast AVA, and any bottlers using ''Central Coast'' as an appellation of origin or in a brand name for wines made from grapes grown within the Central Coast AVA will not be affected by the establishment of this new AVA. The establishment of the Alisos Canyon AVA will allow vintners to use ''Alisos Canyon'' and ''Central Coast'' as appellations of origin for wines made primarily from grapes grown within the Alisos Canyon AVA if the wines meet the eligibility requirements for the appellation.

Regulatory Flexibility Act

TTB certifies that this regulation will not have a significant economic impact on a substantial number of small entities. The regulation imposes no new reporting, recordkeeping, or other administrative requirement. Any benefit derived from the use of an AVA name would be the result of a proprietor's efforts and consumer acceptance of wines from that area. Therefore, no regulatory flexibility analysis is required.

Executive Order 12866

It has been determined that this final rule is not a significant regulatory action as defined by Executive Order 12866 of September 30, 1993. Therefore, no regulatory assessment is required.

Drafting Information

Karen A. Thornton of the Regulations and Rulings Division drafted this final rule.

List of Subjects in 27 CFR Part 9

Wine.

The Regulatory Amendment

For the reasons discussed in the preamble, TTB amends title 27, chapter I, part 9, Code of Federal Regulations, as follows:

PART 9—AMERICAN VITICULTURAL AREAS

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

Authority: 27 U.S.C. 205.

Subpart C—Approved American Viticultural Areas

■ 2. Subpart C is amended by adding § 9.270 to read as follows:

§ 9.270 Alisos Canyon.

(a) *Name.* The name of the viticultural area described in this section is ''Alisos Canyon''. For purposes of part 4 of this chapter, ''Alisos Canyon'' is a term of viticultural significance.

(b) *Approved maps.* The two United States Geological Survey (USGS) 1:24,000 scale topographic maps used to determine the boundary of the Alisos Canyon viticultural area are titled:

(1) Foxen Canyon, CA, 1995; and

(2) Zaca Creek, Calif., 1959.

(c) *Boundary.* The Alisos Canyon viticultural area is located in Santa Barbara County, California. The boundary of the Alisos Canyon viticultural area is as described below:

(1) The beginning point is on the Foxen Canyon map at an unnamed hilltop with a marked elevation of 1,137 feet, located west of the Cañada de los Coches in the La Laguna Grant. From the beginning point, proceed east in a straight line for 3.71 miles to the intersection of two unnamed, unimproved roads north of Rancho San Juan; then

(2) Proceed east-southeast in a straight line for approximately 1.2 miles to an unnamed hilltop with a marked elevation of 1,424 feet in the La Laguna Grant; then

(3) Proceed southwest in a straight line for approximately 1.7 miles, crossing onto the Zaca Creek map, to a point designated ''Oil,'' adjacent to the north fork of San Antonio Creek and the intersection of three unnamed light-duty roads in the Cañada del Comasa, La Laguna Grant; then

(4) Proceed west-southwest in a straight line for approximately 1.56 miles to the intersection of the north fork of San Antonio Creek and the 800-foot elevation contour in the Cañada del Comasa, La Laguna Grant; then

(5) Proceed west in a straight line 1.95 miles to an unnamed rectangular structure northeast of the terminus of an unnamed, unimproved road north of U.S. Highway 101 and BM 684 in the La Laguna Grant; then

(6) Proceed northwesterly in a straight line 0.32 mile to the intersection of Alisos Canyon Road and an unnamed, unimproved road east of the Cañada de los Coches in the La Laguna Grant; then

(7) Proceed north-northwest in a straight line for 1.68 miles, crossing onto the Foxen Canyon map, to an unnamed hilltop with a marked elevation of 997 feet in the La Laguna Grant; then

(8) Proceed northeast in a straight line for 0.5 mile to return to the beginning point.

Signed: April 15, 2020.

Mary G. Ryan,

Acting Administrator.

Approved: July 28, 2020.

Timothy E. Skud,

Deputy Assistant Secretary, (Tax, Trade, and Tariff Policy).

[FR Doc. 2020–16933 Filed 8–24–20; 8:45 am]

BILLING CODE 4810–31–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 9 and 721

[EPA–HQ–OPPT–2017–0575; FRL–10012–90]

RIN 2070–AB27

Revocation of Significant New Use Rule for a Certain Chemical Substance (P–16–581)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is revoking the significant new use rule (SNUR) issued under the Toxic Substances Control Act (TSCA) for the chemical substance identified generically as alpha 1-, 3-polysaccharide, which was the subject of premanufacture notice (PMN) P–16–581. EPA issued a SNUR based on this PMN which designated certain activities as significant new uses. EPA is revoking the SNUR based on new test data for the chemical substance.

DATES: This rule is effective September 24, 2020. For purposes of judicial review, this rule shall be promulgated at 1 p.m. (EST) on September 8, 2020.

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

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

To determine whether you or your business may be affected by this action, you should carefully examine the applicability provisions in § 721.5. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

This action may also affect certain entities through pre-existing import certification and export notification rules under TSCA. Chemical importers are subject to the TSCA section 13 (15 U.S.C. 2612) import certification requirements promulgated at 19 CFR 12.118 through 12.127 and 19 CFR 127.28. Chemical importers must certify that the shipment of the chemical substance complies with all applicable rules and orders under TSCA. The EPA policy in support of import certification appears at 40 CFR part 707, subpart B. In addition, persons who export or intend to export the chemical that is the subject of this revocation will no longer be subject to the TSCA section 12(b)(15 U.S.C. 2611(b)) export notification requirements at 40 CFR part 707 that are currently triggered by the SNUR that is being revoked.

B. How can I access the docket?

The docket includes information considered by the Agency in developing the proposed and final rules. The docket for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2019–0595, is available at *http://www.regulations.gov* or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Please review the visitor instructions and additional information about the docket that is available at *http://www.epa.gov/dockets.*

II. Background

A. What action is the Agency taking?

In the April 5, 2019 **Federal Register** (84 FR 13531) (FRL–9991–19), EPA promulgated a SNUR at 40 CFR 721.11193 for the chemical substance identified generically as alpha 1-, 3-polysaccharide (P–16–581). The SNUR designated certain activities as significant new uses. After that date, EPA received new data on the biosolubility of the chemical substance. Based on its review of these data, EPA proposed a revocation of the SNUR in the April 1, 2020 **Federal Register** (85 FR 18179) (FRL–10005–89). In Unit II.A. of the proposed revocation, EPA provides a description of the chemical substance and the results of the submitted biosolubility data, which were the basis for revoking the SNUR pursuant to 40 CFR 721.185. These new data and EPA's analysis are available in the docket EPA–HQ–OPPT–2017–0575.

EPA has determined that the criteria set forth in 40 CFR 721.185(a)(1) have been satisfied for the chemical substance. Therefore, EPA is revoking the SNUR for this chemical substance. The significant new use notification and the recordkeeping requirements at 40 CFR 721.11193 will terminate upon the effective date of this revocation. In addition, export notification under TSCA section 12(b) and 40 CFR part 707, subpart D, triggered by the SNUR will no longer be required.

In addition, EPA is making a corresponding change to 40 CFR part 9 to remove the entry from the table that appears in 40 CFR 9.1. Under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to a collection of information that requires OMB approval under PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register**, are listed in 40 CFR part 9, and included on the related collection instrument or form, if applicable. This listing of the OMB control numbers and their subsequent codification in the CFR satisfies the display requirements of PRA and OMB's implementing regulations at 5 CFR part 1320. When promulgated, the SNUR was added to the table in 40 CFR part 9, and it is now being removed to reflect the revocation of the SNUR. EPA finds that further notice and comment to amend the table in 40 CFR 9.1 is unnecessary. As a result, EPA finds that there is ''good cause'' under section 553(b)(3)(B) of the Administrative

Procedure Act (5 U.S.C. 553(b)(3)(B)) to amend this table without further notice and comment.

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

Under 40 CFR 721.185, EPA may at any time revoke a SNUR for a chemical substance which has been added to subpart E of 40 CFR part 721 if EPA makes one of the determinations set forth in 40 CFR 721.185(a)(1) through (6). Revocation may occur on EPA's initiative or in response to a written request. Under 40 CFR 721.185(b)(3), if EPA concludes that a SNUR should be revoked, the Agency will propose the changes in the **Federal Register**, briefly describe the grounds for the action, and provide interested parties an opportunity to comment.

III. Public Comments on Proposed Rule and EPA Responses

EPA received comments from two identifying entities on the proposed rule revocation (85 FR 18179, April 1, 2020) (FRL–10005–89) that were supportive of the action as proposed, and one anonymous public comment on the proposed rule that was general in nature and did not pertain to the proposed rule revocation. Therefore, no response is required, and EPA made no changes to the proposed action based on these comments.

IV. Statutory and Executive Order Reviews

This rule revokes or eliminates an existing regulatory requirement and does not contain any new or amended requirements. As such, the Agency has determined that this revocation would not have any adverse impacts, economic or otherwise.

The Office of Management and Budget (OMB) has exempted these types of regulatory actions from review under Executive Order 12866 entitled, *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This rule does not contain any information collections subject to approval under the PRA, (44 U.S.C. 3501 *et seq.*). Since this rule eliminates a reporting requirement, the Agency certifies pursuant to section 605(b) of the Regulatory Flexibility Act (RFA) (5 U.S.C.601 *et seq.*), that this SNUR revocation would not have a significant economic impact on a substantial number of small entities.

For the same reasons, this action does not require any action under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*). This rule has neither Federalism implications, because it would not have substantial direct effects on States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 entitled, *Federalism* (64 FR 43255, August 10, 1999), nor Tribal implications, because it would not have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes, as specified in Executive Order 13175 entitled, *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 9, 2000).

This action is not subject to Executive Order 13045 entitled, *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997), because this is not an economically significant regulatory action as defined under Executive Order 12866, and it does not address environmental health or safety risks disproportionately affecting children. Likewise, this action is not subject to Executive Order 1311 entitled, *Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001), because this action is not expected to affect energy supply, distribution, or use. Because this action does not involve any technical standards, section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) does not apply to this action. This action does not involve special considerations of environmental justice related issues as required by Executive Order 12898 entitled, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994).

V. Congressional Review Act (CRA)

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

List of Subjects

40 CFR Part 9

Environmental protection, Reporting and recordkeeping requirements.

40 CFR Part 721

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

Dated: July 31, 2020.

Tala Henry,

Deputy Director, Office of Pollution Prevention and Toxics.

Therefore, for the reasons stated in the preamble, EPA amends 40 CFR chapter I as follows:

PART 9—[AMENDED]

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

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

§ 9.1 [Amended]

■ 2. In § 9.1, remove the entry for § 721.11193 under the undesignated center heading ''Significant New Uses of Chemical Substances.''

PART 721—[AMENDED]

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

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

§ 721.11193 [Removed]

■ 2. Remove § 721.11193.

[FR Doc. 2020–17202 Filed 8–24–20; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No.: 200818–0220]

RIN 0648–BJ91

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Southern Red Hake Accountability Measure

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

ACTION: Final rule.

SUMMARY: This action reduces the in-season possession limit adjustment trigger for southern red hake due to an annual catch limit overage in fishing year 2018. Reduction of the trigger is a non-discretionary action intended to minimize the potential for catch overages in the future. This action also reduces the in-season possession limit because the trigger implemented with this action has been reached. The intent of this action is to inform the public of the possession limit trigger reduction and reduction in possession limit.

DATES: Effective August 25, 2020.

FOR FURTHER INFORMATION CONTACT: Shannah Jaburek, Fishery Management Specialist, phone (978) 282–8456, or *shannah.jaburek@noaa.gov*.

SUPPLEMENTARY INFORMATION:

Background

This action reduces the in-season possession limit adjustment trigger for southern red hake, effective upon publication in the **Federal Register**, as described in the Northeast Multispecies Fishery Management Plan (FMP). The accountability measures for the small-mesh multispecies fishery require the reduction of the possession limit adjustment trigger when the fishery exceeds a stock's annual catch limit (ACL), as occurred with southern red hake in 2018.

The small-mesh multispecies fishery is managed as a component of the FMP, using a series of exemptions from the minimum mesh size requirements of the groundfish fishery. There are three hake species managed as five stocks under these regulations: Northern and southern silver hake; northern and southern red hake, and offshore hake. The northern stock areas generally encompass the Gulf of Maine and Georges Bank, and the southern stock areas are in the southern New England and Mid-Atlantic regions. Silver hake, also known as ''whiting,'' is generally the primary target species of the fishery. Red hake are caught concurrently with whiting and in other small-mesh fisheries targeting squid and are typically sold as bait.

Under the current regulations, if the small-mesh multispecies fishery exceeds its ACL for a stock in a given fishing year, the accountability measures require us to reduce the in-season possession limit adjustment trigger (currently 90 percent for southern red hake) in a subsequent fishing year. The reduction is one-to-one; therefore, the possession limit trigger is reduced by 1 percent for each percentage point by which the ACL was exceeded. During each fishing year, when we project that the landings have reached the trigger percentage of the total allowable level of landings (TAL), we reduce the possession limit for that stock to an incidental level for the remainder of the fishing year. Such accountability measure actions are taken under the authority of the FMP and the Magnuson-Stevens Fishery Conservation and Management Act.

In fishing year 2018, the southern red hake ACL was 1,007 metric tons (mt). Southern red hake commercial catch, including landings and discards, was 1,507 mt, exceeding the ACL by 500 mt, or 49.6 percent. As a result, this action reduces the possession limit trigger from the 90 percent to 40.4 percent of the TAL for fishing year 2020. The fishing year 2020 southern red hake TAL is 305 mt; therefore, the incidental limit takes effect when the fleet lands approximately 123.2 mt. Review of catch reports as of July 31, 2020, indicate that the new in-season possession limit trigger, effective with this rule, has been reached (*i.e.,* 135 mt of southern red hake have been harvested). As a result, the possession limit for southern red hake is hereby reduced from 5,000 lb (2,268 kg) to the incidental possession limit of 400 lb (181.4 kg) for the remainder of the year. The revised possession limit trigger will remain in effect until the New England Fishery Management Council (Council) changes it through specifications or a framework action. This action does not alter the possession limit triggers for any of the other small-mesh multispecies stocks because catch of those stocks did not exceed the respective ACLs in 2018. At its June meeting, the Council took final action on alternatives to rebuild the overfished southern red hake stock. These alternatives include a reduced harvest level for a 10-year rebuilding period and tiered possession limits based on fishing gear. Separate rulemaking will be conducted to implement the southern red hake rebuilding measures.

Classification

NMFS is issuing this rule pursuant to 305(d) of the Magnuson-Stevens Act. The reason for using this regulatory authority is the Secretary has the general responsibility for carrying out the provisions of the FMP. The NMFS Assistant Administrator has determined that this final rule is consistent with the Northeast Multispecies FMP and other applicable law.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and opportunity for additional public comment for the modifications to the southern red hake possession limit trigger because it would be impracticable and contrary to the public interest. The final rule for Amendment 19 to the Northeast Multispecies FMP, which set the specifications and accountability measures for the small-mesh multispecies fishery, already considered comment on these measures with the understanding that the possession limit trigger would be adjusted when the ACL is exceeded. This action modifies the regulations regarding the accountability measures as intended by the Council and as required in the regulations. Adjustment of the possession limit trigger is a non-discretionary, formulaic action required by the provisions of Amendment 19 to the FMP. Because the ACL was exceeded in 2018, the 90-percent trigger for southern red hake is reduced by this rule to 40.4 percent (123.2 mt). As of July 31, 2020, the fleet has landed approximately 135 mt, exceeding the new trigger limit put in place by this action. If the new trigger is not effective upon publication for the 2020 fishing year which started on May 1, 2020, the fishery will continue to exceed the catch limits because fishery participants would not be aware of the new reduced trigger level. This could result in adverse impacts to fishery resources and curtailed fishing opportunities leading to unnecessary adverse economic impacts for fishery participants. For the reasons stated above, there is also good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effectiveness of these accountability measures.

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

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

Because prior notice and opportunity for public comment are not required for this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* are inapplicable.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: August 18, 2020.

Samuel D. Rauch III,

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

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

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

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

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

■ 2. In § 648.90, revise paragraph (b)(5)(iii) to read as follows:

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

* * * * *

(b) * * *

(5) * * *

(iii) *Small-mesh multispecies in-season adjustment triggers.* The small-mesh multispecies in-season accountability measure adjustment triggers are as follows:

Species	In-season adjustment trigger (percent)
Northern Red Hake	37.9
Northern Silver Hake	90
Southern Red Hake	40.4
Southern Silver Hake	90

* * * * *

[FR Doc. 2020–18396 Filed 8–24–20; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 85, No. 165
Tuesday, August 25, 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 AGRICULTURE

Agricultural Marketing Service

7 CFR Part 984

[Docket No. AMS–SC–20–0053; SC20–984–1 PR]

Walnuts Grown in California; Changes to Reporting Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would implement a recommendation from the California Walnut Board (Board) to change the reporting requirements prescribed under the Federal marketing order regulating the handling of walnuts grown in California. This action would require California walnut handlers to report purchase commitments (walnuts sold but not yet shipped) with domestic and foreign buyers on a monthly basis. This action should provide more accurate information about supply and demand to industry, which would also enhance marketing efforts.

DATES: Comments must be received by September 24, 2020.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent to the Docket Clerk, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938; or internet: *https://www.regulations.gov.* All comments should reference the document number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *https://www.regulations.gov.* All comments submitted in response to this proposal will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting the comments will be made public on the internet at the address provided above.

FOR FURTHER INFORMATION CONTACT: Pushpinder Kumar, Marketing Specialist, or Terry Vawter, Regional Director, Marketing Order and Agreement Division, California Marketing Field Office, Specialty Crops Program, AMS, USDA; Telephone: (559) 487–5903, Fax: (559) 487–5906; or Email: *Pushpinder.Kumar@usda.gov* or *Terry.Vawter@usda.gov.*

Small businesses may request information on complying with this regulation by contacting Richard Lower, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Richard.Lower@usda.gov.*

SUPPLEMENTARY INFORMATION: This action, pursuant to 5 U.S.C. 553, proposes an amendment to regulations issued to carry out a marketing order as defined in 7 CFR 900.2(j). This proposed rule is issued under Marketing Order No. 984, as amended (7 CFR part 984), regulating the handling of walnuts grown in California. Part 984 (referred to as the ''Order'') is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act''.

The Board locally administers the Order and is comprised of growers and handlers of walnuts operating within California, and a public member.

The Department of Agriculture (USDA) is issuing this proposed rule in conformance with Executive Orders 13563 and 13175. This action falls within a category of regulatory actions that the Office of Management and Budget (OMB) exempted from Executive Order 12866 review. Additionally, because this proposed rule does not meet the definition of a significant regulatory action, it does not trigger the requirements contained in Executive Order 13771. See OMB's Memorandum titled ''Interim Guidance Implementing Section 2 of the Executive order of January 30, 2017, titled 'Reducing Regulation and Controlling Regulatory Costs''' (February 2, 2017).

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. This proposed rule is not intended to have retroactive effect.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This proposed rule would revise reporting requirements under the Order by authorizing the Board to collect reports from handlers about monthly purchase commitments with domestic and foreign buyers. The Board believes that the collection of this information will enable the industry to have more accurate and timely data regarding the industry's monthly supply and demand. Such information is expected to enhance overall marketing efforts.

The Marketing Order Revision Committee (MORC) met to discuss the proposal in a public meeting via teleconference on April 2, 2020. The MORC recommended the change in reporting requirements to enable the industry to have more complete information on purchase commitments. The Board unanimously recommended this action at a public meeting held on May 7, 2020, where stakeholders were encouraged to express their views and provide input.

Section 984.71 authorizes the Board to require handlers to report inventory of inshell and shelled walnuts as specified by the Board.

Section 984.72 authorizes the Board to require that handlers who handle merchantable walnuts, inshell or shelled, at any time during the marketing year shall submit reports showing the quantity handled and other pertinent information, as specified by the Board.

Section 984.73 authorizes the Board, with the approval of the Secretary, to require handlers to report walnut

receipts from growers, handlers or others in a form and on designated times.

Section 984.76 authorizes the Board, with the approval of the Secretary, to request handlers to furnish other reports and information as needed to enable the Board to perform its duties under the Order.

Sections 984.471, 984.472, and 984.473 provide the rules and regulations related to reports of inventory, merchantable walnuts shipped, and walnuts received from growers, respectively.

Currently, reports of shipments and receipts are filed by handlers on CWB Form No. 6 no later than the 5th day of month following such shipments or receipts. This report also includes the quantity shipped to domestic and foreign buyers for shelled and inshell walnuts, including information about the quantity of walnuts exported by country of destination. Under this proposed rule, handlers would report purchase commitments of walnuts, not yet shipped, made with domestic and foreign buyers. The proposed change and information about each handler's shipments and receipts, is expected to provide more timely information about supply and demand for walnuts, and enhance marketing and promotion efforts.

The Board proposes to add a new paragraph (c) to section 984.472, which would require handlers to submit reports on the purchase commitments with buyers that are not yet shipped. The title of Section 984.472 would also be amended to read ''Reports of merchantable walnuts shipped, received, and committed.''

Initial Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 90 handlers subject to regulation under the Order and approximately 4,400 walnut growers in the production area. The Small Business Administration (SBA) defines small agricultural service firms as those having annual receipts of less than $30,000,000, and small agricultural producers as those having annual receipts of less than $1,000,000 (13 CFR 121.201).

According to the California Walnut Board, there are approximately 4,400 producers and 90 handlers in the production area. The Board also reported that approximately 82 percent of California's walnut handlers shipped merchantable walnuts valued under $30 million during the 2018–2019 marketing year and would therefore be considered small handlers according to the SBA definition.

Data from the 2017 Agricultural Census, published by USDA's National Agricultural Statistics Service (NASS), show that 86 percent of California farms growing walnuts had walnut sales of less than $1 million. In an alternative computation using NASS data, the 3-year average crop value (2016/17 to 2018/19) was $1.24 billion. Average bearing acres over that same 3-year period were 333,000. Dividing crop value by acres yields a revenue per acre estimate of $3,733. Using these numbers, it would take approximately 268 acres ($1,000,000 / $3,733) to yield $1 million in annual walnut sales. The 2017 Agricultural Census data show that 80 percent of walnut farms in 2017 were below 260 acres. By either measure, the NASS data demonstrate that well over three-fourths of California walnut farms would be considered small businesses according to the SBA definition.

This proposed rule would revise the title of section 984.472 and add a new paragraph (c) to include the requirement for handlers to report monthly purchase commitments made with domestic and foreign buyers. This action is expected to positively impact the industry by providing more accurate and timely information regarding the industry's monthly supply and demand. Such information is expected to enhance overall marketing efforts.

During the MORC meeting on April 2, 2020, alternatives were discussed including not collecting information about purchase commitments. However, the industry believes that information about walnut supply and demand would prove critical in supporting overall marketing efforts. Timely and accurate information gives the handlers and the Board valuable data, permitting them to focus on their sales efforts. At the May 7, 2020 meeting, the Board discussed the MORC's recommendation and its reasoning. There was agreement about the value of having the commitment information, along with information on shipments and receipts.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Order's information collection requirements have been previously approved by the Office of Management and Budget (OMB) under OMB No. 0581–0178, Vegetable and Specialty Crops. This proposed rule would require changes to the Board's existing CWB Form No. 6 by changing the title and adding the provision to collect information on purchase commitments with domestic and foreign buyers. The revised form has been submitted to OMB for approval.

As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this proposed rule.

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

The Board's meetings were widely publicized throughout the walnut industry and all interested persons were invited to attend the meetings and encouraged to participate in the deliberations on all issues. The MORC's meeting on April 2, 2020, and the Board's meeting on May 7, 2020, were public meetings held via teleconference and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit comments on this proposed rule, including the regulatory and informational impacts of this action on small businesses.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *https://www.ams.usda.gov/rules-regulations/moa/small-businesses.* Any questions about the compliance guide should be sent to Richard Lower at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

A 30-day comment period is provided to allow interested persons to respond to this proposal. All written comments timely received will be considered before a final determination is made on this matter.

List of Subjects in 7 CFR Part 984

Marketing agreements, Reporting and recordkeeping requirements, and Walnuts.

For the reasons set forth in the preamble, 7 CFR part 984 is proposed to be amended as follows:

PART 984—WALNUTS GROWN IN CALIFORNIA

■ 1. The authority citation for 7 CFR part 984 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Amend § 984.472 by revising the heading and adding paragraph (c) to read as follows:

§ 984.472 Reports of merchantable walnuts received, shipped, and committed.

* * * * *

(c) Reports of merchantable walnuts on which handlers have made purchase commitments with buyers during the month, but which have not yet been shipped, shall be submitted to the Board on CWB Form No. 6, not later than the 5th day of the month following the month in which the walnuts were committed. Such reports shall show the quantity of walnuts committed in either inshell or shelled pounds. If the handler made no commitments during any month, he/she shall mark ''None'' in the ''Purchase Commitments'' section of CWB Form 6.

Bruce Summers,

Administrator, Agricultural Marketing Service.

[FR Doc. 2020–17125 Filed 8–24–20; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF ENERGY

10 CFR Part 430

[EERE–2014–BT–STD–0059]

RIN 1904–AD97

Energy Conservation Program: Energy Conservation Standards for Room Air Conditioners

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

ACTION: Reopening of public comment period.

SUMMARY: The U.S. Department of Energy (''DOE'') is reopening the public comment period for the preliminary analysis it has conducted for purposes of evaluating energy conservation standards for room air conditioners (ACs). DOE published the notice of webinar and availability of preliminary technical support document in the **Federal Register** on June 17, 2020, establishing a 60-day public comment period ending August 17, 2020. On August 3, 2020, DOE received a comment requesting extension of the comment period by 14 days. DOE is reopening the public comment period for submitting comments and data on the notice of webinar and availability of preliminary technical support document by 14 days, to September 8, 2020.

DATES: The comment period for the notice of webinar and availability of preliminary technical support document published on June 17, 2020 (85 FR 36512), is reopened. DOE will accept comments, data, and information regarding the notice of webinar and availability of preliminary technical support document received no later than September 8, 2020.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *http://www.regulations.gov.* Follow the instructions for submitting comments. Alternatively, interested persons may submit comments, identified by docket number EERE–2014–BT–STD–0059, by any of the following methods:

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

2. *Email: RoomAC2014STD0059@ee.doe.gov.* Include the docket number EERE–2014–BT–STD–0059 in the subject line of the message.

3. *Postal Mail:* Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 287–1445. If possible, please submit all items on a compact disc (CD), in which case it is not necessary to include printed copies.

4. *Hand Delivery/Courier:* Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, 950 L'Enfant Plaza SW, 6th Floor, Washington, DC 20024. Telephone: (202) 287–1445. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

No telefacsimilies (faxes) will be accepted.

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

The docket web page can be found at *https://www.regulations.gov/docket?D=EERE-2014-BT-STD-0059.* The docket web page contains instructions on how to access all documents, including public comments in the docket. See section IV for information on how to submit comments through *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Bryan Berringer, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–0371. Email: *ApplianceStandardsQuestions@ee.doe.gov.* Ms. Amelia Whiting, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–2588. Email: *Amelia.Whiting@hq.doe.gov.* For further information on how to submit a comment or review other public comments and the docket contact the Appliance and Equipment Standards Program staff at (202) 287–1445 or by email: *ApplianceStandardsQuestions@ee.doe.gov.*

SUPPLEMENTARY INFORMATION: On June 17, 2020, DOE published a notice of webinar and availability of preliminary technical support document in the **Federal Register** soliciting public comment on its energy conservation standards for room ACs. 85 FR 36512. Comments were originally due on August 17, 2020. On August 3, 2020, DOE received a comment from Appliance Standards Awareness Project (ASAP), the Northwest Energy Efficiency Alliance (NEEA), Pacific Gas and Electric Company (PG&E), San Diego Gas and Electric (SDG&E), and Southern California Edison (SCE) to extend by 14 days the DOE comment period for the notice of webinar and availability of preliminary TSD for Room AC Energy Conservation Standards, reopening the comment submission deadline from August 17, 2020, to September 8, 2020.[1] DOE has reviewed the request and considered the benefit to stakeholders in providing additional time to review the notice of webinar and availability of preliminary technical support document, and gather information/data that DOE is seeking. Accordingly, DOE has determined that an extension of the comment period is appropriate, and is hereby reopening the

[1] DOE has posted this comment to the docket at *https://www.regulations.gov/document?D=EERE-2014-BT-STD-0059-0016.*

comment period by 14 days, until September 8, 2020.

Signing Authority

This document of the Department of Energy was signed on August 7, 2020, by Alexander N. Fitzsimmons, Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE **Federal Register** Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on August 11, 2020.

Treena V. Garrett,

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

[FR Doc. 2020–17841 Filed 8–24–20; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0781; Product Identifier 2018–CE–045–AD]

RIN 2120–AA64

Airworthiness Directives; Mitsubishi Heavy Industries, Ltd. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 75–16–20, which applies to all Mitsubishi Model MU–2B, MU–2B–10, MU–2B–15, MU–2B–20, MU–2B–25, MU–2B–26, MU–2B–30, MU–2B–35, and MU–2B–36 airplanes. AD 75–16–20 requires repetitive inspections of the propeller pitch control (PPC) lever for security and proper rigging. Since the FAA issued AD 75–16–20, the FAA received additional reports of the PPC lever linkage disconnecting at the engine. In addition, Mitsubishi has type certificated additional airplanes that are subject to the unsafe condition. This proposed AD would require modification and repetitive inspections of the PPC lever linkage. 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 October 9, 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 Mitsubishi Heavy Industries America, Inc., c/o Turbine Aircraft Services, Inc., 4550 Jimmy Doolittle Drive, Addison, Texas 75001; telephone: (972) 248–3108, ext. 209; fax: (972) 248–3321; internet: *https://mu-2aircraft.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

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–2020–0781; 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: John Turner, Aerospace Engineer, FAA, Fort Worth ACO Branch, 10101 Hillwood Parkway, Fort Worth, Texas 76177; telephone: (817) 222–4508; fax: (817) 222–5245; email: *johh.r.turner@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–2020–0781; Product Identifier 2018–CE–045–AD'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposed AD based on 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 FAA will also post a report summarizing each substantive verbal contact received about this proposed AD.

Confidential Business Information

Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to John Turner, Aerospace Engineer, FAA, Fort Worth ACO Branch, 10101 Hillwood Parkway, Fort Worth, Texas 76177; telephone: (817) 222–4508; fax: (817) 222–5245; email: *johh.r.turner@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Discussion

The FAA issued AD 75–16–20, Amendment 39–2294 (40 FR 31751, July 29, 1975) (''AD 75–16–20''), for all Mitsubishi Heavy Industries, Ltd. (Mitsubishi) Models MU–2B, MU–2B–10, MU–2B–15, MU–2B–20, MU–2B–25, MU–2B–26, MU–2B–30, MU–2B–35, and MU–2B–36 airplanes. AD 75–16–20 requires repetitively inspecting the PPC lever for security and proper rigging. AD 75–16–20 resulted from reports of the PPC lever linkage disconnecting from the engine. The FAA issued AD 75–16–

20 to prevent separation of the PPC lever, which could lead to the inability to control the propeller pitch with the power lever in the cockpit and subsequent loss of control of the engine power settings.

Actions Since AD 75–16–20 Was Issued

Since the FAA issued AD 75–16–20, the FAA received reports of the PPC lever linkage disconnecting at the engine, which resulted in the inability to control the propeller pitch with the power lever in the cockpit. This condition, if uncorrected, could lead to loss of control of the engine power settings. In addition, Mitsubishi developed a secondary retention feature to secure the PPC. To correct this unsafe condition, the Japan Civil Aviation Bureau (JCAB), which is the aviation authority for Japan, issued JCAB AD No. TCD–8678–2016, dated February 5, 2016 (referred to after this as the mandatory continuing airworthiness information or ''the MCAI'') to correct an unsafe condition for certain Mitsubishi Heavy Industries, Ltd. Model MU–2B, MU–2B–15, MU–2B–20, MU–2B–25, MU–2B–26, MU–2B–30, MU–2B–35, and MU–2B–36 airplanes. The MCAI requires replacing the PPC lever bolt with the new bolt.

This proposed AD would require this bolt replacement and would also require installing a secondary retention feature and repetitive inspections of the PPC lever to prevent future reoccurrence.

Also since AD 75–16–20 was issued, Mitsubishi has type certificated Models MU–2B–26A, MU–2B–36A, MU–2B–40, and MU–2B–60 airplanes. These models have the same PPC configuration and are subject to the same unsafe condition. As a result, the proposed AD would add these models to the applicability. 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–2020–0781.

Related Service Information Under 1 CFR Part 51

Mitsubishi has issued MU–2 Service Recommendation No. 049/76–002, dated June 29, 2018, and MU–2 Service Recommendation No. 080, dated June 29, 2018. This service information contains procedures for installing a PPC lever secondary retention feature to secure the PPC lever. These documents are distinct since they apply to different airplane models and configurations.

Mitsubishi has also issued MU–2 Service Bulletin No. 106/76–004, dated February 24, 2016, and MU–2 Service Bulletin No. 244, dated December 25, 2015. This service information contains procedures for replacing the PPC lever clamping bolt. These documents are distinct since they apply to different airplane models and configurations.

Honeywell International Inc. has issued Service Bulletin TPE331–72–2190, Revision 0, dated December 21, 2011. The procedures in this service information include instructions for incorporating a threaded hole in the splined end of the shouldered shaft of the PPC assembly and re-identifying the shouldered shaft part number. The threaded hole is used to accommodate a secondary retention method to secure the PPC lever.

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 our 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 AD Requirements

This proposed AD would retain the repetitive inspection requirements of AD 75–16–20 and would also require installing a secondary retention feature and reporting certain inspection results to the FAA. In addition, this proposed AD would add models to the applicability that were not type certificated when AD 75–16–20 was issued.

Differences Between This Proposed AD and the MCAI

This proposed AD would require an installation of a secondary retention feature in the threaded end of the PPC input shaft, repetitive inspections of the security of the PPC lever, and reporting certain inspection results to the FAA. The MCAI does not include these requirements.

The applicability of the MCAI is limited to certain Mitsubishi airplane models and serial numbers. However, this proposed AD would apply to all Mitsubishi Models MU–2B, MU–2B–10, MU–2B–15, MU–2B–20, MU–2B–25, MU–2B–26, MU–2B–26A, MU–2B–30, MU–2B–35, MU–2B–36, MU–2B–36A, MU–2B–40, and MU–2B–60 airplanes because the type design allows installation of the affected PCC lever linkage on other models.

Costs of Compliance

The FAA estimates that this proposed AD affects 260 airplanes of U.S. registry.

The FAA estimates the following costs to comply with this proposed AD. The average labor rate is $85 per work hour.

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Modification	2 work-hours × $85 per hour = $170	$2	$172	$44,720.
Repetitive inspections	1 work-hour × $85 per hour = $85 per inspection cycle.	0	$85 per inspection cycle	$22,100 per inspection cycle.

The FAA estimates the following costs to do any necessary on-condition actions for the incorporation of the threaded hole and reporting requirement. The FAA has no way of determining the number of aircraft that might need these on-condition actions:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Incorporation of threaded hole	4 work-hours × $85 per hour = $340	$1,000	$1,340
Reporting	1 work-hour × $85 per hour	0	85

If the PPC lever detaches, the necessary corrective actions could vary significantly from airplane to airplane. The FAA has received no definitive data that would enable estimating the cost to install the PPC lever on each airplane or the number of airplanes that may require this action.

Paperwork Reduction Act

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

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:

■ a. Removing Airworthiness Directive (AD) 75–16–20, Amendment 39–2294 (40 FR 31751, July 29, 1975); and

■ b. Adding the following new AD:

Mitsubishi Heavy Industries, Ltd.: Docket No. FAA–2020–0781; Product Identifier 2018–CE–045–AD.

(a) Comments Due Date

The FAA must receive comments by October 9, 2020.

(b) Affected ADs

This AD replaces AD 75–16–20, Amendment 39–2294 (40 FR 31751, July 29, 1975) (''AD 75–16–20'').

(c) Applicability

This AD applies to all Mitsubishi Heavy Industries, Ltd. (Mitsubishi) Models MU–2B, MU–2B–10, MU–2B–15, MU–2B–20, MU–2B–25, MU–2B–26, MU–2B–26A, MU–2B–30, MU–2B–35, MU–2B–36, MU–2B–36A, MU–2B–40, and MU–2B–60 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 61: Propellers.

(e) Reason

This AD was prompted by propeller pitch control (PPC) lever linkages disconnecting at the engine. The FAA is issuing this AD to address the PPC lever linkage from disconnecting at the engine, which could lead to the inability to control the propeller pitch with the power lever in the cockpit and consequent loss of control of the engine power settings.

(f) Compliance

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

(g) Modification

(1) For all airplanes except Model MU–2B and MU–2B–10 airplanes: Within 100 hours time-in-service (TIS) after the effective date of this AD or within 12 months after the effective date of this AD, whichever occurs first, modify the PPC lever linkage as specified in paragraphs (g)(1)(i) through (iii) of this AD, as applicable.

(i) Replace the PPC lever clamping bolt in accordance with the Accomplishment Instructions, section 2, of Mitsubishi MU–2 Service Bulletin No. 106/76–004, dated February 24, 2016, or Mitsubishi MU–2 Service Bulletin No. 244, dated December 25, 2015, as applicable to your model airplane.

(ii) For airplanes without a threaded hole in the splined end of the shouldered shaft of the PPC assembly, incorporate a threaded hole in accordance with the Accomplishment Instructions, paragraph 3.C.(3)(d)*2,* of Honeywell International Inc. Service Bulletin TPE331–72–2190, Revision 0, dated December 21, 2011.

(iii) Install a secondary retention feature in the threaded end of the PPC input shaft in accordance with the Accomplishment Instructions, section 2, of Mitsubishi MU–2 Service Recommendation No. 049/76–002, dated June 29, 2018, or Mitsubishi MU–2 Service Recommendation No. 080, dated June 29, 2018, as applicable to your model airplane.

(2) For Model MU–2B and MU–2B–10 airplanes: Within 100 hours TIS after the effective date of this AD or within 12 months after the effective date of this AD, whichever occurs first, replace the PPC lever clamping bolt and install a secondary retention feature in the threaded end of the PPC input shaft using a method approved by the Manager of the Fort Worth ACO Branch, FAA. The Manager's approval letter must specifically refer to this AD.

(h) Repetitive Inspections and Reporting

Within 100 hours TIS after replacing the bolt and installing a secondary retention feature as required by paragraph (g) of this AD and thereafter at intervals not to exceed 100 hours TIS, inspect the security of the PPC lever by pulling the PPC lever upward by hand to ensure it does not detach from the PPC input shaft. If the PPC lever detaches, do the following.

(1) Before further flight, install the PPC lever using a method approved by the Manager of the Fort Worth ACO Branch, FAA. The Manager's approval letter must specifically refer to this AD.

(2) Within 30 days after the PPC lever detachment or within 30 days after the effective date of this AD, whichever occurs later, report the results of the inspection, including airplane model and serial number, to the FAA representative identified in paragraph (l)(2) of this AD.

(i) Special Flight Permit

(1) Special flight permits may be issued for the purpose of operating the airplane to a location where the requirements of paragraph (g) of this AD can be performed with the following limitations: Flights must not carry passengers, must operate in daytime visual meteorological conditions only, and must not operate in areas of known turbulence.

(2) Special flight permits may be issued for the purpose of operating the airplane to a location where the requirements of paragraph (h) of this AD may be performed without limitations.

(j) Paperwork Reduction Act Burden Statement

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

(k) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Fort Worth 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 Fort Worth ACO Branch, send it to the attention of the person identified in paragraph (l)(2) of this AD.

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

(l) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Japan Civil Aviation Bureau (JCAB) AD No. TCD–8678–2016, dated February 5, 2016, 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–2020–0781.

(2) For more information about this AD, contact John Turner, Aerospace Engineer, FAA, Fort Worth ACO Branch, 10101 Hillwood Parkway, Fort Worth, Texas 76177; telephone: (817) 222–4508; fax: (817) 222–5245; email: *johh.r.turner@faa.gov.*

(3) For service information identified in this AD, contact Mitsubishi Heavy Industries America, Inc., c/o Turbine Aircraft Services, Inc., 4550 Jimmy Doolittle Drive, Addison, Texas 75001; telephone: (972) 248–3108, ext. 209; fax: (972) 248–3321; internet: *https://mu-2aircraft.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Issued on August 19, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–18562 Filed 8–24–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0780; Product Identifier 2020–NM–103–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Airbus SAS Model A350–941 airplanes. This proposed AD was prompted by reports that certain central wing box (CWB) fasteners had rotated inside the fastener holes due to insufficient friction for the application. This proposed AD would require replacement of the affected fasteners, as specified in a European Union Aviation Safety Agency (EASA) AD, which will be incorporated by reference. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by October 9, 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 the material identified in this proposed AD that will be incorporated by reference (IBR), contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this IBR material on the EASA website at *https://ad.easa.europa.eu.* You may view this IBR material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0780.

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–2020–0780; 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: Kathleen Arrigotti, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3218; email *kathleen.arrigotti@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to participate in this rulemaking by submitting written comments, data, or views about this proposal. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit only one time. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2020–0780; Product Identifier 2020–NM–103–AD'' at the beginning of your 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, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments received by the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The FAA may change this NPRM because of those comments.

Confidential Business Information

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

Discussion

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020–0123, dated May 29, 2020 (''EASA AD 2020–0123'') (also referred to as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus SAS Model A350–941 airplanes.

This proposed AD was prompted by reports that certain CWB fasteners had rotated inside the fastener holes due to insufficient friction for the application. The FAA is proposing this AD to address CWB fastener rotation. This condition, if not corrected, could lead to cracking of the fastener head sealant cover, followed by fuel vapor leakage inside the cabin, possibly resulting in injury to airplane occupants. See the MCAI for additional background information.

Related IBR Material Under 1 CFR Part 51

EASA AD 2020–0123 describes procedures for replacement of the affected CWB fasteners with fasteners having improved friction efficiency.

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

FAA's Determination and Requirements of This Proposed AD

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

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in EASA AD 2020–0123 described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA initially worked with Airbus and EASA to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has since coordinated with other manufacturers and civil aviation authorities (CAAs) to use this process. As a result, EASA AD 2020–0123 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2020–0123 in its entirety, through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in the EASA AD does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in the EASA AD. Service information specified in EASA AD 2020–0123 that is required for compliance with EASA AD 2020–0123 will be available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0780 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this proposed AD affects 13 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
307 work-hours × $85 per hour = $26,095	$5,900	$31,995	$415,935

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus SAS: Docket No. FAA–2020–0780; Product Identifier 2020–NM–103–AD.

(a) Comments Due Date

The FAA must receive comments by October 9, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus SAS Model A350–941 airplanes, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2020–0123, dated May 29, 2020 (''EASA AD 2020–0123'')

(d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

(e) Reason

This AD was prompted by reports that certain central wing box (CWB) fasteners had rotated inside the fastener holes due to insufficient friction for the application. The FAA is issuing this AD to address CWB fastener rotation. This condition, if not corrected, could lead to cracking of the fastener head sealant cover, followed by fuel vapor leakage inside the cabin, possibly resulting in injury to airplane occupants.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2020–0123.

(h) Exception to EASA AD 2020–0123

The ''Remarks'' section of EASA AD 2020–0123 does not apply to this AD.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(3) *Required for Compliance (RC):* For any service information referenced in EASA AD 2020–0123 that contains RC procedures and tests: Except as required by paragraph (i)(2) of this AD, RC procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(j) Related Information

(1) For information about EASA AD 2020–0123, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.* You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0780.

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

Issued on August 19, 2020.

Gaetano A. Sciortino,

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

[FR Doc. 2020–18541 Filed 8–24–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0779; Product Identifier 2020–NM–092–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all The Boeing Company Model DC–10–10 and DC–10–10F airplanes, Model DC–10–15 airplanes, Model DC–10–30 and DC–10–30F (KC–10A and KDC–10) airplanes, Model DC–10–40 and DC–10–40F airplanes, Model MD–10–10F and MD–10–30F airplanes, and Model MD–11 and MD–11F airplanes. This proposed AD was prompted by reports of cracked floor beams and floor beam supports in the area of the overwing exit doors located at certain stations (STA). This proposed AD would require an inspection of the overwing floor beams for any repair, repetitive inspections of the overwing floor beams and floor beam supports at certain STA on the left and right sides for any crack, and applicable on-condition actions. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by October 9, 2020.

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

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

For service information identified in this NPRM, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0779.

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–2020–0779; 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: Manuel Hernandez, Aerospace Engineer, Systems and Equipment Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5256; fax: 562–627–5210; email: *Manuel.F.Hernandez@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to participate in this rulemaking by submitting written comments, data, or views about this proposal. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of the comments. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2020–0779; Project Identifier 2020–NM–092–AD'' at the beginning of your 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, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments received by the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The FAA may change this NPRM because of those comments.

Confidential Business Information

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

Discussion

The FAA has received reports indicating that cracked floor beams and floor beam supports have been found in the area of the overwing exit doors located at certain STA locations. Operators have reported fifteen airplanes with cracked floor beams in the area of the overwing exit doors located at STA Y = 1256, 1275, 1293, and 1305. Findings have included single or multiple cracked beams, severed beams, and cracked or failed supports. The earliest a crack was found in a Model DC–10–30 airplane was at 13,500 flight cycles, with the average at 18,300 flight cycles. The earliest a crack was found in a Model DC–10–10 airplane was at 23,500 flight cycles, with the average at 26,750 flight cycles. No cracking has been found on Model MD–11 airplanes to date. This condition, if not addressed, could result in an overwing floor beam crack that could grow in length until the floor beam severs, and, if limit load is applied with two adjacent severed floor beams, could adversely affect the structural integrity of the airplane, which could result in the loss of primary control systems and lead to reduced controllability of the airplane.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Boeing Alert Requirements Bulletin DC10–53A184 RB, dated February 6, 2020; and Boeing Alert Requirements Bulletin MD11–

53A088 RB, dated March 6, 2020. The service information describes procedures for a general visual inspection of the overwing floor beams for any repair; repetitive eddy current high frequency (ETHF) inspections of the overwing floor beams and floor beam supports for cracks, or repetitive ETHF inspections of the overwing floor beams and detailed inspections of the overwing floor beam supports at certain stations on the left and right sides for any crack, depending on configuration; and applicable on-condition actions. On-condition actions include repair. These documents are distinct since they apply to different airplane models.

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

FAA's Determination

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

Proposed AD Requirements

This proposed AD would require accomplishment of the actions identified in Boeing Alert Requirements Bulletin DC10–53A184 RB, dated February 6, 2020; and Boeing Alert Requirements Bulletin MD11–53A088 RB, dated March 6, 2020, described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

For information on the procedures and compliance times, see this service information at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0779.

Explanation of Requirements Bulletin

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

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

Costs of Compliance

The FAA estimates that this proposed AD affects 224 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
General visual inspection.	1 work-hour × $85 per hour = $85	$0	$85	$19,040
ETHF and detailed inspections.	Up to 70 work-hours × $85 per hour = $5,950 per inspection cycle.	0	Up to $5,950 per inspection cycle.	Up to $1,332,800 per inspection cycle

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

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
Up to 375 work-hours × $85 per hour = $31,875	Up to $190,576	Up to $222,451

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2020–0779; Product Identifier 2020–NM–092–AD.

(a) Comments Due Date

The FAA must receive comments by October 9, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company airplanes specified in paragraphs (c)(1) through (6) of this AD, certificated in any category.

(1) Model DC–10–10 and DC–10–10F airplanes.

(2) Model DC–10–15 airplanes.

(3) Model DC–10–30 and DC–10–30F (KC–10A and KDC–10) airplanes.

(4) Model DC–10–40 and DC–10–40F airplanes.

(5) Model MD–10–10F and MD–10–30F airplanes.

(6) Model MD–11 and MD–11F airplanes.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports of cracked floor beams and floor beam supports in the area of the overwing exit doors located at certain stations. The FAA is issuing this AD to address potential undetected overwing floor beam cracks that could grow in length until the floor beam severs, and, if limit load is applied with two adjacent severed floor beams, could adversely affect the structural integrity of the airplane, which could result in the loss of primary control systems and lead to reduced controllability of the airplane.

(f) Compliance

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

(g) Required Actions

Except as specified by paragraph (h) of this AD: At the applicable times specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin DC10–53A184 RB, dated February 6, 2020; or Boeing Alert Requirements Bulletin MD11–53A088 RB, dated March 6, 2020; as applicable, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin DC10–53A184 RB, dated February 6, 2020; or Boeing Alert Requirements Bulletin MD11–53A088 RB, dated March 6, 2020; as applicable.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin DC10–53A184, dated February 6, 2020; or Boeing Alert Service Bulletin MD11–53A088, dated March 6, 2020; as applicable, which are referred to in Boeing Alert Requirements Bulletin DC10–53A184 RB, dated February 6, 2020; and Boeing Alert Requirements Bulletin MD11–53A088 RB, dated March 6, 2020; respectively.

(h) Exceptions to Service Information Specifications

(1) Where Boeing Alert Requirements Bulletin DC10–53A184 RB, dated February 6, 2020, uses the phrase ''the original issue date of Requirements Bulletin DC10–53A184 RB,'' this AD requires using ''the effective date of this AD,'' except where Boeing Alert Requirements Bulletin DC10–53A184 RB, dated February 6, 2020, uses the phrase ''the original issue date of Requirements Bulletin DC10–53A184 RB'' in a note or flag note.

(2) Where Boeing Alert Requirements Bulletin MD11–53A088 RB, dated March 6, 2020, uses the phrase ''the original issue date of Requirements Bulletin MD11–53A088 RB,'' this AD requires using ''the effective date of this AD,'' except where Boeing Alert Requirements Bulletin MD11–53A088 RB, dated March 6, 2020, uses the phrase ''the original issue date of Requirements Bulletin MD11–53A088 RB'' in a note or flag note.

(3) Where Boeing Alert Requirements Bulletin DC10–53A184 RB, dated February 6, 2020, specifies contacting Boeing for repair instructions or for alternative inspections: This AD requires doing the repair, or doing the alternative inspections and applicable on-condition actions before further flight using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

(4) Where Boeing Alert Requirements Bulletin MD11–53A088 RB, dated March 6, 2020, specifies contacting Boeing for repair instructions or for alternative inspections: This AD requires doing the repair, or doing the alternative inspections and applicable on-condition actions before further flight using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

(i) Alternative Methods of Compliance (AMOCs)

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

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

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

(j) Related Information

(1) For more information about this AD, contact Manuel Hernandez, Aerospace Engineer, Systems and Equipment Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5256; fax: 562–627–5210; email: *Manuel.F.Hernandez@faa.gov.*

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued on August 13, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–18487 Filed 8–24–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0759; Airspace Docket No. 20–ACE–20]

RIN 2120–AA66

Proposed Amendment of Class D and Class E Airspace and Establishment of Class E Airspace; Fort Riley and Manhattan, KS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend the Class D and Class E airspace at Marshall AAF, Fort Riley, KS, and Manhattan Regional Airport, Manhattan, KS, and establish Class E airspace extending upward from 700 feet above the surface at Marshall AAF and Freeman Field, Junction City, KS. The FAA is proposing this action as the result of airspace reviews caused by the decommissioning of the Calvary and

McDowell Creek non-directional beacons (NDBs). The names and geographic coordinates of airports and navigational aids would also be updated to coincide with the FAA's aeronautical database.

DATES: Comments must be received on or before October 9, 2020.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–9826, or (800) 647–5527. You must identify FAA Docket No. FAA–2020–0759/Airspace Docket No. 20–ACE–20 at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

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

FOR FURTHER INFORMATION CONTACT: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend the Class D airspace, Class E surface airspace, Class E airspace area designated as an extension to Class D and Class E surface airspace, and Class E airspace extending upward from 700 feet above the surface at Manhattan Regional Airport, Manhattan, KS; amend the Class D and Class E surface airspace at Marshall AAF, Fort Riley, KS; and establish Class E airspace extending upward from 700 feet above the surface at Marshall AAF and Freeman Field, Junction City, KS, to support instrument flight rule operations at these airports.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2020–0759/Airspace Docket No. 20–ACE–20.'' The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

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

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Availability and Summary of Documents for Incorporation by Reference

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

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

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by:

Amending the Class D airspace to within a 3.9-mile radius (increased from a 3.7-mile radius) of Marshall AAF, Fort Riley, KS; adding an extension 1.1 miles each side of the 216° radial from the Fort Riley VOR extending from the 3.9-mile radius to 4.7 miles southwest of the airport; adding an extension 1 mile each side of the 220° bearing from the airport extending from the 3.9-mile radius to 4 miles southwest of the airport; updating the name (previously Marshall Army Airfield) and geographic coordinates of the airport to coincide with the FAA's aeronautical database; removing the cities associated with the airports to comply with changes to FAA Order 7400.2M, Procedures for Handling Airspace Matters; and replacing the outdated term ''Airport/Facility Directory'' with ''Chart Supplement'';

Amending the Class D airspace to within a 4.3-mile radius (increased from a 4.2-mile radius) of Manhattan Regional Airport, Manhattan, KS; removing the Manhattan VOR/DME and McDowell Creek NDB from the airspace legal description as they are not required; updating the name (previously Manhattan Municipal Airport) and geographic coordinates of the airport to coincide with the FAA's aeronautical database; and replacing the outdated

term ''Airport/Facility Directory'' with ''Chart Supplement'';

Amending the Class E surface area to within a 3.9-mile radius (increased from a 3.7-mile radius) of Marshall AAF; removing the current extension from the Fort Riley VOR, as it is no longer required; removing the Calvary NDB and associated extension from the airspace legal description; adding an extension 1.1 miles each side of the 216° radial from the Fort Riley VOR extending from the 3.9-mile radius to 4.7 miles southwest of the airport; adding an extension 1 mile each side of the 220° bearing from the airport extending from the 3.9-mile radius to 4 miles southwest of the airport; updating the name (previously Marshall Army Airfield) and geographic coordinates of the airport to coincide with the FAA's aeronautical database; removing the cities associated with the airports to comply with changes to FAA Order 7400.2M; and replacing the outdated term ''Airport/Facility Directory'' with ''Chart Supplement'';

Amending the Class E surface area to within a 4.3-mile radius (increased from a 4.2-mile radius) of Manhattan Regional Airport; updating the name (previously Manhattan Municipal Airport) and geographic coordinates of the airport to coincide with the FAA's aeronautical database; and adding part-time verbiage to the airspace legal description that was previously omitted;

Amending the Class E airspace area designated as an extension to Class D and Class E surface airspace at Manhattan Regional Airport by removing the McDowell NDB and associated extensions from the airspace legal description; removing the extension to the southeast of the VOR/DME, as it is no longer needed; adding an extension within 1 mile each side of the 040° bearing from the airport extending from the 4.3-mile radius of the airport to 4.4 miles northeast of the airport; adding an extension 1.3 miles each side of the 042° radial from the Manhattan VOR/DME extending from the 4.3-mile radius of the airport to 5.2 miles northeast of the airport; adding an extension 2.4 miles each side of the 211° radial from the Manhattan VOR/DME extending from the 4.3-mile radius of the airport to 7 miles southwest of the Manhattan VOR/DME; adding an extension 1 mile each side of the 220° bearing from the Manhattan Regional: RWY 03–LOC extending from the 4.3-mile radius of the airport to 4.5 miles southwest of the airport; and updating the name (previously Manhattan Municipal Airport) and geographic coordinates of the airport to coincide with the FAA's aeronautical database;

Establishing Class E airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Marshall AAF; within 1.1 miles each side of the 216° radial of the Fort Riley VOR extending from the 6.4-mile radius of Marshall AAF to 6.5 miles southwest of the Marshall AAF; and within a 6.4-mile radius of Freeman Field, Junction City, KS, excluding that airspace within Restricted Areas R–3602A and R–3602B;

And amending the Class E airspace extending upward from 700 feet above the surface within a 6.8-mile radius (increased from a 6.7-mile radius) of Manhattan Regional Airport; removing the McDowell NDB an associated extensions from the airspace legal description; removing the extensions southeast of the VOR/DME, as they are no longer required; removing the HATAN OM and Manhattan Municipal Airport ILS and associated extensions, as they are no longer required; adding an extension 4 miles each side of the 040° bearing from the airport extending from the 6.8-mile radius of the airport to 10.6 miles northeast of the airport; amending the extension northeast of the VOR/DME to within 3.2 miles (decreased from 3.5 miles) each side of the 042° (previously 046°) radial from the Manhattan VOR/DME extending from the 6.8-mile (increased from 6.7-mile) radius of the airport to 7 miles (decreased from 9.5 miles) northeast of the Manhattan VOR/DME (previously VOR/DME); adding an extension 2.4 miles each side of the 211° radial from the Manhattan VOR/DME extending from the 6.8-mile radius of the airport to 7 miles southwest of the Manhattan VOR/DME; and updating the name (previously Manhattan Municipal Airport) and geographic coordinates of the airport to coincide with the FAA's aeronautical database.

This action is due to airspace reviews caused by the decommissioning of the Calvary and McDowell Creek NDBs, which provided navigational information to the instrument procedures at these airports.

Class D and E airspace designations are published in paragraph 5000, 6002, 6004, and 6005, respectively, of FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, which is incorporated by reference in 14 CFR 71.1. The Class D and E airspace designation listed in this document will be published subsequently in the Order.

Regulatory Notices and Analyses

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

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

ACE KS D Fort Riley, KS [Amended]

Marshall AAF, KS
(Lat. 39°03′10″ N, long. 96°45′52″ W)
Freeman Field, KS
(Lat. 39°02′36″ N, long. 96°50′36″ W)
Fort Riley VOR
(Lat. 38°58′13″ N, long. 96°15′40″ W)

That airspace extending upward from the surface to and including 3,600 feet MSL within a 3.9-mile radius of the Marshall AAF, and within 1.1 miles each side of the 216°

radial from the Fort Riley VOR extending from the 3.9-mile radius of Marshall AAF to 4.7 miles southwest of Marshall AAF, and within 1 mile each side of the 220° bearing from Marshall AAF extending from the 3.9 mile radius of Marshall AAF to 4 miles southwest of Marshall AAF excluding that airspace within Restricted Area R–3602B and excluding that airspace within a 1-mile radius of Freeman Field. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

* * * * *

ACE KS D Manhattan, KS [Amended]

Manhattan Regional Airport, KS
(Lat. 39°08′28″ N, long. 96°40′19″ W)

That airspace extending upward from the surface to and including 3,600 feet MSL within a 4.3-mile radius of Manhattan Regional Airport excluding that airspace within the Fort Riley, KS, Class D airspace and Class E surface airspace areas and excluding that airspace within Restricted Area R–3602B. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6002 Class E Airspace Areas Designated as a Surface Area.

* * * * *

ACE KS E2 Fort Riley, KS [Amended]

Marshall AAF, KS
(Lat. 39°03′10″ N, long. 96°45′52″ W)
Freeman Field, KS
(Lat. 39°02′36″ N, long. 96°50′36″ W)
Fort Riley VOR
(Lat. 38°58′13″ N, long. 96°15′40″ W)

That airspace extending upward from the surface within a 3.9-mile radius of the Marshall AAF, and within 1.1 miles each side of the 216° radial from the Fort Riley VOR extending from the 3.9-mile radius of Marshall AAF to 4.7 miles southwest of Marshall AAF, and within 1 mile each side of the 220° bearing from Marshall AAF extending from the 3.9 mile radius of Marshall AAF to 4 miles southwest of Marshall AAF excluding that airspace within Restricted Area R–3602B and excluding that airspace within a 1-mile radius of Freeman Field. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

* * * * *

ACE KS E2 Manhattan, KS [Amended]

Manhattan Regional Airport, KS
(Lat. 39°08′28″ N, long. 96°40′19″ W)

That airspace extending upward from the surface within a 4.3-mile radius of Manhattan Regional Airport excluding that airspace within the Fort Riley, KS, Class D airspace and Class E surface airspace areas and excluding that airspace within Restricted Area R–3602B. This Class E airspace area is effective during the specific dates and times established in advanced by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

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

* * * * *

ACE KS E4 Manhattan, KS [Amended]

Manhattan Regional Airport, KS
(Lat. 39°08′28″ N, long. 96°40′19″ W)
Manhattan VOR/DME
(Lat. 39°08′44″ N, long. 96°40′07″ W)
Manhattan Regional: RWY 03–LOC
(Lat. 39°08′55″ N, long. 96°39′43″ W)

That airspace extending upward from the surface within 1 mile each side of the 040° bearing from the Manhattan Regional Airport extending from the 4.3-mile radius of the airport to 4.4-miles northeast of the airport, and within 1.3 miles each side of the 042° radial from the Manhattan VOR/DME extending from the 4.3-mile radius of the Manhattan Regional Airport to 5.3 miles northeast of the airport; and within 2.4 miles each side of the 211° radial from the Manhattan VOR/DME extending from the 4.3-mile radius of the Manhattan Regional Airport to 7 miles southwest of the Manhattan VOR/DME; and within 1 mile each side of the 220° bearing from the Manhattan Regional: RWY 03–LOC extending from the 4.3-mile radius of the Manhattan Regional Airport to 4.5 miles southwest of the airport excluding that airspace within Restricted Area R–3602B.

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ACE IA E5 Fort Riley, KS [Establish]

Marshall AAF, KS
(Lat. 39°03′10″ N, long. 96°45′52″ W)
Freeman Field, KS
(Lat. 39°02′36″ N, long. 96°50′36″ W)
Fort Riley VOR
(Lat. 38°58′13″ N, long. 96°15′40″ W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Marshall AAF, and within 1.1 miles each side of the 216° radial from the Fort Riley VOR extending from the 6.4-mile radius of the Marshall AAF to 6.5 miles southwest of Marshall AAF, and within A 6.4-mile radius of Freeman Field excluding that airspace within Restricted Areas R–3602A and R–3602B.

* * * * *

ACE KS E5 Manhattan, KS [Amended]

Manhattan Regional Airport, KS
(Lat. 39°08′28″ N, long. 96°40′19″ W)
Manhattan VOR/DME
(Lat. 39°08′44″ N, long. 96°40′07″ W)

That airspace extending upward from 700 feet above the surface within a 6.8-mile radius of the Manhattan Regional Airport, and within 4 miles each side of the 040° bearing from the Manhattan Regional Airport extending from the 6.8-mile radius of the airport to 10.6 miles northeast of the airport, and within 3.2 miles each side of the 042° radial from the Manhattan VOR/DME extending from the 6.8-mile radius of the Manhattan Regional Airport to 7 miles northeast of the Manhattan VOR/DME, and within 2.4 miles each side of the 211° radial from the Manhattan VOR/DME extending from the 6.8-mile radius of the Manhattan Regional Airport to 7 miles southwest of the Manhattan VOR/DME excluding that airspace within Restricted Areas R–3602A and R–3602B.

Issued in Fort Worth, Texas, on August 20, 2020.

Martin A. Skinner,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2020–18601 Filed 8–24–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

29 CFR Part 2550

RIN 1210–ZA29

Hearing on Improving Investment Advice for Workers & Retirees

AGENCY: Employee Benefits Security Administration, Labor.

ACTION: Announcement of hearing.

SUMMARY: Notice is hereby given that the Employee Benefits Security Administration (EBSA) will hold a public hearing to consider issues attendant to adopting a proposed prohibited transaction exemption on Improving Investment Advice for Workers and Retirees. Testimony will be limited to individuals or parties who submitted, in accordance with the instructions included in the proposed prohibited transaction exemption, a comment or hearing request on the proposed exemption before the close of the comment period. Due to the COVID–19 pandemic, the hearing will be held virtually and there will be no in-person testimony.

DATES: The hearing will be held on September 3 and (if necessary) September 4, 2020, beginning at 9 a.m. EDT. Requests to testify at the hearing on the proposed exemption should be submitted to the Department on or before August 28, 2020.

ADDRESSES: Requests to testify, including an outline of the issues you propose to address in your testimony, must be submitted through the *Federal eRulemaking Portal: www.regulations.gov* at Docket ID number: EBSA–2020–0003. Follow instructions for submitting comments.

FOR FURTHER INFORMATION CONTACT: Mark Connor, (202) 693–8337, Employee Benefits Security Administration (EBSA). This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

Instructions for Submitting Requests To Testify

In light of the current circumstances surrounding the COVID–19 pandemic caused by the novel coronavirus which may result in disruption to the receipt of requests to testify by U.S. Mail or hand delivery/courier, persons are encouraged to submit all requests to testify electronically and not to follow with paper copies. Requests to testify, including outlines, will be available for public inspection in the Public Disclosure Room of the Employee Benefits Security Administration, U.S. Department of Labor, Room N–1513, 200 Constitution Avenue NW, Washington, DC 20210; however, the Public Disclosure Room may be closed due to circumstances surrounding the COVID–19 pandemic caused by the novel coronavirus. Requests to testify, including outlines, will also be available online at *www.regulations.gov,* at Docket ID number: EBSA–2020–0003 and *www.dol.gov/agencies/ebsa,* at no charge.

Warning: All submissions received will be included in the public record without change and will be made available online at *www.regulations.gov* and *www.dol.gov/agencies/ebsa,* including any personal information provided, unless the submission includes information claimed to be confidential or other information whose disclosure is restricted by statute. If you submit a request to testify, you should include your name and other contact information, but DO NOT submit information that you consider to be confidential, or otherwise protected (such as Social Security number or an unlisted phone number), or confidential business information that you do not want publicly disclosed. However, if EBSA cannot read your submission due to technical difficulties and cannot contact you for clarification, EBSA might not be able to consider your request. Additionally, the *www.regulations.gov* website is an ''anonymous access'' system, which means EBSA will not know your identity or contact information unless you provide it.

Background

On July 7, 2020, the Department published in the **Federal Register** a proposed prohibited transaction exemption for investment advice fiduciaries that would provide relief that is broader and more flexible than the Department's existing exemptions. The proposed exemption would also provide regulatory certainty and streamline regulatory requirements as investment advice fiduciaries could comply with one exemption for a variety of different types of transactions.

Since publication in the **Federal Register**, there has been considerable interest expressed regarding the proposed prohibited transaction exemption, as well as several public comments requesting a hearing. The Department has decided to hold a public hearing on this proposed prohibited transaction exemption to provide commenters an opportunity to present material factual issues that cannot be fully explored through written submission. The hearing will be held on September 3 and (if necessary) September 4, 2020, beginning each day at 9 a.m. EDT, via WebEx. The hearing will be transcribed. Persons interested in presenting testimony and answering questions at this public hearing must submit, by 11:59 p.m. EDT, August 28, 2020, a written request to testify and an outline of the issues they would like to address at the hearing. Testimony will be limited to individuals or parties who submitted, in accordance with the instructions included with the proposed exemption, a comment or hearing request on the proposed exemption before the close of the comment period.

Outlines should present material factual issues and demonstrate that the proposed testimony is both germane to factual issues needing exploration at the hearing that could not have been submitted in writing, and not duplicative of arguments and factual material previously included in the requestor's comment letter. In addition to the outline, all requests to testify must clearly identify: (1) The name of the person desiring to serve as a witness; (2) the organization or organizations represented, if any; (3) contact information (address, telephone, and email); and (4) the date of the comment letter or hearing request submitted by the person or organization concerning the proposed exemption. Any individuals with disabilities who need special accommodations in order to testify should contact EBSA after submitting their written request concerning the scheduling of their testimony. The hearing will be open for viewing to the general public, and registration information for those who wish to view the hearing will be available at *www.dol.gov/agencies/ebsa.*

Depending upon the number and nature of the requests to testify, and in light of the limited time available for the public hearing, EBSA may need to further limit the number of those testifying in order to provide an opportunity for the presentation of the broadest array of points of view on all aspects of the proposed exemption during the period allotted for the hearing and to curtail testimony that is only cumulative or not germane to the factual issues being explored. The Department expects to organize the hearing into panels of witnesses with several witnesses on each panel. The Department will assign panel slots only to those persons or organizations whose outline indicates that they will present material factual issues that cannot be fully explored through written submission. The Department will not assign panel slots to those persons or organizations whose outlines identify only issues of law. The Department will also give preference, to the extent feasible, to parties with similar interests who select a common representative to testify on their behalf, and to parties who requested a hearing (or to participate in a hearing if held) in their written submissions during the comment period.

EBSA will prepare an agenda indicating the order of presentation of oral testimony. In the absence of special circumstances, each presenter will be allotted a minimum of ten minutes in which to complete his or her presentation. Those individuals who make oral comments and present testimony at the hearing should be prepared to answer clarifying questions, if necessary, regarding their information and comments. Those requesting to testify also should be prepared to participate as part of a panel. Information about the agenda for the hearing and further directions for hearing participants will be posted on *www.regulations.gov* and *www.dol.gov/agencies/ebsa* no later than August 31, 2020.

Notice of Public Hearing

Notice is hereby given that a public hearing will be held on September 3 and (if necessary) September 4, 2020 concerning the proposed prohibited transaction exemption on Improving Investment Advice for Workers and Retirees published in the **Federal Register** on July 7, 2020 (85 FR 40834). The hearing will be held beginning at 9 a.m. EDT and will be held virtually. Registration information for those who wish to view the hearing will be available at *www.dol.gov/agencies/ebsa.*

All requests to testify and outlines of testimony will be available to the public, without charge, online at

www.regulations.gov and *www.dol.gov/agencies/ebsa* or at the Public Disclosure Room, N–1513, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210. Warning: Do not include any personally identifiable information (such as Social Security Number or an unlisted phone number) or confidential business information that you do not want publicly disclosed. All requests to testify and outlines of testimony may be posted on the internet and can be retrieved by most internet search engines.

Signed at Washington, DC, this 21st day of August, 2020.

Jeanne Klinefelter Wilson,

Acting Assistant Secretary, Employee Benefits Security Administration, U.S. Department of Labor.

[FR Doc. 2020–18716 Filed 8–21–20; 4:15 pm]

BILLING CODE 4510–29–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[EPA–HQ–OPPT–2020–0304; FRL–10013–07]

RIN 2070–AB27

Significant New Use Rules on Certain Chemical Substances (20–8.B)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

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

DATES: Comments must be received on or before September 24, 2020.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2020–0304, by one of the following methods:

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

Due to the public health concerns related to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets.*

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

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

This action may also affect certain entities through pre-existing import certification and export notification rules under TSCA. Chemical importers are subject to the TSCA section 13 (15 U.S.C. 2612) import provisions. This action may also affect certain entities through pre-existing import certification and export notification rules under TSCA, which would include the SNUR requirements should these proposed rules be finalized. The EPA policy in support of import certification appears at 40 CFR part 707, subpart B. In addition, pursuant to 40 CFR 721.20, any persons who export or intend to export a chemical substance that is the subject of this proposed rule on or after September 24, 2020 are subject to the export notification provisions of TSCA section 12(b) (15 U.S.C. 2611(b)) and must comply with the export notification requirements in 40 CFR part 707, subpart D.

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

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

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

II. Background

A. What action is the Agency taking?

EPA is proposing these SNURs under TSCA section 5(a)(2) for chemical substances which are the subjects of PMNs P–18–399, P–18–400, and P–20–68. These proposed SNURs would require persons who intend to manufacture or process any of these chemical substances for an activity that is designated as a significant new use to notify EPA at least 90 days before commencing that activity.

The record for these proposed SNURs, identified as docket ID number EPA–HQ–OPPT–2020–0304, includes information considered by the Agency in developing these proposed SNURs.

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

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

C. Applicability of General Provisions

General provisions for SNURs appear in 40 CFR part 721, subpart A. These provisions describe persons subject to the rule, recordkeeping requirements, exemptions to reporting requirements, and applicability of the rule to uses occurring before the effective date of the rule. Provisions relating to user fees appear at 40 CFR part 700. Pursuant to 40 CFR 721.1(c), persons subject to these SNURs must comply with the same SNUN requirements and EPA regulatory procedures as submitters of PMNs under TSCA section 5(a)(1)(A) (15 U.S.C. 2604(a)(1)(A)). In particular, these requirements include the information submission requirements of TSCA sections 5(b) and 5(d)(1) (15 U.S.C. 2604(b) and 2604(d)(1)), the exemptions authorized by TSCA sections 5(h)(1), 5(h)(2), 5(h)(3), and 5(h)(5) and the regulations at 40 CFR part 720. Once EPA receives a SNUN, EPA must either determine that the use is not likely to present an unreasonable risk of injury under the conditions of use for the chemical substance or take such regulatory action as is associated with an alternative determination before the manufacture or processing for the significant new use can commence. If EPA determines that the chemical substance is not likely to present an unreasonable risk, EPA is required under TSCA section 5(g) to make public, and submit for publication in the **Federal Register**, a statement of EPA's findings.

III. Significant New Use Determination

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

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

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

IV. Substances Subject to This Proposed Rule

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

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

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

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

The substances subject to these proposed rules are as follows:

PMN Number: P–18–399

Chemical name: Rosin adduct ester, polymer with polyols, compd. with ethanolamine (generic).

CAS number: Not available.

Basis for action: The PMN states that the generic use of the substance will be as an open, non-dispersive use additive for industrial use only. Based on the physical/chemical properties of the PMN substance and Structure Activity Relationships (SAR) analysis of test data on analogous substances, EPA has identified concerns for aquatic toxicity, surfactant effects on the lungs, irritation to skin, eyes, and respiratory tract, and dermal sensitization if the chemical is not used following the limitation noted in the proposed SNUR. The proposed SNUR designates the following as ''significant new uses'' requiring further review by EPA:

- Manufacture beyond the confidential annual production volume specified in the PMN.

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

CFR citation: 40 CFR 721.11556.

PMN Number: P–18–400

Chemical name: Rosin adduct ester, polymer with polyols, potassium salt (generic).

CAS number: Not available.

Basis for action: The PMN states that the generic use of the substance will be as an open, non-dispersive use additive for the textile industry. Based on the physical/chemical properties of the PMN substance and SAR analysis of test data on analogous substances, EPA has identified concerns for aquatic toxicity and surfactant effects on the lungs, irritation to skin, eyes, and respiratory tract, and dermal sensitization if the chemical is not used following the limitation noted in the proposed SNUR. The proposed SNUR designates the following as ''significant new uses'' requiring further review by EPA:

• Manufacture beyond the confidential annual production volume specified in the PMN.

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

CFR citation: 40 CFR 721.11557.

PMN Number: P–20–68

Chemical name: 1,3-Propanediol, 2,2-dimethyl-, 1,3-diacetate.

CAS number: 13431–57–7.

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

• Use other than for the confidential uses specified in the PMN.

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

CFR citation: 40 CFR 721.11558.

V. Rationale and Objectives of the Proposed Rule

A. Rationale

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

B. Objectives

EPA is proposing these SNURs because the Agency wants:

• To have an opportunity to review and evaluate data submitted in a SNUN before the notice submitter begins manufacturing or processing a listed chemical substance for the described significant new use.

• To be obligated to make a determination under TSCA section 5(a)(3) regarding the use described in the SNUN, under the conditions of use. The Agency will either determine under TSCA section 5(a)(3)(C) that the chemical, under the conditions of use, is not likely to present an unreasonable risk, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant by the Administrator under the conditions of use, or make a determination under TSCA section 5(a)(3)(A) or (B) and take the required regulatory action associated with the determination, before manufacture or processing for the significant new use of the chemical substance can occur.

• To be able to complete its review and determination on each of the PMN substances, while deferring analysis on the significant new uses proposed in these rules unless and until the Agency receives a SNUN.

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

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

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

EPA designates August 4, 2020 (date of web posting of this proposed rule) as the cutoff date for determining whether the new use is ongoing. The objective of EPA's approach is to ensure that a person cannot defeat a SNUR by initiating a significant new use before the effective date of the final rule.

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

VII. Development and Submission of Information

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

In the absence of a rule, order, or consent agreement under TSCA section 4 covering the chemical substance, persons are required only to submit information in their possession or control and to describe any other information known to or reasonably ascertainable by them (see 40 CFR 720.50). However, upon review of PMNs and SNUNs, the Agency has the authority to require appropriate testing. Unit IV. lists potentially useful information for all SNURs listed here. Descriptions are provided for informational purposes. The potentially useful information identified in Unit IV. will be useful to EPA's evaluation in the event that someone submits a SNUN for the significant new use. Companies who

are considering submitting a SNUN are encouraged, but not required, to develop the information on the substance, which may assist with EPA's analysis of the SNUN.

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

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

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

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

VIII. SNUN Submissions

According to 40 CFR 721.1(c), persons submitting a SNUN must comply with the same notification requirements and EPA regulatory procedures as persons submitting a PMN, including submission of test data on health and environmental effects as described in 40 CFR 720.50. SNUNs must be submitted on EPA Form No. 7710–25, generated using e-PMN software, and submitted to the Agency in accordance with the procedures set forth in 40 CFR 720.40 and 721.25. E–PMN software is available electronically at *https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca.*

IX. Economic Analysis

EPA has evaluated the potential costs of establishing SNUN requirements for potential manufacturers and processors of the chemical substances subject to this proposed rule. EPA's complete economic analysis is available in the docket for this rulemaking.

X. Statutory and Executive Order Reviews

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

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

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

B. Paperwork Reduction Act (PRA)

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

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

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

C. Regulatory Flexibility Act (RFA)

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

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

D. Unfunded Mandates Reform Act (UMRA)

Based on EPA's experience with proposing and finalizing SNURs, State, local, and Tribal governments have not been impacted by these rulemakings, and EPA does not have any reasons to believe that any State, local, or Tribal government will be impacted by this proposed rule. As such, EPA has determined that this proposed rule does

not impose any enforceable duty, contain any unfunded mandate, or otherwise have any effect on small governments subject to the requirements of UMRA sections 202, 203, 204, or 205 (2 U.S.C. 1531–1538 *et seq.*).

E. Executive Order 13132: Federalism

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

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

This action will not have Tribal implications because it is not expected to have substantial direct effects on Indian Tribes, significantly or uniquely affect the communities of Indian Tribal governments, and does not involve or impose any requirements that affect Indian Tribes, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000).

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

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

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

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

I. National Technology Transfer and Advancement Act (NTTAA)

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

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

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

List of Subjects in 40 CFR Part 721

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

Dated: July 31, 2020.

Tala Henry,

Deputy Director, Office of Pollution Prevention and Toxics.

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

PART 721—[AMENDED]

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

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

■ 2. Add §§ 721.11556 through 721.11558 to subpart E to read as follows:

Subpart E—Significant New Uses for Specific Chemical Substances

Sec.

* * * * *

721.11556 Rosin adduct ester, polymer with polyols, compd. with ethanolamine (generic).

721.11557 Rosin adduct ester, polymer with polyols, potassium salt (generic).

721.11558 1,3-Propanediol, 2,2-dimethyl-, 1,3-diacetate.

* * * * *

§ 721.11556 Rosin adduct ester, polymer with polyols, compd. with ethanolamine (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as rosin adduct ester, polymer with polyols, compd. with ethanolamine, (PMN P–18–399) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

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

(ii) [Reserved]

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

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

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

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

§ 721.11557 Rosin adduct ester, polymer with polyols, potassium salt (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as rosin adduct ester, polymer with polyols, potassium salt, (PMN P–18–400) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

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

(ii) [Reserved]

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

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

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

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

§ 721.11558 1,3-Propanediol, 2,2-dimethyl-, 1,3-diacetate.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as 1,3-propanediol, 2,2-dimethyl-, 1,3-diacetate (PMN P–20–68, CAS No. 13431–57–7) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

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

(ii) [Reserved]

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

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

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

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

[FR Doc. 2020–17200 Filed 8–24–20; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register

Vol. 85, No. 165

Tuesday, August 25, 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

Food Safety and Inspection Service

[Docket No. FSIS–2020–0026]

Food Safety: Consumer Outreach and Education Today and for the Future

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notification of public meeting.

SUMMARY: The Food Safety and Inspection Service (FSIS), is hosting a virtual public meeting with participation from the U.S. Food and Drug Administration (FDA), the Centers for Disease Control and Prevention (CDC), and the Partnership for Food Safety Education. FSIS seeks to establish a comprehensive understanding of how consumers handle and prepare food today, by reviewing recent research and forthcoming research, so as to develop the most effective approach for consumer outreach and education in the future. Industry, consumer representatives, non-profits, food safety advocates working at state, county and local levels, and other interested individuals are invited to participate in the meeting and comment on the data and science that drive FSIS consumer education.

DATES: The virtual public meeting will be held on Tuesday, October 6, 2020, from 12:00 p.m. to 4:00 p.m. EST. Submit comments on or before October 9, 2020.

ADDRESSES: The meeting is virtual and will be viewed via the web-ex link provided by email when you register for the meeting. Attendees must pre-register for the meeting. See the pre-registration instructions under ''Registration and Meeting Materials.'' FSIS invites interested persons to submit comments and questions on this **Federal Register** notice. Comments and questions may be submitted by one of the following methods:

Federal eRulemaking Portal: This website provides commenters the ability to type short comments directly into the comment field on the web page or to attach a file for lengthier comments. Go to *http://www.regulations.gov.* Follow the on-line instructions at that site for submitting comments.

Mail, Including CD–ROMs, etc.: Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Mailstop 3758, Room 6065, Washington, DC 20250–3700.

Hand- or Courier-Delivered Submittals: Deliver to 1400 Independence Avenue SW, Room 6065, Washington, DC 20250–3700.

Instructions: All items submitted by mail or electronic mail must include the Agency name and docket number FSIS–2020–0026. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to *http://www.regulations.gov.*

Docket: For access to background documents or comments received, call (202) 720–5627 to schedule a time to visit the FSIS Docket Room at 1400 Independence Avenue SW, Room 6065, Washington, DC 20250–3700.

FOR FURTHER INFORMATION CONTACT: Jesus Garcia, (202) 260–9432, *Jesus.Garcia3@usda.gov.* For the hearing impaired, contact the Federal Information Relay Service: *https://www.federalrelay.us/* or 800–877–0996 (Voice, TTY, ASCII or Spanish).

SUPPLEMENTARY INFORMATION:

Background

FSIS has been delegated the authority to exercise the functions of the Secretary (7 CFR 2.18, 2.53), as specified in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601, *et seq.*), the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451, *et seq.*) and the Egg Products Inspection Act (EPIA) (21 U.S.C. 1031, *et seq.*). These statutes mandate that FSIS protect the public by verifying that meat, poultry, and egg products are safe, wholesome, unadulterated, and properly labeled and packaged.

Food poisoning, also referred to as foodborne illness, is a serious public health threat in the United States. The CDC estimates that millions of Americans become ill from foodborne illness every year, resulting in roughly 128,000 hospitalizations and 3,000 deaths. Consumer education focused on safe food handling and preparation practices can help reduce food poisoning, hospitalizations, and deaths.

Consumer research is the backbone of FSIS' educational outreach. FSIS uses research to assess whether its food safety messaging meets the needs of the consumer. This data-driven approach allows FSIS to refine its consumer outreach. FSIS' Office of Public Affairs and Consumer Education (OPACE) provides this outreach, as well as general information on food recalls, food inspection policies, food handling best practices, foodborne illnesses and food safety risks, to empower consumers to make safe decisions about handling, cooking, and storing their food.

In 2017, USDA embarked on a multi-year research project to study consumers' knowledge about food safety, food handling and food preparation practices. FSIS will host a discussion at the coming public meeting to consider how the study findings provide insight into the agency's public health education and communication activities.

FSIS will hold a virtual public meeting on October 6, 2020, with participation from CDC, FDA, and the Partnership for Food Safety Education, to discuss FSIS' consumer education efforts over the years and how this multi-year research project has helped identify gaps in outreach to focus engagement where it is needed most. FSIS invites industry, consumer representatives, non-profits, food safety advocates working at state, county and local levels, and other interested individuals to this forum to discuss these efforts and how we all might be most effective in the future.

An agenda will be published online before the public meeting. FSIS will finalize the agenda on or before the meeting dates and post it on the FSIS website at: *http://www.fsis.usda.gov/meetings.*

Registration and Meeting Materials

There is no fee to register for the public meeting, but pre-registration is mandatory for participants attending. All attendees must register online at *https://ems8.intellor.com/?do=register&t=1&p=831094.*

Public Comments and Participation in Meetings

Oral Comments

Stakeholders will have an opportunity to provide oral comments during the public meeting. As mentioned above, stakeholders must notify FSIS during registration of their wish to speak at the meeting. Stakeholders who do not notify FSIS during registration of their wish to speak will not have the opportunity to comment on the day of the public meeting. Due to the anticipated high level of interest in the opportunity to make public comments and the limited time available to do so, FSIS will do its best to accommodate all persons who registered and requested to provide oral comments, and will limit all speakers to three minutes. FSIS encourages persons and groups who have similar interests to consolidate their information for presentation by a single representative.

Public Questions

During the meeting, FSIS will host a roundtable discussion with subject matter experts. Questions may be submitted in advance (by September 18, 2020) using the process described above in the **ADDRESSES** section.

Transcripts

As soon as the meeting transcripts are available they will be accessible on the FSIS website at: *http://www.fsis.usda.gov/wps/portal/fsis/newsroom/meetings.* The transcripts may also be viewed at the FSIS Docket Room at the addressed listed above.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS web page located at: *http://www.fsis.usda.gov/federal-register.*

FSIS will also announce and provide a link to this **Federal Register** publication through the FSIS *Constituent Update,* which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The *Constituent Update* is available on the FSIS web page. Through the web page, FSIS can provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: *http://www.fsis.usda.gov/subscribe.* Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves and have the option to password protect their accounts.

USDA Non-Discrimination Statement

No agency, officer, or employee of the USDA shall, on the grounds of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, or political beliefs, exclude from participation in, deny the benefits of, or subject to discrimination any person in the United States under any program or activity conducted by the USDA.

How To File a Complaint of Discrimination

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at *http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf,* or write a letter signed by you or your authorized representative.

Send your completed complaint form or letter to USDA by mail, fax, or email:

Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW, Washington, DC 20250–9410.

Fax: (202) 690–7442.

Email: program.intake@usda.gov.

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.), should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Paul Kiecker,

Administrator.

[FR Doc. 2020–18589 Filed 8–24–20; 8:45 am]

BILLING CODE 3410–DM–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the South Dakota 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 briefing of the South Dakota Advisory Committee to the Commission will convene on Wednesday, September 16, 2020 at 3:00 p.m. (CDT), via teleconference. The purpose of the meeting is hearing from speakers on the Committee's topic on maternal health disparities of Native American women.

DATES: Wednesday, September 16, 2020 from 3:00 p.m.–5:00 p.m. (CDT).

ADDRESSES:

Public Call–In Information: Dial: 1–800–367–2403; conference ID: 9800799.

TDD: Dial Federal Relay Service 1–800–877–8339 and give the operator the above conference call number and conference ID.

FOR FURTHER INFORMATION CONTACT: Mallory Trachtenberg, *mtrachtenberg@usccr.gov,* (202) 809–9618.

SUPPLEMENTARY INFORMATION: Members of the public may listen to the discussion by dialing the following Conference Call Toll-Free Number: 1–800–367–2403; conference ID: 9800799. Please be advised that before being placed into the conference call, the operator will ask callers to provide their names, their organizational affiliations (if any), and an email address (if available) prior to placing callers into the conference room. 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 phone number.

Persons with hearing impairments may also follow the discussion by first calling the Federal Relay Service (FRS) at 1–800–877–8339 and provide the FRS operator with Conference Call Toll-Free Number: 1–800–367–2403; conference ID: 9800799. Members of the public are invited to submit written comments; the comments must be received within 30 days of the meeting date. 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 FACA Link and clicking on 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 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 Midwestern Regional Office at the above phone number, email address.

Agenda

Wednesday, September 16, 2020 at 3:00 p.m. (CDT)

I. Welcome and Roll Call
II. Announcements and Updates
III. Approval of Minutes From the Last Meeting
IV. Briefing: Maternal Health Disparities of Native American Women
V. Next Steps
VI. Public Comment
VII. Adjournment

Dated: August 20, 2020.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2020–18643 Filed 8–24–20; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Utah 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 the meeting of the Utah Advisory Committee (Committee) to the Commission will be held at 3:00 p.m. (Mountain Time) Friday, September 18, 2020. The purpose of the meeting will be to allow the Committee to discuss a potential post-report activity.

DATES: The meeting will be held on Friday, September 18, 2020 at 3:00 p.m. MT.

ADDRESSES:

Public Call Information:
Dial: 800–437–2398.
Conference ID: 3702853.

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: 3702853. 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=a10t0000001gzltAAA.*

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. Post-Report Discussion
III. Vote
IV. Public Comment
V. Adjournment

Dated: August 20, 2020.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2020–18647 Filed 8–24–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Annual Survey of School System Finances

AGENCY: U.S. Census Bureau, Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act (PRA) of 1995, invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment on the proposed revision of the Annual Survey of School System Finances, prior to the submission of the information collection request (ICR) to OMB for approval.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before October 26, 2020.

ADDRESSES: Interested persons are invited to submit written comments by email to *Thomas.J.Smith@census.gov.* Please reference Annual Survey of School System Finances in the subject line of your comments. You may also submit comments, identified by Docket Number USBC–2020–0019, to the Federal e-Rulemaking Portal: *http://www.regulations.gov.* All comments received are part of the public record. No comments will be posted to *http://www.regulations.gov* for public viewing until after the comment period has closed. Comments will generally be posted without change. All Personally Identifiable Information (for example, name and address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. You may submit attachments to electronic comments in Microsoft Word, Excel, or Adobe PDF file formats.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to David Gromos, Chief, Education Finance Branch, 301–763–4659, and *david.j.gromos@census.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The U.S. Census Bureau plans to continue the current Office of Management and Budget clearance for the Annual Survey of School System Finances with revisions. The Annual Survey of School System Finances is the only comprehensive source of public elementary-secondary school system finance data collected on a nationwide scale using uniform definitions, concepts, and procedures. The collection covers the revenues, expenditures, debt, and assets of all public elementary-secondary school systems. This data collection has been coordinated with the National Center for Education Statistics (NCES). The NCES

uses this collection to satisfy its need for school finance data.

The revisions will include the following: Expanding the federal revenue section to reflect recent changes in legislation and demand for information on other federal grants, renaming existing federal revenue data items to better match the federal grants that each are tied to, and adding new data items for special education expenditures in response to increasing demand by policymakers, researchers, and the general public. There is also the potential to add new data items in response to the COVID19 pandemic and CARES Act but a final decision has yet to be determined pending more research, including a webinar with state coordinators.

Fiscal data provided by respondents aid data users in measuring the effectiveness of resource allocation. The products of this data collection make it possible for data users to search a single database to obtain information on such things as per pupil expenditures and the percent of state, local, and federal funding for each school system. Elementary-secondary education related spending is the single largest financial activity of state and local governments. Education finance statistics provided by the Census Bureau allow for analyses of how public elementary-secondary school systems receive their funding and how they are spending their funds.

II. Method of Collection

A letter is mailed electronically at the beginning of each survey period to solicit the assistance of the state education agencies. This letter officially announces the opening of the data collection period and requests some administrative data, such as the estimated date of submission, any change to the reporting format from prior year, and updated contact information for the state coordinator.

The survey form (F–33) contains item descriptions and definitions of the elementary-secondary education finance items collected jointly by the Census Bureau and NCES. It is used primarily as a worksheet and instruction guide by the state education agencies providing school finance data centrally for the school systems in their respective states. The Census Bureau collects almost all of the finance data for local school systems from state education agency databases through central collection arrangements with the state education agencies. The states transfer this information in electronic format over the internet via file transfer protocol. The Census Bureau has also facilitated central collection of school system finance data by accepting data in multiple formats.

Supplemental forms are sent to local school systems in states where the state education agency cannot centrally provide information on assets (F–33–L1), indebtedness (F–33–L2), or both (F–33–L3).

III. Data

OMB Control Number: 0607–0700.

Form Number(s): F–33, Supplemental forms: F–33–L1, F–33–L2 and F–33–L3.

Type of Review: Regular submission, Request for a Revision of a Currently Approved Collection.

Affected Public: State and local governments.

Estimated Number of Respondents: F–33: 51, Supplement: 3,481.

Estimated Time per Response: F–33: 63 hrs., 11 minutes, Supplemental: 15 minutes.

Estimated Total Annual Burden Hours: 4,130.

Estimated Total Annual Cost to Public: $0 (This is not the cost of respondents' time, but the indirect costs respondents may incur for such things as purchases of specialized software or hardware needed to report, or expenditures for accounting or records maintenance services required specifically by the collection.)

Respondent's Obligation: Voluntary.

Legal Authority: Census: Title 13 U.S.C. Sections 8(b), 161, and 182. NCES: Title 20 U.S.C. Sections 9543–44.

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include, or summarize, each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2020–18553 Filed 8–24–20; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

[Docket No. 200110–0006]

Privacy Act of 1974; Amended System of Records

AGENCY: National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

ACTION: Notice of a modified system of records.

SUMMARY: This notice announces the Department of Commerce's (Department) proposal to amend the system of records entitled ''COMMERCE/NOAA–19, Permits and Registrations for United States Federally Regulated Fisheries,'' under the Privacy Act of 1974, and the Office of Management and Budget (OMB) Circular A–108, ''Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act.'' The National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) is revising its system of records for use with a variety of fisheries management programs, adding information on a new permit, including an amendment and two new routine uses in accordance with the Notice to amend all SORNs, OMB Memorandum M–17–12 (Requirements to Breach Response), and a draft Notice regarding student volunteers. This revised record system is necessary to identify participants in the fisheries and to evaluate the qualifications of the applicants.

We invite public comment on the amended system announced in this publication.

DATES: To be considered, written comments must be submitted on or before August 21, 2020. This amended system of records will become effective on July 22, 2020, unless the modified system of records notice needs to be changed as a result of public comment.

Newly proposed routine uses 12 and 13 in the paragraph entitled ''ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING

CATEGORIES OF USERS AND PURPOSES OF SUCH USES'' will become effective on September 5, 2020, unless the modified system of records notice needs to be changed as a result of public comment.

If the modified system of records notice needs to be changed, the Department will publish a subsequent notice in the **Federal Register** by September 5, 2020, stating that the current system of records will remain in effect until a revised notice is published in the **Federal Register**.

ADDRESSES: You may submit written comments to Adrienne Thomas, Privacy Act Officer, 151 Patton Ave., Room 159, Asheville, NC, 28801, or email her at *Adrienne.Thomas@noaa.gov.*

FOR FURTHER INFORMATION CONTACT: National Marine Fisheries Service Headquarters, 1315 East-West Highway, Silver Spring, MD 20910.

SUPPLEMENTARY INFORMATION: NMFS is revising its system of records for permit and non-permit registrations for use with a variety of fisheries management programs. NMFS requires the use of permits or registrations by participants in U.S. Federally-regulated fisheries and by importers of seafood products subject to NMFS trade tracking and monitoring programs. The collection of information is necessary to identify participants in these fisheries and to evaluate the qualifications of the applicants. NMFS would collect information from individuals in order to issue, renew, or transfer fishing permits, or to make non-permit registrations. NMFS is also adding a new permit under the International Affairs and Seafood Inspection Division: The International Fisheries Trade Permit (IFTP). NMFS may use lists of permit holders or registrants as sample frames for the conduct of surveys to collect information necessary to the administration of the statutes cited in the ''Authority for Maintenance of the System'' section below.

This section further provides that OMB Circular A–108 requires agencies to periodically review systems of records notices for accuracy and completeness, paying special attention to changes in the manner in which records are organized, indexed or retrieved that results in a change in the nature or scope of these records. When any of the aforementioned changes occur, the Privacy Act requires agencies to publish in the **Federal Register** upon revision of a system of records, a notice that describes the amendments to the system of records.

The Privacy Act also requires each agency that proposes to establish or significantly modify a system of records to provide adequate advance notice of any such proposal to the OMB, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate (5 U.S.C 552a(r)). Significant modifications include adding a new routine use. The purpose of providing the advance notice to OMB and Congress is to permit an evaluation of the potential effect of the proposal on the privacy and other rights of individuals. The Department filed a report describing the amended system of records covered by this notice with the Chair of the Senate Committee on Homeland Security and Governmental Affairs, the Chair of the House Committee on Oversight and Government Reform, and the Deputy Administrator of the Office of Information and Regulatory Affairs, OMB, on March 12, 2020.

SYSTEM NAME:

COMMERCE/NOAA–19, Permits and Registrations for United States Federally Regulated Fisheries.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

a. NMFS Greater Atlantic Region, 55 Great Republic Dr., Gloucester, MA 01930 (includes Atlantic Highly Migratory Species (HMS) tuna dealer permits).

b. NMFS Southeast Region, 263 13th Avenue South, St. Petersburg, FL 33701 (includes shark and swordfish vessel permits, shark and swordfish dealer permits).

c. NMFS West Coast Region, Sustainable Fisheries Division, 7600 Sand Point Way NE, Bldg. #1, Seattle, WA 98115.

d. NMFS West Coast Region, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802.

e. NMFS Southwest Fisheries Science Center, 8604 La Jolla Shores Drive, La Jolla, CA 92037 (Pacific Highly Migratory Species database only).

f. NMFS Office of the Chief Information Officer, 1315 East-West Highway, Silver Spring, MD 20910 (National Permits System).

g. NMFS Pacific Islands Region, 1845 Wasp Boulevard, Building 176, Honolulu, HI 96818.

h. NMFS Alaska Region, 709 West Ninth Street, Juneau, AK 99801.

i. NMFS Office of Science and Technology, 1315 East-West Highway, Silver Spring, MD 20910 (National Saltwater Angler Registry).

j. NMFS Office of International Affairs and Seafood Inspection, 1315 East-West Highway, Silver Spring, MD 20910 (High Seas Fishing Compliance Act and Antarctic Marine Living Resources harvesting and dealer permit data).

k. NMFS Office of Sustainable Fisheries, 3209 Frederic St., Pascagoula, MS 39567 (Antarctic Marine Living Resources preauthorization certification data).

l. NMFS Office of Sustainable Fisheries, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (Atlantic HMS tuna vessel permits, HMS Angling Permit, HMS Charter/headboat permits database).

m. Atlantic Coastal Cooperative Statistics Program, 1050 North Highland Street, Arlington, VA 22201.

SYSTEM MANAGER AND ADDRESS:

Richard Miner, Information Technology Security Officer, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.* (Magnuson-Stevens Act); High Seas Fishing Compliance Act of 1995, 16 U.S.C 5501 *et seq.;* International Fisheries Regulations: Vessels of the United States Fishing in Colombian Treaty Waters, 50 CFR 300.120; the American Fisheries Act, Title II, Public Law 105–277; the Atlantic Coastal Fisheries Cooperative Management Act of 1993, 16 U.S.C. 5101–5108, as amended 1996; the Tuna Conventions Act of 1950, 16 U.S.C. 951–961; the Atlantic Tunas Convention Authorization Act, 16 U.S.C., Chapter 16A; the Northern Pacific Halibut Act of 1982, 16 U.S.C. 773 *et seq.* (Halibut Act); the Antarctic Marine Living Resources Convention Act of 1984, 16 U.S.C. 2431–2444; the Western and Central Pacific Fisheries Convention Implementation Act, 16 U.S.C. 6901 *et seq.* (WCPFCIA); the Dolphin Protection Consumer Information Act, 16 U.S.C. 1385; the Marine Mammal Protection Act, 16 U.S.C. 1361 *et seq.;* the Commerce, Justice, Science and Related Agencies Act, 2018, Division B, Section 539 (Pub. L. 115–141); and Taxpayer Identifying Number, 31 U.S.C. 7701.

PURPOSES OF THE SYSTEM:

This information will allow NMFS to identify owners and holders of permits and non-permit registrations; identify vessel owners and operators; evaluate requests by applicants and current participants, and/or engage in agency actions related to the issuance, renewal,

transfer, revocation, suspension or modification of a permit or registration.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Owners or holders of a permit or registration as recognized by NMFS, owner agents, vessel owners, and/or operators. Individuals who apply for any permit, permit exception, permit exemption or regulation exemption, registration, dedicated access privilege or fishing quota share either initially, annually, or by transfer. Applicants seeking permission to fish in a manner that would otherwise be prohibited in order to conduct experimental fishing. Owners of processing facilities and/or fish dealers. Importers of seafood products subject to NMFS trade tracking and monitoring programs. Permit qualifiers (persons whose incomes are used for permit qualification). Allocation assignees under a Southeast Region individual fishing quota. Observers, grantees and volunteers when applicable.

CATAGORIES OF RECORDS IN THE SYSTEM:

This information is collected and/or maintained by all regions and divisions: For applicants and related entities referred to in regions/divisions: Name, address, business telephone number and date of birth; Tax Identification Number (TIN), Employer Identification Number (EIN) or Social Security Number (SSN), required for all permits. For purposes of administering the various NMFS fisheries permit and registration programs, a person shall be considered to be doing business with a Federal agency including, but not limited to, if the person is an applicant for, or recipient of, a Federal license, permit, right-of-way, grant, or benefit payment administered by the agency, or insurance administered by the agency pursuant to subsection (c)(2)(B) of 31 U.S.C 7701.

Additional information is collected and/or maintained by individual regions and divisions:

Greater Atlantic Region

For transferable permits: Current permit number, permit status information, type of application, name and type of applicant, cellular telephone number and/or fax number, hair and eye color, height and weight, ID-sized photograph, medical records for resolution of permit dispute, enforcement actions, court and legal documents, and permit sanction notice filed by NOAA General Counsel, checking account numbers, cancelled checks, tax returns, internal permit number specific to each limited entry permit, baseline specifications on limited entry permit, country, captain's license, State and Federal Dealer Numbers (if applicable), name of corporation, state and date of incorporation of business and articles of incorporation, coast on which dealer does business, processing sector, facilities where fish received, vessel landing receipts and records, dealer purchase receipts, bills of sale, type of vessel registration, NMFS unique vessel ID, year vessel built, hailing port, hailing port state, principal port, principal state, vessel operations type (catching and/or processing: For at-sea processing permit), fish hold capacity, passenger capacity, VMS status, crew size, fishery type, fishery management plan and category, maximum days at sea, quota allocation and shares, regional fishery management organization, species or species code, type of gear, gear code and rank, buoy and trap/pot color, number of tags assigned to vessel, number of traps, and dredge size and number.

Southeast Region

Fee payment information, applicant cellular telephone number and/or fax number, email address, website, gender, hair and eye color, height and weight, ID-sized photograph, corporation name, Dunn and Bradstreet Corporation Number, state and date of incorporation; for all entities with a business relationship (officer, owner or shareholder) to a wreckfish certificate holder, or with a business relationship (officer, owner or shareholder) to a vessel owner or vessel lessee, position held in the business, percent ownership of the business, and citizenship status; NMFS internal identification number, county, country, marriage certificate, divorce decree, death certificate, trust documents, probated will, enforcement actions, court and legal documents, and permit sanction notices filed by General Counsel, name of vessel permit applicant if not owner, and relationship to owner, type of vessel ownership, captain's license, original permit, permit payment information, name of permit transferor and number of permit before transfer, permit and vessel sale price (for permit transfers), date of permit transfer signature, notarized, sale and lease agreement with lease start and end dates if applicable, income or license qualifier for certain fisheries, Income Qualification Affidavit for income qualified fisheries, U.S. importer number, State and Federal dealer numbers (if applicable), plant name and operator, hull identification number, hailing port and hailing port state, year vessel built, location where vessel built, vessel function, vessel characteristics (length, breadth, external markings, hull/or superstructure color), gross and net tonnage, type of construction, fuel capacity and type, horsepower (engine, pump), type of product storage, fish hold capacity, live well capacity, radio call sign, vessel communication types and numbers, crew size, passenger capacity, fishery type, quota shares, vessel landing receipts and records, bills of sale, processing facility where fish are received, gear type, species/gear endorsements, buoy/trap color code, number of traps, trap tag number series, trap dimensions, trap mesh size, designated fishing zone, aquaculture reports: Site description, material deposited and harvested, value of material, Highly Migratory Species workshop certificate, informational telephone calls recorded with member of public's knowledge, (or customer service evaluation and constituent statement records); U.S. Citizenship or permanent resident alien status,facility name, address, telephone information (for dealer permits), and permit or license numbers for other Federal or state permit/licenses issued.

Atlantic Highly Migratory Species

An IFTP: Current permit number, permit status information, type of application, name and type of applicant, business email address, cellular telephone and/or fax number, website, corporation name and state and date of incorporation, Dunn and Bradstreet Corporation Number, percent/rank of ownership interest, lease start/end date, income or license qualifier for certain fisheries, United States Coast Guard (USCG) Certificate of Documentation number or state vessel registration number, U.S. Importer Number (dealers), State and Federal Dealer Numbers (if applicable), processing facility where fish are received, name of vessel, type of vessel registration, hull identification number, vessel characteristics (length, breadth, external markings, hull/or superstructure color), gross and net tonnage, type of construction, fuel capacity and type, horsepower (engine, pump), type of product storage, passenger capacity; crew size, hailing port, hailing port state, principal port, principal port state, fish hold capacity, year vessel built, fishery type, species or species code, type of fishing gear, gear code; vessel monitoring system (VMS) activation certification, vessel name, and vessel function.

West Coast Region

Northwest Permits: NMFS internal identification number, permit/license number, applicant or new permit/license owner name, (current and new) permit/license or vessel owner name, email address, name of authorized

representative and title, permit action requested, midseason sablefish tier landed amount, application fee payment information (check/money order date, check/money order number, bank account number or credit card last 4 digits, check amount), copies of checks, divorce decree, marriage certificate, death certificate, probated will, trust documents, medical records of permit owners seeking exemption from certain permit requirements, proof of citizenship, enforcement actions and settlement agreements, power of attorney documents, affidavits, court and legal documents, articles of incorporation, state and date of incorporation, permit sanction notices, period of permit lease, permit sale/lease price, sales/lease agreement. Vessel name and registration number, vessel length overall, location of where vessel built, documentation of loss or destruction of vessel, vessel registration documentation (USCG or state), names of entities/individuals having a share(s) in a corporate/business entity, percent of ownership interest in corporate/business entity, Small Business Act designation/certification, landing/delivery receipts/data and records, catch/delivery/processing history, bill of lading, sales and contract agreements, amount of quota share for Individual Fishng Quota (IFQ) species associated with Quota Share (QS) permit, mothership/catcher vessel endorsement and catch history identification number and amount of whiting catch history assignment, name of first receiver and landing facility contact, first receiver catch monitor plan, state scale inspection documentation, landing facility owner name, physical address of first receiving facility, mothership catcher vessels designation of whether it operates in coop or non-coop fishery and obligation to mothership permit (number), catcher processor designation of whether it will operate as mothership, mothership designation of whether it will operate solely as mothership, cooperative name, cooperative manager name, mutual exception agreements, mothership processing withdrawal certification, cooperative/membership agreement (list of members, permits, vessels, cooperative requirements, amendments), list of vessels participating in cooperative, list of permits and their obligation to a mothership permit.

Southwest Permits: Permit status information, type of application, name of applicant and relationship to owner or owner manager if not owner or operator, and names of other individuals on application (vessel owner(s), owner's agent, dealer, corporation members), and position in company if applicable, corporation name, Dunn and Bradstreet Corporation Number, state and date of incorporation and articles of incorporation (if applicable), cellular telephone number and/or fax number, business email address, USCG Certificate of Documentation number or state vessel registration number, country, other federal, state and commercial licenses held by operator, name of permit transferor and number of permit before transfer, type of vessel (commercial fishing, charter), vessel photograph, hull identification number, hailing port, hailing port state, principal port, principal port state, year vessel built, where vessel built, maximum vessel speed, fish hold capacity, processing equipment, passenger capacity, crew size, international radio call sign, VMS status, dolphin safety gear on board, previous vessel flag, previous vessel name and effective dates, species/gear endorsements, fishery type, type of fishing gear, gear code, fishing status (active or inactive), intent to make intentional purse seine sets on marine mammals, date, location, and provider of most recent tuna purse seine marine mammal skipper workshop, IFTP holder information for those importing species under the Tuna Tracking and Verification Program.

Pacific Islands Region

Current permit number, permit status information, type of application, name of applicant and of other individuals on application (vessel owner(s), owner's agent, dealer, corporation members), and position in company if applicable, corporation name, state and date of incorporation, cellular telephone number and/or fax number, email address, photograph identification, verification of citizenship or nationality, owner of checking account from which application processing fees made, date and number of check, enforcement actions, court and legal documents, and permit sanction notices filed by General Counsel, name of permit transferor and transferee and number of permit before transfer, letters of authorization or power of attorney, compliance with protected species workshop, USCG Certificate of Documentation number or state vessel registration number, vessel name, permits registered to vessel, international radio call sign, year vessel built, location where vessel built, endorsements, vessel markings and photograph, vessel refrigeration and capacity, fish hold capacity, communication types and addresses, fishery type, percent of ownership interest, ownership and catch history as basis for permit qualification or renewal vessel landing receipts and records, dealer purchase receipts, and bills of sale.

Alaska Region

Current permit number, permit status information, type of application, name of applicant and of other individuals on application (vessel owner(s), owner's agent, dealer, corporation members), and position in company if applicable, corporation name, state and date of incorporation and articles of incorporation (if applicable), cellular and/or fax telephone number, business email address, country, citizenship, NMFS internal identification number, USCG Certificate of Documentation number or state vessel registration number, vessel name, reference names, owner beneficiary, death certificate, marriage certificate, divorce decree, trust documents, probated will, medical information for emergency transfer of certain permits only, enforcement actions, court and legal documents, and permit sanction notices filed by General Counsel, bank account number, canceled checks, tax returns, name of Alaska Native tribe, community of residence, fishery community organization, community governing body contact person, nonprofit name, community represented by nonprofit, cooperative representative, percent of ownership interest, permit restrictions, quota type, names of other quota holders if affiliated with any cooperative member receiving quota against cap, names and relationship of permit transferor and transferee, transfer eligibility certificate, sector and region before transfer, reason for transfer, broker's name and fee, lien information (if applicable), quota transfer costs, permit financing source, permit fee, sale/lease agreement, period of lease, agreement to return shares (if applicable), and documentation of military service for certain quota leases; for crab rationalization: Affidavit that right of first refusal contracts were signed, number of units and pounds of fish transferred, applicable dealer license numbers, processing plant name and identification, operation type and operator, type of vessel registration, State of Alaska registration number, NMFS vessel identification number, hull identification number, hailing port and hailing port state, vessel breadth, gross tonnage, fuel capacity and horsepower, numbers of existing permits if applicable to current application, documentation of loss or destruction of a vessel, list of vessels in a vessel cooperative, vessel operations type in terms of catching and/or

processing, species/gear endorsements for fisheries requiring vessel monitoring systems, fishery type, species or species code, fishery management plan, days at sea allocations, quota shares, type of fishing gear, gear code, vessel landing receipts and records, bills of sale, delivery receipts, dealer purchase receipts, and processing sector and facility where fish are received.

International Affairs and Seafood Inspection: High Seas Fishing Compliance Act

Name of applicant and of other individuals on application (vessel owner(s), vessel operator(s), owner's agent, dealer, corporation members), citizenship, cellular telephone and/or fax number, email, positions of individuals in company if applicable, corporation name, State and date of incorporation (if applicable), current permit number, permit status information, type of application, internal identification number, percent/rank of ownership interest, hull identification number, vessel photograph, type of vessel registration, USCG Certificate of Documentation number or state vessel registration number, vessel name, year vessel built, where vessel built, fish hold capacity, hailing port, hailing port state, crew size, international radio call sign, previous vessel flag, previous vessel name, fishery type, fishery management plan, regional fishery management organization, type of vessel, vessel code, and vessel refrigeration type.

International Affairs and Seafood Inspection: Antarctic Marine Living Resources

IFTP holder information, current permit number, permit status information, type of application, name of applicant and of other individuals on application (vessel owner(s), owner's agent, dealer, corporation members), and position in company if applicable, corporation name, state and date of incorporation and articles of incorporation (if applicable), nationality, cellular telephone and/or fax number, type of vessel (commercial fishing, charter), where vessel built, year vessel built, fish hold capacity, USCG Certificate of Documentation number or state vessel registration number, vessel name, International Maritime Organization number (if issued), vessel communication types and serial numbers, details of tamper-proof VMS elements, ice classification, processing equipment, international radio call sign, foreign vessel flag, previous vessel flag, previous vessel name, permit number of supporting foreign vessel, crew size, species code, type of fishing gear, information on the known and anticipated impacts of bottom trawling gear on vulnerable marine ecosystems, species and amount to be imported, and the products to be derived from an anticipated catch of krill.

International Affairs and Seafood Inspection: International Fisheries Trade Permit

Business name, date of incorporation, articles of incorporation on file, DUNS Number, business organization type, business address, telephone number and email address of record, temporary business, address, email address of record, U.S. Importer Number, contact person, cellular telephone number of record, foreign address of record, fax number of record, temporary business mailing address, temporary/alternate address, temporary/alternate fax number, temporary/alternate telephone number, temporary/alternate cellular telephone number, business owner name, contact person title, contact person citizenship, contact person role, eligible owner, additional facilities: Country where business is based, purchased/received location name, telephone and fax numbers; owner of permit.

International Affairs and Seafood Inspection: Seafood Import Monitoring Program and Commerce Trusted Trader Program

IFTP holder information, employer, IFTP number and expiration date, attestation of all licensing, permitting, and reporting requirements applicable to the importation of fish and fish products, including the Seafood Import Monitoring Program, copy of trusted trader/internal control plan.

National Saltwater Angler Registry Program

Email address, business telephone number, designation as owner-operator or for-hire vessel, vessel name and registration/documentation number, and a statement of the region(s) in which the registrant fishes.

International Affairs and Seafood Inspection: Traceability Information Program for Seafood

Business name, business address, Tax Identification Number (TIN), Employer Identification Number (EIN) or Social Security Number (SSN), business owner name, business owner business owner phone number, business owner email address, business owner website login password, designation as owner-operator of aquaculture facility, production facility name, production facility address, production date, product species, product form, product weight, sale date, sale weight, buyer name, buyer address, buyer phone number, and buyer email address.

RECORD SOURCE CATEGORIES:

Subject individuals and those authorized by subject individuals to furnish information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, and those disclosures authorized under the Debt Collection Act (31 U.S.C. 3718) for the purpose of collecting delinquent debts, all or a portion of the records or information contained in this system may be disclosed to authorized individuals and/or entities, as is determined to be relevant and necessary, as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

1. In the event that a system of records maintained by the Department to carry out its functions indicates a violation or potential violation of law or contract, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute or contract, rule, regulation, or order issued pursuant thereto, or the necessity to protect an interest of the Department, the relevant records in the system of records may be referred to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or contract, rule, regulation, or order issued pursuant thereto, or protecting the interest of the Department.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel representing the requester and/or subject of the records in the course of settlement negotiations.

3. A record in this system of records may be disclosed to a Member of Congress submitting a request involving an individual when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to the Department of Justice in connection with determining whether disclosure thereof is required by the Freedom of Information Act (5 U.S.C. 552).

5. A record in this system may be disclosed to the Department of Homeland Security for the purposes of determining the admissibility of certain seafood imports into the United States.

6. A record in this system of records may be disclosed, as a routine use, to a contractor of the Department having need for the information in the performance of the contract, but not operating a system of records within the meaning of 5 U.S.C. 552a(m).

7. A record in this system of records may be disclosed to approved persons at the state or interstate level within the applicable Marine Fisheries Commission for the purpose of co-managing a fishery or for making determinations about eligibility for permits when state data are all or part of the basis for the permits.

8. A record in this system of records may be disclosed to the applicable Fishery Management Council (Council) staff and contractors tasked with the development of analyses to support Council decisions about Fishery Management Programs.

9. A record in this system of records may be disclosed to the applicable NMFS Observer Program for purposes of identifying current permit owners and vessels and making a random assignment of observers to vessels in a given fishing season.

10. A record in this system of records may be disclosed to the applicable regional or international fisheries management body for the purposes of identifying current permit owners and vessels pursuant to applicable statutes or regulations and/or conservation and management measures adopted by a regional or international fisheries management body, such as: The Food and Agriculture Organization of the United Nations, Commission for the Conservation of Antarctic Marine Living Resources, Inter-American Tropical Tuna Commission, International Pacific Halibut Commission, and International Commission for the Conservation of Atlantic Tunas.

11. A record in this system of records may be disclosed to appropriate agencies, entities, and persons when (1) the Department suspects confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Department (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

12. A record in this system of records may be disclosed to another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

13. A record in this system of records may be disclosed to student volunteers, individuals working under a personal services contract, and other workers who technically do not have the status of Federal employees, when they are performing work for the Department and/or its agencies, as authorized by law, as needed to perform their assigned Agency functions.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Computerized database; CDs; back-up files stored on tape, paper records stored in file folders in locked metal cabinets and/or locked rooms.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are organized and retrieved by NMFS internal identification number, name of entity, permit number, vessel name or identification number, or processing plant name. Records can be accessed by any file element or any combination thereof.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

All records are retained and disposed of in accordance with National Archive and Records Administration regulations (36 CFR Chapter XII, Subchapter B—Records Management); Departmental directives and comprehensive records schedules; NOAA Administrative Order 205–01; and the NMFS Records Disposition Schedule, Chapter 1500.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

The system of records is stored in buildings with doors that are locked during and after business hours. Visitors to the facilities must register with security guards and must be accompanied by Federal personnel at all times. Records are stored in a locked room and/or a locked file cabinet. Electronic records containing Privacy Act information are protected by a user identification/password. The user identification/password is issued to individuals as authorized by authorized personnel.

All electronic information disseminated by NOAA adheres to the standards set out in Appendix III, Security of Automated Information Resources, OMB Circular A–130; the Computer Security Act (15 U.S.C. 278g–3 and 278g–4); and the Government Information Security Reform Act, Public Law 106–398; and follows NIST SP 800–18, Guide for Developing Security Plans for Federal Information Systems; NIST SP 800–26, Security Self-Assessment Guide for Information Technology Systems; and NIST SP 800–53, Recommended Security Controls for Federal Information Systems.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Assistant Administrator for Management and Budget, NOAA, 1315 East-West Highway, Silver Spring, MD 20910.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR part 4b. Use address cited in Record Access Procedures above.

NOTIFICATION PROCEDURES:

Requester should provide name pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR part 4b. Use address cited in Record Access Procedures above.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

HISTORY:

80 FR 47457, August 7, 2015, Notice of Proposed Amendment.

Dated: July 21, 2020.

Catrina D. Purvis,

Department of Commerce, Chief Privacy Officer, Director of Open Government.

[FR Doc. 2020–18659 Filed 8–24–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

[Docket No. 200302–0069]

Privacy Act of 1974; System of Records

AGENCY: U.S. Department of Commerce, U.S. Census Bureau.

ACTION: Notice of a modified privacy act system of records.

SUMMARY: In accordance with the Privacy Act of 1974, and Office of Management and Budget (OMB) Circular A–108, ''Federal Agency Responsibilities for Review, Reporting,

and Publication under the Privacy Act,'' the Department of Commerce (Department) is issuing this notice of intent to modify a system of records, COMMERCE/CENSUS–5, Decennial Census Programs.

DATES: To be considered, written comments must be submitted on or before August 21, 2020. This amended system of records will become effective on July 22, 2020, unless the modified system of records notice needs to be changed as a result of public comment.

Newly proposed routine uses in the paragraph entitled ''ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES'' will become effective on July 27, 2020, unless the modified system of records notice needs to be changed as a result of public comment.

If the modified system of records notice needs to be changed, the Department will publish a subsequent notice in the **Federal Register** by September 5, 2020, stating that the current system of records will remain in effect until a revised notice is published in the **Federal Register**.

ADDRESSES: Please address comments to: Byron Crenshaw, Privacy Compliance Branch, Room 8H021, U.S. Census Bureau, Washington, DC 20233–3700 or by email (*Byron.Crenshaw@census.gov*).

FOR FURTHER INFORMATION CONTACT: Chief, Privacy Compliance Branch, Policy Coordination Office, Room HQ–8H021, U.S. Census Bureau, Washington, DC 20233–3700 or by email (*Byron.Crenshaw@census.gov*).

SUPPLEMENTARY INFORMATION: This update makes six program-related changes. The first proposed change to program related provisions updates the location of the system to account for records temporarily stored in the Amazon Web Services (AWS), a Federal Risk and Authorization Management Program (FedRAMP) approved cloud service provider (CSP), which is an external hosting infrastructure and platform-as-a-service. FedRAMP is a government-wide program that provides a standardized approach to security assessment, authorization, and continuous monitoring for cloud products and services. The AWS CSP will maintain decennial census records (including testing information) during decennial census operations; no records that are a part of the U.S. Census Bureau (Census Bureau) American Community Survey (as described more fully in ''Purpose(s) of the System'' below) records will be maintained by the CSP. The second proposed change updates the authorities to remove the anti-wiretapping law. The third proposed change updates the categories of individuals to include subjects of tests, focus groups, and cognitive interviews. The fourth proposed change updates the categories of records to provide new detail regarding the information that may be contained in the population information category, including citizenship, date of birth, ethnicity, and number of weeks worked, etc.; and, in the housing information category, including data on amenities and utilities, home ownership, and number of vehicles kept or used, etc. Note that the Decennial Census of Population and Housing (the Decennial Census) does not collect citizenship information from respondents; for this system of records; only the ACS collects citizenship information from respondents. The fifth proposed change clarifies the record source categories to include direct responses of individuals in surveys, censuses, focus groups, cognitive interviews, and tests and comparable data that may be obtained from records covered by COMMERCE/CENSUS–8, Statistical Administrative Records System, including data from third-party entities. The sixth proposed change updates the policies and practices for storing the records to include temporary storage by the cloud service provider during decennial census operations. This amendment also provides minor administrative updates, including non-substantive changes to the description of routine uses of records maintained in the system. This notice does not contain any newly proposed or significantly modified routine uses.

The changes are being made in accordance with OMB Circular A–108 which requires agencies to periodically review systems of records notices for accuracy and completeness, paying special attention to changes in the manner in which records are organized, indexed, or retrieved that results in a change in the nature or scope of these records; and, the Privacy Act which requires agencies to publish in the **Federal Register** a notice that describes the changes to the system of records. The Privacy Act also requires each agency that proposes to establish or significantly modify a system of records to provide adequate advance notice of any such proposal to the OMB, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate (5 U.S.C 552a(r)). Significant modifications include adding a new routine use. The purpose of providing the advance notice to OMB and Congress is to permit an evaluation of the potential effect of the proposal on the privacy and other rights of individuals. The Department filed a report describing the modified system of records covered by this notice with the Chair of the Senate Committee on Homeland Security and Governmental Affairs, the Chair of the House Committee on Oversight and Government Reform, and the Deputy Administrator of the Office of Information and Regulatory Affairs, OMB on May 18, 2020.

SYSTEM NAME AND NUMBER:

COMMERCE/CENSUS–5, Decennial Census Programs.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

U.S. Census Bureau, 4600 Silver Hill Road, Washington, DC 20233–8100; Bureau of the Census, Bowie Computer Center, 17101 Medford Boulevard, Bowie, Maryland 20715; and at Amazon Web Services (AWS), located at 410 Terry Ave. N, Seattle, WA 98109.

SYSTEM MANAGER(S):

Associate Director for Decennial Census Programs, U.S. Census Bureau, 4600 Silver Hill Road, Washington, DC 20233–8000.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

13 U.S.C. 6(c), 141 and 193.

PURPOSE(S) OF THE SYSTEM:

The purpose of this system is to collect statistical information from respondents for Decennial Census Programs using responses to questions in order to provide key social, housing, and economic data for the nation. This system of records for Decennial Census Programs records is comprised of the Decennial Census of Population and Housing (the Decennial Census) records and American Community Survey (ACS) records. The primary uses of ACS data include: Supporting the federal government in administration of programs; providing public officials, planners, and entrepreneurs with information they can use to assess the past and plan for the future; providing information for community planning for hospitals and schools, supporting school lunch programs, improving emergency services, building bridges; and, informing businesses looking to add jobs and expand to new markets. The primary uses of decennial census data include: Apportioning the representation among states as mandated by Article I, Section 2 of the

United States Constitution; drawing congressional and state legislative districts, school districts and voting precincts; enforcing voting rights and civil rights legislation; providing data for federal, state, local and tribal governments to use in distributing federal dollars to states; informing federal, tribal, state, and local government planning decisions; informing business and nonprofit organization decisions (*e.g.,* where to locate and size of the market); and, providing population benchmarks for nearly every other U.S. survey. Census and survey records from the Decennial Census Programs are also maintained to conduct research and analysis with survey and administrative data for projects and to undertake methodological evaluations and enhancements by the Census Bureau to improve data collection and quality control. Also, information collected by the decennial census is used to provide official census transcripts of the results to the named person(s), their heirs, or legal representatives as described in COMMERCE/CENSUS–6, Population Census Personal Service Records for 1910 and All Subsequent Decennial Censuses (this does not apply to the ACS and test census or survey records).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals responding to Decennial Census Programs, which include the ongoing ACS, the Decennial Census, as well as the test censuses, focus groups, cognitive interviews and surveys related to the ACS and the Decennial Census, are covered by the system. Participation in Decennial Census Programs is mandatory. Data collected directly from respondents may be supplemented with data from administrative record files received from other federal, state, or local agencies, and third-party entities (*e.g.,* commercial sources) collected and processed under COMMERCE/CENSUS–8, Statistical Administrative Records System. Please see COMMERCE/CENSUS–8, Statistical Administrative Records System for more information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records collected by the ACS and its test surveys contains information such as: Population information—name, address, email address, telephone number (both landline and cell phone number), age, sex, race, date of birth, Hispanic origin, ethnicity, relationships, housing tenure, number of persons in the household, as well as more detailed information on topics such as marital status and history, fertility, income and sources, employment and history (*e.g.,* number of weeks worked), citizenship, education, transportation type, health insurance or health coverage plans, disability, grandparents as care-givers, military status and history, etc.; Housing information—year built, structure description, uses, features, amenities, number of rooms, utilities including type of fuel, purchase type (*e.g.,* mortgage or deed of trust), number of vehicles kept or used, and financial characteristics (*e.g.,* ownership, home value, property taxes).

Records collected during the Decennial Census and its test censuses may contain information such as: Population information—name, address, email address, telephone number (both landline and cell phone number), age, sex, race, Hispanic origin, relationship, housing tenure, number of persons in the household. Note that the Decennial Census of Population and Housing (the Decennial Census) does not collect citizenship information from respondents. In accordance with 13 U.S.C 6(c), information in the Decennial Census Programs may, under specific circumstances and arrangements, also come from administrative records obtained from federal, states, counties, cities, or other units of government. For instance, the Census Bureau works with all Federal agencies to obtain counts from their records of Federally affiliated persons living overseas. The Census Bureau also makes arrangements with certain types of facilities (*e.g.,* prisons, long-term care facilities, colleges) to obtain administrative records data on individuals when direct enumeration of those people is not feasible for safety, health, or other reasons. Please see COMMERCE/CENSUS–8, Statistical Administrative Records for more information. Test censuses, surveys, and research study records may contain information on individuals similar to that included in the ACS and Decennial Census. Field Representative and interviewer characteristics as well as paradata collected during the Decennial Census Programs (including data obtained during recordings) may also be collected. Paradata maintained in this system of records includes: Method of interview; time and date stamps; deleted changes; audit trail and trace files; item non-response, refusals, and don't know responses; Global Positioning System coordinates; all internet paradata, including internet Protocol address; mobile device identification, etc.

RECORD SOURCE CATEGORIES:

In general, the records in this system come from the subject individuals covered by Census Bureau decennial censuses and the ACS as well as subjects from tests, focus groups, and cognitive interviews. Data collected directly from respondents may be supplemented with information from administrative records for person-level characteristics or address updates obtained from federal, states, counties, cities, or other units of. Please see COMMERCE/CENSUS–8, Statistical Administrative Records System for more information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

There are no routine uses for the COMMERCE/CENSUS–5, Decennial Census Programs. Access to records maintained in the system is restricted to Census Bureau employees and certain individuals authorized by Title 13, U.S. Code (designated as Special Sworn Status individuals). Although there are no routine uses for the COMMERCE/CENSUS–5, Decennial Census Programs, access to records maintained in the system is restricted to Census Bureau employees and certain individuals authorized by Title 13, U.S. Code (designated as Special Sworn Status individuals). These individuals are subject to the same confidentiality requirements as regular Census Bureau employees.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records (including, but not limited to, sound and video files of survey and cognitive interviews, and pilot tests) are stored in a secure computerized system and on magnetic media; output data will be either electronic or paper copies (including transcripts of sound files). Paper copies or magnetic media are stored in a secure area within a locked drawer or cabinet. Datasets may be accessed only by authorized personnel. Control lists will be used to limit access to those employees with a need to know; rights will be granted based on job functions. Decennial Census records may also be stored at the AWS cloud service provider (CSP). The AWS CSP will maintain Decennial Census records (including testing information) during decennial census operations; no ACS records will be maintained by the AWS CSP. The AWS CSP has no access to Decennial Census records including incidental access. After decennial operations, the records maintained by the AWS CSP will be archived at the Census Bureau.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Information collected by the Decennial Census Programs may be retrieved by direct identifiers such as name and address. However, only a limited number of sworn Census Bureau staff will be permitted to retrieve records containing direct identifiers for authorized work-related purposes. Staff producing final statistical products will have access only to data sets from which direct identifiers have been deleted and replaced by unique non-identifying codes internal to the Census Bureau.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Respondent data collected through the Decennial Census Programs, including personally identifiable data, are in some cases captured as images suitable for computer processing. Original paper data sources are destroyed, according to the record disposal procedures, after confirmation of successful electronic data capture and secure data transmission of the images to Census Bureau headquarters. For the ACS, personally identifiable data are scheduled for permanent retention (excluding sound and video files) in accordance with the General Records Schedule and Census Bureau records control schedules that are approved by NARA. For the Decennial Census, a record of individual responses, including all names and other entries provided by the respondent, and all associated address and geographic information for each housing unit or person living in group quarters are scheduled for permanent retention (excluding sound and video files that are retained in accordance with the General Records Schedule and Census Bureau records control schedules that are approved by the NARA). Pilot and cognitive test data collections, data capture, and data processing records are destroyed when two years old or when no longer needed for Census Bureau program or evaluation purposes, whichever is later. Unless otherwise specified, all records are retained in accordance with the General Records Schedule and Census Bureau records control schedules that are approved by NARA.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

The Census Bureau is committed to respecting respondent privacy and protecting confidentiality. Through the Data Stewardship Program, the Census Bureau has implemented management, operational, and technical controls and practices to ensure high-level data protection to respondents of our censuses and surveys.

(1) A policy against unauthorized browsing protects respondent information from casual or inappropriate use by any person with access to Census Bureau data. Unauthorized browsing is defined as the act of searching or looking through, for other than work-related purposes, protected personal or business-related information that directly or indirectly identifies individual persons or businesses. Unauthorized browsing is prohibited.

(2) All Census Bureau employees and persons with Special Sworn Status permitted to access the system are subject to the restrictions, penalties, and prohibitions of 13 U.S.C. 9 and 214, as modified by 18 U.S.C. 3551 *et seq.;* and provisions of the Privacy Act, as applicable. Employees of FedRAMP-approved cloud service providers do not have access to Census Bureau data maintained in this system of records. The Census Bureau's security measures ensure that only a restricted number of authorized people have access to Title 13 information and that access is only granted to conduct our work and for no other purposes. Every person who works with the confidential information collected by the Census Bureau is sworn for life to uphold the law.

(3) All Census Bureau employees and persons with Special Sworn Status will be regularly advised of regulations governing the confidentiality of the data and will be required to complete an annual Data Stewardship Awareness program.

(4) All Census Bureau and FedRAMP-approved computer systems that maintain sensitive information are in compliance with the Federal Information Security Management Act, as amended (44 U.S.C. 3551–3559), which includes auditing and controls over access to restricted data.

(5) The use of unsecured telecommunications to transmit individually identifiable information is prohibited.

(6) Paper copies that contain sensitive information are stored in secure facilities in a locked drawer or file cabinet behind a locked door.

(7) Additional data files containing direct identifiers will be maintained solely for the purpose of data collection activities, such as respondent contact and preloading an instrument for a continued interview, and will not be transferred to, or maintained on, working statistical files.

(8) Any publications based on this system will be cleared for release under the direction of the Census Bureau's Disclosure Review Board, which will confirm that all the required disclosure avoidance procedures have been implemented and no information that identifies any individual is released.

RECORD ACCESS PROCEDURES:

None.

CONTESTING RECORD PROCEDURES:

None.

NOTIFICATION PROCEDURES:

None.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

Pursuant to *5* U.S.C. 552a(k)(4), this system of records is exempted from subsections (c)(3); (d); (e)(l); (e)(4)(G), (H), and (I); and (t) of the Privacy Act. These subsections include, but are not limited to, certain requirements concerning notification, access, and contest procedures. This exemption is applicable because the data are maintained by the Census Bureau solely as statistical records, as required under Title 13, to be used solely as statistical records and are not used in whole or in part in making any determination about an identifiable individual. This exemption is made in accordance with 15 CFR part 4 subpart B.

HISTORY:

81 FR 76557, November 3, 2016, Notice of Amendment of Privacy Act System of Records.

Dated: July 21, 2020.

Catrina D. Purvis,

Department of Commerce, Chief Privacy Officer, Director of Open Government.

[FR Doc. 2020–18660 Filed 8–24–20; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–26–2020]

Foreign-Trade Zone (FTZ) 116—Port Arthur, Texas; Authorization of Production Activity; Golden Pass LNG Terminal, LLC (Liquified Natural Gas Processing), Port Arthur, Texas

On April 21, 2020, Golden Pass LNG Terminal, LLC submitted a notification of proposed production activity to the FTZ Board for its facility within FTZ 116, in Port Arthur, Texas.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (85 FR 27206, May 7, 2020). On August 19, 2020, the applicant was notified of the FTZ

Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: August 19, 2020.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2020–18590 Filed 8–24–20; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–27–2020]

Foreign-Trade Zone (FTZ) 143—West Sacramento, California; Authorization of Production Activity; LiCAP Technologies, Inc. (Electrodes), Sacramento, California

On April 21, 2020, the Port of Sacramento, grantee of FTZ 143, submitted a notification of proposed production activity to the FTZ Board on behalf of LiCAP Technologies, Inc., within Subzone 143E, in Sacramento, California.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (85 FR 29397, May 15, 2020). On August 19, 2020, the applicant was notified of the FTZ Board's conditional decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14, and further subject to a five-year time limit (ending August 19, 2025).

Dated: August 19, 2020.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2020–18591 Filed 8–24–20; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Transportation and Related Equipment Technical Advisory Committee; Notice of Partially Closed Meeting

The Transportation and Related Equipment Technical Advisory Committee will meet on

September 9, 2020, at 11:30 a.m., Eastern Daylight Time, via teleconference. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to transportation and related equipment or technology.

Agenda

Public Session

1. Welcome and Introductions.
2. Status reports by working group chairs.
3. Public comments and Proposals.

Closed Session

4. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yvette.Springer@bis.doc.gov* no later than September 2, 2020.

To the extent time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to Ms. Springer via email.

For more information, call Yvette Springer at (202) 482·2813.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2020–18625 Filed 8–24–20; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

[Docket Number 17–BIS–0004 (consolidated)]

In the Matters of: Nordic Maritime Pte. Ltd. and Morten Innhaug, Respondents; Final Decision and Order; Washington, DC 20230

This matter is before me a second time to review the Administrative Law Judge's (ALJ) decision in this case. On March 11, 2020, I affirmed the ALJ's initial recommended decision and order's (Initial RDO) findings of liability, modified the denial order to a period of 15 years, and remanded to the ALJ for a reexamination of the civil monetary penalty (Remand Order).[1] The ALJ did so, resulting in a reinstatement of the original $31,425,760 civil monetary penalty by way of a July 15, 2020 Recommended Decision and Order (Penalty RDO).[2]

With the benefit of the Penalty RDO and additional briefing from the parties, this matter is ripe for decision. For the following reasons, I conclude that Nordic Maritime Pte. Ltd.'s (Nordic) and Morten Innhaug's (Innhaug and, collectively, Respondents) conduct—including the knowing export of highly controlled equipment to one of America's adversaries, coupled with making false and misleading statements to the Bureau of Industry and Security (BIS) in the course of its investigation into the matter—warrants a significant sanction. As a result, I affirm the $31,425,760 civil monetary penalty in its entirety and determine that no suspension of the penalty is appropriate.

I. Background

This matter has a thorough procedural history, which is recounted in the Remand Order and in the Initial RDO. *See* 85 FR 15,415–16; *see also id.* at 15,421–28 (the Initial RDO). A brief recap to the extent necessary to understand the damages calculation will suffice.

BIS issued a charging letter to Respondent Nordic on April 28, 2017, alleging three violations of the Export Administration Regulations (EAR or Regulations):[3] (i) Nordic illegally reexported certain seismic survey equipment to Iran that was controlled

[1] *In the Matters of Nordic Maritime Pte. Ltd. & Morten Innhaug; Partial Remand and Final Decision and Order,* 85 FR 15,414 (Mar. 18, 2020).

[2] I received the certified copy of the record from the ALJ, including the original copy of the Penalty RDO, for my review on July 20, 2020.

The Penalty RDO is included as an addendum to this Final Decision and Order.

[3] The EAR originally issued under the Export Administration Act of 1979, as amended, 50 U.S.C. 4601–4623 (Supp. III 2015) (the EAA), which lapsed on August 21, 2001. The President, through Executive Order 13,222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), which was extended by successive Presidential Notices, including the Notice of August 8, 2018 (83 FR 39,871 (Aug. 13, 2018)), continued the Regulations under the International Emergency Economic Powers Act, 50 U.S.C. 1701, *et seq.* (2012) (IEEPA), including during the time period of the violations at issue here. On August 13, 2018, the President signed into law the John S. McCain National Defense Authorization Act for Fiscal Year 2019, which includes the Export Control Reform Act of 2018 (ECRA), 50 U.S.C. 4801, *et seq.* While Section 1766 of ECRA repeals the provisions of the EAA (except for three sections which are inapplicable here), Section 1768 of ECRA provides, in pertinent part, that all rules and regulations that were made or issued under the EAA, including as continued in effect pursuant to IEEPA, and were in effect as of ECRA's date of enactment (August 13, 2018), shall continue in effect according to their terms until modified, superseded, set aside, or revoked through action undertaken pursuant to the authority provided under ECRA.

by the EAR for national security and anti-terrorism reasons; (ii) Nordic acted knowingly in doing so; and (iii) Nordic made false and misleading statements to BIS during its investigation. The unlawful export occurred pursuant to a contract between Nordic and Mapna International FZE to conduct a seismic survey in Iranian territorial waters. *See* 85 FR 15,415 (citing the charging letter to Nordic). BIS also issued a charging letter to Innhaug, alleging he aided and abetted Nordic in violating the EAR.

The case proceeded to litigation, and the Respondents alerted the ALJ on the eve of trial that they would not participate. *See* 85 FR at 15,417. Following a hearing with testimony and exhibits, the ALJ agreed with BIS's arguments that the Respondents' conduct warranted a civil monetary penalty in the amount of $31,425,760. The ALJ concluded—and I affirmed in the Remand Order—that the operative transaction for penalty purposes was Nordic's contract with Mapna, which was then valued at €11.3 million. *See id.* at 15,418.[4] The ALJ then doubled the amount of the contract to arrive at the appropriate civil monetary penalty. *See id.*

The statute permits the imposition of a civil penalty of $307,922[5] or ''an amount that is twice the amount of the transaction that is the basis of the violation with respect to the penalty imposed,'' whichever is greater. 50 U.S.C. 1705(b). The penalty here was calculated by imposing a penalty of twice the value of the transaction, namely Nordic's contract for seismic services in Iranian territorial waters. In addition to the civil monetary penalty, the Initial RDO deemed waived Respondents' inability to pay argument, declined to suspend any of the civil monetary penalty, and imposed an indefinite denial order that would be lifted when Respondents paid the civil monetary penalty. *See* 85 FR at 15,422 and 15,427.

On initial review, I affirmed the ALJ's findings of liability, agreed that Respondents waived their inability to pay argument, and imposed a 15-year denial order against Respondents. *Id.* at 15,420–21. I also vacated and remanded the civil monetary penalty for reexamination, in particular considering whether the penalty was proportional to previous penalties imposed in BIS cases. *Id.*

The ALJ acted quickly, ordered additional briefing focused on the penalty amount, and reaffirmed the $31,425,760 civil monetary penalty. The ALJ also determined that no suspension of the civil monetary penalty was warranted.

II. Review Under Section 766.22

A. Jurisdiction

The undersigned has jurisdiction under Section 766.22 of the EAR.[6] While this case was pending before the ALJ, the Export Control Reform Act of 2018 (ECRA) became law. *See* Public Law 115–232 (2018) (codified at 50 U.S.C. 4801–4852). At the time of the offenses, however, the previous statutory scheme, the Export Administration Act of 1979, had lapsed and, as noted above, the EAR was kept in effect under the International Emergency Economic Powers Act (IEEPA). ECRA provided that the authority of the EAR and any judicial or administrative proceedings pending on the date of enactment would be unaffected. *See* 50 U.S.C. 4826.

B. Penalties

1. Scope of Review

In the Remand Order, I made clear that ''Respondents' conduct in this case was unquestionably serious, and it warrants a significant sanction.'' 85 FR at 15,418. After examining other cases in which the civil monetary penalties were small percentages of the total amount permitted under the relevant statute, I noted:

> Respondents' conduct was serious, and they should be punished. The ALJ was correct that any penalty ''should be such that it dissuades future violations of this sort, and acts as a strong deterrent against this type of behavior.'' Viewed through this lens, *it may well be that the civil monetary penalty in case will be substantial. Perhaps it will remain unchanged.* But the record would benefit from further development on the issue of proportionality.

Id. at 15,419 (emphasis added). In addition, the Remand Order explained ''that penalties in litigated cases should be higher than settlement cases based on similar conduct. Indeed, the EAR guidelines on settlement gave the respondents notice that 'penalties for settlements reached after the initiation of litigation will usually be higher than those' that settle.'' *Id.* at 15,418 (citing 15 CFR part 766, Supp. No. 1).[7]

The parties' positions on the appropriate penalty are diametrically opposed. BIS believes the penalty should be affirmed in its entirety.[8] Respondents believe no civil penalty is in order. If one is imposed, however, Respondents argue it should be suspended for a two-year period contingent on Respondents' compliance with the EAR and then expire.

The ALJ's Penalty RDO examines the civil monetary penalty under four general premises: (1) That he need not compare this case ''to all previous BIS decisions ever issued'' and that cases with ''dissimilar fact patterns should not be considered in a proportionality evaluation,'' noting that exports of medical equipment ''should have little effect where oil and gas survey services are at issue''; (2) the ''aged nature of cases'' should be discounted, essentially, because of the time value of money; (3) the effectiveness of previous sanctions and if penalties in the industry have not been enough historically to deter misconduct, a further sanction is warranted; and (4) ''the possibility that a case is sui generis, unique among all cases'' that ''a recommended decision may trailblaze a path where no ALJ has gone before.''

Respectfully, the ALJ's narrow analysis was erroneous. The ALJ's single-footnote, summary dismissal of cases not in the oil and gas industry is unnecessarily restrictive. As an example, the ALJ distinguishes *In the Matter of Aiman Ammar,* 80 FR 57,572 (Sept. 24, 2015)—a case both parties believe to be in their favor, and the undersigned found instructive in the Remand Order, see 85 FR at 15,419—as providing ''little guidance'' because the violations in that case related to computer equipment export-controlled for National Security reasons to another embargoed country (Syria) ''are so

[4] In the Initial RDO, the ALJ appropriately used the conversion date of when Nordic entered into its contract with Mapna. *See* 85 FR 15,417 n.6.

[5] The maximum civil penalty amount is subject to increase pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Public Law 114–74, 701 (2015). *See* 15 CFR 6.4(b)(4).

[6] Because the conduct at issue in this case took place in 2012 and 2013, those versions of the EAR govern the substantive aspects of the case. *See* 85 FR at 15,417 n.7.

[7] As noted in the Remand Order, the 2014 version of the Regulations guide the penalty analysis in this matter. 85 FR at 15,418 n.11.

[8] In its briefing, BIS argues that the statutory maximum is much higher than the ALJ's recommendation here. Citing 50 U.S.C. 1705(a)–(b), BIS notes ''the maximum civil monetary penalty allowed by IEEPA is the greater of $307,922 or twice the value of the transaction upon which the penalty is imposed, *for each violation of the Regulations.*'' Because Respondents were charged with three violations of the EAR, BIS asserts the total statutory maximum is $94,277,280; that is, doubling the value of the seismic contract for each of the three charges.

IEEPA provides that it is ''unlawful for a person to violate . . . any license, order, *regulation,* or prohibition issued under this chapter,'' and permits ''an amount that is *twice the amount of the transaction that is the basis of the violation* with respect to which the penalty is imposed.'' 50 U.S.C. 1705(a)–(b) (emphases added).

factually different from the violations at issue'' here such that it ''simply do[es] not compare and any sanction leveled against Aiman Ammar provides no guidance here.'' In addition, with respect to ''aged'' cases, where similar cases are identified, an appropriate point of analysis is the percentage of the penalty against the statutory maximum, not simply the dollar amount. Furthermore, the ALJ's industry-specific, historical-deterrence factor finds little support in the Penalty RDO, IEEPA, or the Regulations. If, instead, this case is sui generis in the ALJ's view, I respectfully disagree.

Respondents focus their arguments on the number of violations and average penalty per violation as being dispositive of the penalty issue. I disagree. Congress, in both IEEPA and now ECRA, made clear that the value of the transaction is the touchstone for determining the quantum of the penalty.[9] Although a significant number of violations can be an aggravating factor—potentially probative of senior-level involvement, for instance—the value of the transaction is of greater importance when assessing the proper amount for a penalty. By providing for a penalty scheme that authorized the greater of either $307,922 or double the amount of the transaction, Congress's intent to provide a genuine disincentive is clear.

Respondents also argue that the ''contract for seismic services cannot be the legal basis for a civil penalty under the EAR and any penalty must be based only on the value of the U.S. origin goods that were used to conduct the survey.'' The statute and Regulations belie that claim and permit the use of the transaction value; here, the transaction value is the value of the contract. The EAR provides that, where ''[t]he quantity and/or value of the exports was high, such that a greater penalty may be necessary to serve as an adequate penalty for the violation or deterrence of future violations, or to make the penalty proportionate to those for otherwise comparable violations involving exports of lower quantity or value.'' 15 CFR part 766, Supp. No. 1 (2014).

The ALJ and BIS both point to the EAR's penalty provisions as they relate to criminal or other ancillary enforcement actions. The 2014 version of the EAR provides that ''where a party is receiving substantial criminal penalties, BIS may find that sufficient deterrence may be achieved by lesser administrative sanctions than would be appropriate in the absence of criminal penalties.'' 15 CFR part 766, Supp. No. 1 (2014). But the converse is also true, and ''BIS might seek greater administrative sanctions in an otherwise similar case where a party is not subjected to criminal penalties.'' *Id.*

BIS's brief on review properly frames the lens through which the penalty should be assessed:

> (1) the destination involved—Iran, (2) the sensitivity of the items—which are both National Security (''NS'') and Anti-Terrorism (''AT'') controlled,[10] (3) the knowledge and awareness of senior-level management, including Respondent Innhaug—the company's Chairman, and (4) blatantly false statements in a formal submission to BIS in an attempt to cover up their actions.

BIS's framework tracks the EAR. *See* 15 CFR part 766, Supp. 1 (2014). This formulation was also endorsed by Congress in ECRA's penalty scheme, and although this case is proceeding under IEEPA authority, Congress's recent guidance is instructive.[11]

2. Amount of the Penalty

Both parties and the ALJ point to BIS's settlement with Weatherford International as providing guidance. In that matter, the company and a number of its affiliates settled more than 170 violations related to exports of oil field equipment to Iran and other embargoed destinations. *In the Matter of Weatherford Int'l* (Settlement Order dated Dec. 23, 2013). The oil field equipment at issue there was designated as EAR99[12] under the Regulations, as compared to the National Security- and Anti-Terrorism-level controls with respect to Respondents' actions. The value of the equipment in that case was approximately $50,136,255, and the company paid a civil monetary penalty of $50 million. The company also paid a $50 million penalty to the Department of Justice to resolve the company's criminal liability. BIS did not require a denial order in *Weatherford.* In its settlement with BIS, there was no mention of senior-level management involvement or false statements, as in this case. So, accounting for the BIS and criminal resolution, Weatherford paid approximately twice the value of the items in a case that was settled and where, unlike here, there was no effort to mislead BIS in the course of its investigation.

The resolution of *In the Matter of Aiman Ammar,* 80 FR 57,572 (Sept. 24, 2015), is also instructive. That case, also a settlement, assessed a $7,000,000 civil monetary penalty, but with all but $250,000 suspended, and denial orders ranging from four to seven years. The equipment in *Ammar* was approximately $3.6 million worth of computer equipment and software, ''nearly all'' of which was controlled for National Security and Anti-Terrorism reasons. *Id.* at 57,573. The shipments were to Syria, an embargoed country. *See id.* That case did not have the false statements charge present in this case.

In the Matter of Yantai Jereh Oilfield Services Group Co., Ltd. (Settlement Order dated Dec. 10, 2018), also involved the knowing export of oil and gas equipment to Iran. The equipment was designated as EAR99 and had a value of approximately $381,881. The conduct there was led by lower-level personnel—a sales executive and a business manager—than present in this case. In settling the matter, the respondent paid BIS a civil monetary penalty of $600,000 (the penalty paid to BIS only amounts to a multiple of 1.57), in addition to $2,774,972 to the Office of Foreign Assets Control. BIS also imposed a five-year suspended denial order. Both the ALJ and BIS correctly note that, in *Jereh,* the respondent took additional measures to account for its violations including terminating the individuals involved in the conduct, obtaining a review by outside counsel of its trade compliance program, and establishing an office to run its trade compliance program, among other things. None of those remedial measures is present here.

BIS also relies on *In the Matters of National Oilwell Varco & Dreco Energy Services Ltd.* (Settlement Order dated Nov. 8, 2016), as a relevant case. As part

[9] *See* 50 U.S.C. 1705(b) (IEEPA and providing for a per violation penalty that is the greater of $307,922 (with adjustment for inflation) or twice the value of the transaction that is the basis for the violation) and 50 U.S.C. 4819(c)(1)(A) (ECRA, same).

[10] National Security controls are imposed on items ''that would make a significant contribution to the military potential of any other country or combination of countries that would prove detrimental to the national security of the United States.'' 15 CFR 742.4 (2019).

Anti-terrorism controls to Iran ''are additional to the nearly comprehensive embargo administered by the Treasury Department's Office of Foreign Assets Control.'' And ''[l]icenses to export covered items to Iran are almost always denied.'' Eric L. Hirschhorn, The Export Control and Embargo Handbook 61 (3d ed. 2010) (footnote omitted); *see also* 15 CFR 742.8 (2019) (Anti-terrorism controls to Iran).

[11] Generally aligning with BIS's formulation, ECRA includes a ''Standards for levels of civil penalty.'' 50 U.S.C. 4819(c)(3). That subparagraph provides:

> The Secretary may by regulation provide standards for establishing levels of civil penalty under this subsection based upon factors such as the seriousness of the violation, the culpability of the violator, and such mitigating factors as the violator's record of cooperation with the Government in disclosing the violation.

Id.

[12] EAR99 is a designation for items subject to the EAR but not listed on the CCL. *See* 15 CFR 734.3(c) and 772.1.

of a global resolution in that case, the respondents settled 22 charges, including one knowledge charge, of EAR99 oilfield equipment to Iran and one item to Oman controlled for Nuclear Non-Proliferation reasons. The total value of the items was just under $2.4 million, and the respondents paid BIS a $2.5 million penalty.[13] In settling the case, BIS did not require a denial order. There was one charge of a knowing violation, but unlike this case, there was no evidence in that settlement agreement of upper-management involvement and no false statements to BIS.

Having considered a number of settled cases, I turn to a litigated case, and it tells a similar story. In *In the Matter of Trilogy Int'l,* 83 FR 9259 (Mar. 5, 2018), Under Secretary Ricardel reviewed three charges each against the company and its president. The items were valued at $76,035, controlled for National Security reasons, and were exported to Russia, a non-embargoed country. Under Secretary Ricardel imposed a total civil monetary penalty of $200,000, half against each respondent, as well as a 10-year denial order. *Id.* at 9262. The similarities in *Trilogy* are useful for comparison to this case: Items controlled for National Security reasons, but to a less-restrictive destination; involvement of upper-management of the company; and the matter was litigated rather than settled. This case, however, has additional aggravating factors not present in *Trilogy:* The items here were exported to an embargoed destination; the charges here included a knowledge charge; and, critically, Respondents' false and misleading statements to BIS in the course of the investigation.

The cases above, in particular *Trilogy,* support a substantial civil monetary penalty coupled with a lengthy denial order. Put simply, Respondents' conduct in this case was far more harmful to the national security interests of the United States than in *Trilogy,* in particular the significant penalty (relative to the value of the transaction at issue) and a lengthy denial order.

As the ALJ described in the Initial RDO and Penalty RDO, Respondents' knowing reexport of oil survey equipment to Iran is something the U.S. Government should punish harshly. Moreover, Respondents' false statements to BIS in the course of its investigation likewise deserves a significant sanction. Were it otherwise, federal law enforcement would be irreparably hampered.

In the Remand Order, I listed a number of cases settled with proportionally lower penalties to help guide the ALJ on remand. *See* 85 FR at 15,419. But, as was clear from the Remand Order, those cases were just that: Negotiated resolutions between the parties where respondents admitted their liability and enabled BIS to free up resources to pursue other matters. *See* 15 CFR part 766 Supp. No. 1 (2014).[14] Here, by contrast, Respondents put BIS to the burden of litigation and Respondents participated in litigation only to a point. After Respondents disclaimed further participation on the eve of the hearing, BIS was required to put on several witnesses to explain Respondents' conduct. The ALJ then wrote a lengthy RDO finding Respondents liable, which has now come before the undersigned twice. ''Because the effective implementation of the U.S. export control system depends on the efficient use of BIS resources, BIS has an interest in encouraging early settlement and may take this interest into account in determining settlement terms.'' *Id.* The converse holds true, as well.

The cases discussed in the Remand RDO lack the combined degree of aggravating factors present in this case, including lying to BIS. Even the litigated cases cited in the Remand Order had significantly less aggravating conduct than in this case. *See* 85 FR at 15,418–19. In addition, the more recent cases demonstrate BIS's commitment to vindicating the national interest in a robust system of export-control compliance.

Respondents contend that to affirm the civil monetary penalty would be unconstitutional. Citing the Eighth Amendment to the U.S. Constitution and *United States* v. *Bajakajian,* 524 U.S. 321 (1998), Respondents claim that affirming the civil monetary penalty, coupled with the 15-year denial order, would be an excessive fine. The Court in *Bajakajian* recognized a broad deference to the legislature to set punishments. *Id.* at 336. Congress has spoken clearly in IEEPA and later in ECRA that the appropriate maximum civil penalty is the *greater of $*307,922 (at current inflation) or twice the value of the transaction.[15] With respect to proportionality, the *Bajakajian* Court held that a penalty violates the Excessive Fines Clause of the Eighth Amendment ''if it is grossly disproportional to the gravity of the offense that it is designed to punish.'' *Id.* at 332.[16] As evidenced in the settled and litigated cases discussed above, cases of this nature—involving shipments to an embargoed country, of sensitive National Security-controlled items, with knowledge and involvement of company leadership, and then lying to law enforcement about it—warrant high penalties, including the imposition of up to the maximum penalty. The fact that the monetary penalty is high and that the penalty includes an active denial order period does not mean that the penalty is grossly disproportionate given the factors at play in this case.

Against the backdrop of the cases and legal framework discussed above, Respondents' knowing export of sensitive oilfield survey equipment to an American adversary, led by the company's chairman, and then lying to BIS about it, warrants a civil monetary penalty of twice the value of the underlying transaction.

3. Suspension of the Penalty

Respondents seek a suspension of the civil monetary penalty for two years so long as they remain compliant with the EAR.[17] Respondents claimed in their briefing that BIS suspends civil monetary penalties 43% of the time

[13] I agree with the ALJ that this settlement is somewhat confusing. National Oilwell Varco paid a total of $25 million by way of a non-prosecution agreement with the Department of Justice for several trade-related offenses. The BIS Settlement Order also indicates a separate settlement agreement with the Office of Foreign Assets Control at the U.S. Department of the Treasury. It is unclear from the public record how closely related the conduct is to the conduct for the BIS-only portion of the settlement. In any event, the BIS-only penalty is significant, and when paired with a $25 million trade-related global resolution, it is clear that the respondents in that case were punished severely. As discussed above, there is no related criminal action here, and the EAR permits me to take that into account. *See* 15 CFR part 766, Supp. No. 1 (2014).

[14] The EAR provides: ''[E]arly settlement—for example, before a charging letter has been served—has the benefit of freeing resources for BIS to deploy in other matters. In contrast, for example, the BIS resources saved by settlement on the eve of an adversary hearing under § 766.13 are fewer, insofar as BIS has already expended significant resources on discovery, motions practice, and trial preparation.'' 15 CFR part 766, Supp. No. 1 (2014).

[15] *See* note 9, *supra.*

[16] *See also Newell Recycling Co.* v. *United States Envt'l Prot. Agency,* 231 F.3d 204, 210 (5th Cir. 2000) (''No matter how excessive (in lay terms) an administrative fine may appear, if the fine does not exceed the limits prescribed by the statute authorizing it, the fine does not violate the Eighth Amendment.''); *Collins* v. *SEC,* 736 F.3d 521 (D.C. Cir. 2013) (upholding a civil penalty that is more than 100 times the amount of the ordered disgorgement, even where other SEC cases provided a penalty closer to the amount of the disgorgement).

[17] I left this possibility open in the Remand RDO. *See* 85 FR 15,419 (''Because I am vacating and remanding the civil monetary penalty, I need not decide at this point whether the suspension of any portion is appropriate. It may well not be, as the ALJ concluded in the [Initial] RDO, but I will leave that issue open for the ALJ to consider on remand.'').

since 2009. *See* 85 FR 15,419. As in the Remand Order, I need not determine whether that is true. The fact remains that, even under Respondents' argument, suspending a civil monetary penalty is not the norm, and I decline to do so here.

The EAR permits the suspension of all or part of a civil monetary penalty. 15 CFR 764.3 (2014).[18] Unfortunately, the EAR provides limited guidance on the factors one should use to determine whether suspension is appropriate. Among the considerations are ''whether the party has demonstrated a limited ability to pay''—an argument I previously deemed the Respondents waived, *see* 85 FR 15,417 n.5—and ''whether, in light of all the circumstances, such suspension or deferral is necessary to make the impact of the penalty consistent with the impact of BIS penalties on other parties who committed similar violations.'' 15 CFR part 766, Supp. No. 1.

In support of their suspension argument, the only case Respondents cite is *Aiman Ammar,* in which BIS settled with the respondents for $7 million with all but $250,000 suspended. But that suspension arose in the context of a settlement, a fact not present here. As discussed in the Remand Order, many of the suspended penalties occurred in cases that were settled, an indication that those respondents accepted responsibility for their conduct. *See* 85 FR 15,419 (collecting cases).

Several facts lead me to conclude that suspending the civil monetary penalty would be inappropriate. As is clear from the facts of this case, Respondents' conduct was serious: Providing high-level export-controlled equipment to benefit one of America's adversaries; done at the behest of the head of the company; and then lying to BIS about that conduct. Indeed, even at this stage of the proceedings, Respondents do not appear to have taken sufficient responsibility for their conduct. In their briefing before the undersigned that led to the Remand Order, Respondents claim that Nordic made a submission to BIS in the course of the investigation, and it ''contained incorrect information at the specific request of one of the [BIS Office of Export Enforcement] agents involved in the investigation.''

In short, Respondents offer little to support their request for a suspension of the civil monetary penalty other than the penalty is sizeable and that Nordic is in ''dire financial condition.'' Notwithstanding that Respondents waived this inability to pay argument, *see* 85 FR 15,417 n.5, even if I were to consider it, I have determined a suspension is inappropriate. An examination of cases in which a civil monetary penalty was suspended shows that they were most often done in the settlement context. Indeed, the totality of factors in this case confirms that a suspension of the civil monetary penalty is unwarranted.

* * * * *

Accordingly, based on my review of the Initial RDO, the Penalty RDO, the parties' briefs relating to the civil monetary penalty, and entire record, I affirm the civil monetary penalty in the amount of $31,425,760 jointly and severally against each Respondent. In addition, I determine that no suspension of the civil monetary penalty is warranted.

Accordingly, it is therefore ordered:

First, a civil penalty of $31,425,760 shall be assessed jointly and severally against each Respondent, the payment of which shall be made to the U.S. Department of Commerce within 30 days of the date of this Order.

Second, pursuant to the Debt Collection Act of 1982, as amended (31 U.S.C. 3701–3720E (2000)), the civil penalties owed under this Order accrue interest as more fully described in the attached Notice, and, if payment is not made by the due date specified herein, the party that fails to make payment will be assessed, in addition to the full amount of the civil penalty and interest, a penalty charge and administrative charge.

Third, this Order shall be served on Respondents Nordic Maritime Pte. Ltd. and Morten Innhaug and on BIS, and shall be published in the **Federal Register**. In addition, the ALJ's Penalty Recommended Decision and Order shall be published in the **Federal Register**.

The findings of liability and the denial order, which constitute final agency action in this matter, are effective immediately.

Issued this 19th day of August, 2020.

Cordell A. Hull,

Acting Under Secretary of Commerce for Industry and Security.

United States Department of Commerce, Bureau of Industry and Security, Washington, DC

In the Matters of: Nordic Maritime Pte. Ltd. and Morten Innhaug, Respondents.

Docket Number, 17–BIS–0004 (consolidated)

Certificate of Service

I hereby certify that, on August 19, 2020, I caused the foregoing Final Decision and Order to be served upon:

Gregory Michelsen, Esq., Zachary Klein, Esq., U.S. Department of Commerce, Office of Chief Counsel for Industry and Security, 14th & Constitution Avenue NW, Washington, DC 20230, *Gmichelsen@doc.gov*, *ZKlein@doc.gov* (Electronically).

Douglas N. Jacobson, Esq., Jacobson Burton Kelley PLLC, 1725 I Street NW—Suite 300, Washington, DC 20006, *Djacobson@jacobsonburton.com* (Electronically).

Honorable Dean C. Metry, Administrative Law Judge, U.S. Coast Guard, U.S. Courthouse, 601 25th St., Suite 508A, Galveston, TX 77550, *Janice.m.emig@uscg.mil* (Electronically).

ALJ Docketing Center, Attention: Hearing Docket Clerk, 40 S Gay Street, Room 4124, Baltimore, MD 21202–4022, *aljdocketcenter@uscg.mil* (Electronically).

Office of the Under Secretary for Industry and Security

The Recommended Penalty Order On Remand follows as Appendix A.

Appendix A

United States Department of Commerce, Bureau of Industry and Security, Washington, DC

In the Matters of: Nordic Maritime Pte. Ltd., and Morten Innhaug, Respondents.

Docket No. 17–BIS–0004

Recommended Penalty Order on Remand

On March 11, 2020, the Acting Under Secretary of Commerce for Industry and Security issued a Partial Remand and Final Denial Order (Remand). In the Remand, the Under Secretary affirmed in part, modified in part, and vacated in part the undersigned Administrative Law Judge's (ALJ) Recommended Decision and Order (RDO) issued on February 7, 2020. Specifically, the

[18] The 2014 version of the provision provides, in full: ''The payment of any civil penalty may be deferred or suspended in whole or in part during any probation period that may be imposed. Such deferral or suspension shall not bar the collection of the penalty if the conditions of the deferral, suspension, or probation are not fulfilled.'' 15 CFR 764.3 (2014).

Under Secretary affirmed the findings of liability, and agreed Respondents committed the violations alleged in the charging letters. The Under Secretary modified the denial order to a period of 15 years and vacated the $31,425,760.00 penalty recommended against Respondents. In the Under Secretary's view, the record did not support the penalty, and the penalty did not appear to be proportional to sanctions imposed in similar, previous cases. Remand Order at 15.

Thereafter, the undersigned instructed the parties to brief the proportionality issue. Both parties timely field briefs and this matter is ripe for a recommended decision on remand.

Preliminary Issue

Upon review of the parties' post-Remand submissions, the undersigned notes both parties made arguments beyond the scope of the undersigned's briefing order. The court's briefing order was perfectly clear ''[T]he parties shall brief the penalty issue remanded to the undersigned, *but only regarding proportionality with previous [Bureau of Industry and Security's] BIS' decisions*.'' Brief Scheduling Order after Partial Remand at 2 (emphasis added). Accordingly, the undersigned will only consider the parties' arguments addressing proportionality.

Proportionality

As set forth in the Remand, the Under Secretary affirmed the RDO's analysis concerning the aggravating and mitigating factors in 15 CFR part 766, Supp. No. 1. Therefore, the undersigned will not repeat that analysis here; it is the law of the case. *Sim* v. *Republic of Hungary,*—F.Supp.3d—2020 WL 1170485 (D.D.C. 2020) (discussing law of the case doctrine).[19] Instead, the undersigned will review previous BIS decisions and recommend a sanction proportional to those previously imposed by BIS, as instructed in the Remand.

First, the undersigned notes that other than the well-reasoned explanation provided by the Under Secretary's Remand, there is little BIS guidance on exactly how an ALJ should analyze proportionality. The obvious first step is to compare prior decisions to the case at bar. But it goes without saying that an ALJ need not compare the instant case to all previous BIS decisions ever issued. For example, cases with dissimilar fact patterns should not be considered in a proportionality evaluation, *i.e.,* cases involving the sale of medical goods should have little effect on a case where oil and gas survey services are at issue. Thus, the first factor when considering proportionality is how closely the proffered cases' facts mirror the case in question.

Common sense also dictates the undersigned consider the aged nature of a previous case and its temporal proximity to the case at bar. Within this same consideration, the ALJ should also consider any changes in BIS regulations and/or congressional enactments controlling BIS operations. For example, a $20,000.00 sanction imposed by BIS in 1995 may not be equal to a $20,000.00 sanction imposed today simply because of inflation and/or a congressional intent to ratchet up penalties.

An ALJ should also consider the effectiveness of previous sanctions. For example, if BIS imposed a $35,000.00 penalty for a violation, but that sanction does not sufficiently deter similar conduct in the industry, an ALJ would be right to recommend the Under Secretary ratchet up the penalty to adjust for the lack of deterrent effect in the regulated community.

Lastly, the undersigned notes that there is the possibility that a case is sui generis, unique among all cases, and that its facts are so different than those preexisting in the body of BIS case law addressing the issue, that a recommended decision may trailblaze a path where no ALJ has gone before. Admittedly, these cases would be rare, but an ALJ should be prepared to levy an appropriate sanction unlike any previously imposed when necessary, particularly where a respondent's conduct poses a grave threat to the United States.

With this non-exclusive list of considerations in mind, the undersigned turns to: (1) The cases cited in the Remand; (2) BIS' citation of cases; and (3) Respondents' arguments addressing the proportionality issue. I address each in turn.

Cases Cited in the Under Secretary's Remand

A review of most of the cases cited by the Under Secretary shows that while many involved intentional violations, like the case at bar, the similarities end there. For example, *In the Matter of Ali Asghar Manzarpour,* BIS sought to punish the export of a single-engine aircraft to Iran. 73 FR 12,073 (Mar. 6, 2008). Similarly, *In the Matter of Teepad Electronic General Trading* and *In the matter of Swiss Telecom* involved the export of telecommunication devices to Iran and the latter included an export of technical information violation. 71 FR 34,596 (June 15, 2006); 71 FR 32,920 (June 7, 2006).[20] Clearly, none of these cases includes facts even remotely similar to Respondents' conduct here; they simply do not even begin to have the long lasting ramifications as do the violations in this case.

At the risk of repeating the RDO's analysis, the undersigned again highlights that not only are Respondents' actions intentional, but the blatant violations resulted in the use of U.S. equipment to survey the Forouz B natural gas field—a vast natural resource controlled by Iran, a fierce American adversary. It goes without saying; these oil and gas surveys pave the way for Iran, through companies like

[19] *LaShawn A.* v. *Barry,* 87 F.3d 1389, 1393 (D.C. Cir. 1996) (''When there are multiple appeals taken in the course of a single piece of litigation, law-of-the-case doctrine holds that decisions rendered on the first appeal should not be revisited on later trips to the appellate court.''); *id.* at 1395 n.7 (''If a party fails to raise a point he could have raised in the first appeal, the 'waiver variant' of the law-of-the-case doctrine generally precludes the court from considering the point in the next appeal of the same case.'').

[20] For similar reasons, the undersigned finds the following cases insufficiently similar to provide any instruction on proportionality of an appropriate sanction in this case:

In the Matter of Jabal Damavand General Trading Company, 67 FR 32,009 (May 13, 2002) involving equipment used in ferrography ''an analytical method of assessing machine health by quantifying and examining ferrous wear particles suspended in the lubricant or hydraulic fluid.'' *Termination for Default,* 2005–JAN ARMLAW 94 (2005).

In the Matter of Arian Transportvermittlungs GmbH, 69 FR 28,120 (May 18, 2004) involving reexporting of computers and encryption software.

In the Matter of Aiman Ammar, 80 FR 57,572 (September 24, 2015) involving a conspiracy to export and reexport computer equipment and software designed for use in monitoring and controlling web traffic and of other associated equipment.

In the Matter of Yavuz Cizmeci, 80 FR 18,194 (April 3, 2015) involving a transaction of a Boeing 747.

In the Matter of Manoj Bhayana, 76 FR 18,716 (April 5, 2011) involving the prohibited sale of graphite rods and pipes.

In the matter of William Kovacs, 72 FR 8,967 (February 28, 2007) involving illegal export of an industrial furnace to China.

In the matter of Saeid Yahya Charkhian, 82 FR 61,540 (December 28, 2017) illegal exports including masking wax, lithium batteries, and zirconia crucibles.

In the Matter of Berty Tyloo, 82 FR 4,842 (January 17, 2017) involving misrepresentation and concealment of facts in the course of an investigation related to unlicensed exports and reexports of goods to Syria.

In the Matter of Eric Baird, 83 FR 65,340 (December 20, 2018) involving felony smuggling and 166 violations of the EAR, with no knowledge charges, and none related to gas/oil exploration.

In the matter of Access USA Shipping, LLC, Order dated February 9, 2017, involving illegally shipped rifle scopes, night vision lenses, weapons parts and EAR99 items.

In the Matter of Petrom GmbH International Trade, 70 FR 32,743 (June 6, 2005) involving export of check valves, regulatory valves, test kits, electrical equipment, ship tire curing bladders, and other spare parts, all of which were classified as EAR99 items under the Regulations.

MAPNA, to develop natural resources and in turn help fund antagonistic entities (including terrorists) intent on harming the U.S., her allies, and interests. Thus, this is not a case where mere equipment changed hands to Iran or Iranian entities, nor simply equipment that might be used in antagonistic ways. This is a case where American equipment was used to develop an enemies' money making abilities through surveying a natural gas field. The monetary penalty should reflect that specific conduct and long lasting effects which could span decades. Again, Respondents did not simply procure equipment, they secured a charter party and helped effect the survey equipment's use to Iran's benefit.

Unlike most of the cases cited in the Remand, *In the Matter of Adbulamir Mahdi,* is factually akin to this matter—it involved a conspiracy to export ''oil field equipment'' from the United States to Iraq and Iran. 68 FR 57,406 (Oct. 3, 2003).[21] There, BIS imposed a penalty denying respondent's export privileges for 20 years, but did not impose a monetary sanction.

At first blush, *Mahdi* seems to support the argument that a 20-year denial order without monetary penalty would be fitting in this case; the facts are similar, at least to the extent the oil field equipment could be analogized to the survey equipment here and both being used by notorious U.S. enemies to develop lucrative natural resources. On the other hand, a closer look guides the undersigned in the opposite direction. A review of *Mahdi* shows the respondent did not simply receive a 20-year denial order, he also spent 51 months incarcerated in an American prison.

Obviously, the fairest way to make Respondents' penalty in this case proportional to *Mahdi* would be to incarcerate Respondent-Innhaug for 51 months, perhaps more since the Remand order only issued a 15 year denial order. However, as all parties know, this is a civil proceeding, and the power to incarcerate EAR violators is beyond the undersigned's authority. But the question remains: How then should the undersigned consider *Mahdi's* precedential value in a proportionality analysis here? The answer lies in a careful perusal of 15 CFR Supplemental 1 part 766 (2012), which makes specific accounting for related criminal convictions by providing:

Where an administrative enforcement matter under the EAR involves conduct giving rise to related criminal or civil charges, BIS may take into account the related violations, and their resolution, in determining what administrative sanctions are appropriate under part 766. . . . In appropriate cases where a party is receiving substantial criminal penalties, BIS may find that sufficient deterrence may be achieved by lesser administrative sanctions than would be appropriate in the absence of criminal penalties. Conversely, BIS might seek greater administrative sanctions in an otherwise similar case where a party is not subjected to criminal penalties.

Applying this provision here, the undersigned notes the record concerning Respondents is devoid of any facts relating to criminal incarceration and/or sentencing. Accordingly, to make Respondents' sanction proportional to *Mahdi,* the undersigned is inclined to again recommend a hefty monetary penalty equivalent to approximately 51 months' incarceration.

Having reviewed the decisions in the Remand, the undersigned turns to the arguments advanced by BIS.

BIS' Arguments

In its post-Remand briefing, BIS argues, ''Few, if any, administrative enforcement cases involve the combined degree of willfulness and the breadth of other aggravating factors . . . .'' BIS Post-Remand Brief at 10. In other words, BIS argues this case is uniquely egregious given its involvement with: Iran; the sensitivity of the survey equipment; the awareness of senior level management; the sensitivity of the items, both of which are controlled for national security and anti-terrorism reasons; and the blatant false statements made by Respondent-Innhaug in an attempt to cover up Respondents' violations. *Id.* BIS asserts these reasons, as compared to relevant precedent, merit a high-end penalty.

In support of its argument, BIS first cites *In the Matter of Yantai Jereh Oilfield Services Group Co., LTD,* a case resulting in the respondents paying over 3 million dollars prior to litigation, which related to ''much less sensitive oil and gas field equipment. . . .''[22] *Id.* A close review of that settlement shows the respondent there agreed to do more than just pay a fine, but in addition agreed to: Terminate three individuals responsible for the violations; hire and/or engage outside counsel and personnel; hold training sessions; and implement various training and compliance procedures to prevent future violations. Accordingly, a closer review of *Yantai Jereh* shows it stands in stark contrast with the case at hand. There, the respondents expressed a willingness to come into compliance with their exporting obligations, and exhibited a cooperative attitude in preventing future violations. Ultimately, this cooperative attitude combined with the willingness to pay over 3 million in penalties renders *Yantai Jereh* a perfect decision when considering an appropriate settlement, but is difficult to apply to the case sub judice, where Respondents self-reported a violation to BIS, lied in the self-reporting document, and then proceeded to litigation.

For similar reasons, *In the Matters of National Oilwell Varco and Dreco Energy Services Ltd.,* (*NOV*) is also of limited value. That case also involved oil and gas equipment and reflects a settlement where the respondents agreed to pay over 2.5 million dollars in penalties.[23] BIS notes that the items at issue there were valued at 2.3 million dollars, and respondents agreed to joint and several liability for 2.5 million.

Unfortunately, *NOV* provides little precedential guidance. First, that settlement agreement appears to be somewhat confusing. The beginning of the document notes the parties agreed to settle the potential civil liability for approximately 5.9 million dollars. In the body of the settlement description, BIS notes the statutory maximum penalty was approximately 37 million dollars and the ''base penalty amount'' was approximately 8.5 million. But at the end of that same document, the description reads as follows: ''NOV's $5,976,028 settlement with OFAC will be deemed satisfied by its payment of $25,000,000 as specifically set forth in the NPA arising out of the same pattern of conduct.'' Ultimately, the undersigned can make *nec caput nec pedes* on how BIS reached its calculations and is unable to draw instruction from that case.

BIS also cites to *In the Matter of Weatherford International Ltd. et al.,* (''*Weatherford*'' Settlement Order dated December 23, 2013). There, respondents agreed to pay BIS a 50 million dollar penalty to resolve allegations of knowingly exporting EAR99 oil field equipment to Iran, Syria, and Cuba and the unlicensed reexport of items controlled for Non-Proliferation purposes to Venezuela and Mexico. There, the value of the equipment was also approximately 50 million dollars. Again, however, there was a collateral action where Weatherford also received a 48 million dollar penalty pursuant to

[21] The undersigned observes the decision uses both ''oil filed equipment'' and ''oil field equipment'' and believes the former to be a mere typo.

[22] *https://www.treasury.gov/resource-center/sanctions/CivPen/Documents/20181212_jereh_settlement.pdf.*

[23] *https://www.treasury.gov/resource-center/sanctions/CivPen/Documents/20161114_varco.pdf.*

a deferred prosecution, with an additional 2 million in criminal fines. Curiously, the total amount the respondents ended up paying was approximately double the amount of the transaction involved in the violations. It bears repeating, BIS may consider collateral criminal prosecutions and adjust civil penalties where appropriate and in the absence of those proceedings may seek higher sanctions. Accordingly, this case could be read as supporting a similar sanction here, *i.e.,* double the amount of the transaction involved.

In this same line of cases, BIS also cites to *Schlumberger Oilfield Holdings,* where a defendant pled guilty to a conspiracy to violate the International Emergency Economic Powers Act (IEEPA) for its willful provision of oilfield services and equipment to customers in Iran and Sudan.[24] Ultimately, the defendant agreed to a 77.5 million criminal forfeiture and a 155 million criminal fine—twice the value of the underlying violation. Persuasively, BIS notes the then-Under Secretary's unrelenting commitment to aggressively prosecute violations involving embargoed destinations. BIS Post-Remand Brief at 12.[25] However, the undersigned does note the conduct in that case spanned approximately 6 years and involved sustaining Iranian and Sudanese oilfield operations. To this end, *Schlumberger* could be characterized as one of the most egregious violations ever recorded in the export industry, even more so than the incident in this case.

Finally, BIS argues many of the decisions cited in the Remand's proportionality discussion address pre-2008 violations. In BIS' view, those cases are of little value because they were decided under a substantially different penalty regime. BIS argues that when Congress enacted the IEEPA Enhancement Act in 2007, it did so to intensify the sanctions imposed on export violators by increasing the civil penalty cap from $50,000 per violation to $250,000, or twice the amount of the transaction at issue, whichever is greater. In BIS' view, cases prosecuted before these changes usually did not include monetary sanctions because the deterrent effect of the lower monetary amounts were not as effective as other sanctions.

The undersigned agrees the IEEPA Enhancement Act demonstrates congressional intent to impose higher penalties in export violation cases and the like. Thus, I agree that cases before 2008 do not express Congress' most recent penalty preferences and are of limited value when determining an appropriate monetary sanction in this case.

Respondents' Proportionality Argument

Like the Remand and BIS' brief, Respondents cite to several BIS decisions in support of its position that the recommended sanction is disproportionate with other BIS decisions. Respondents first argues *Aiman Ammar, et al.,* 80 FR 57,572 (September 24, 2015) where BIS assessed the respondent with a 7 million dollar penalty and denial orders of 4 to 7 years.[26] A review of *Aiman Ammar* shows that case involved the illegal reexport of computer equipment and software designed for use in monitoring and controlling web traffic and of other associated equipment. As noted above, the undersigned can draw little guidance from these types of violations because they are so factually different from the violations at issue. While the illicit sale of the equipment in *Aiman Ammar* certainly could be used against American interests, the undersigned finds that conduct pales in comparison to Respondents' conduct here, surveying a rich natural resource which could fund Iranian interests, and possible terrorist activity, in untold amounts. The cases simply do not compare and any sanction levied against Aiman Ammar provides no guidance here.

Respondents next cite to *In the Matter of Yavuz Cizmeci,* 80 FR 18,194 (April 3, 2015). Having already distinguished that case above, the undersigned need not revisit that analysis here.

Respondents next cite *United Medical Instruments, Inc.* which involved exports of medical devices to Iran. In that case, BIS settled with the export violator, suspended and waived a $500,000 civil penalty with a 2-year denial period. However, BIS suspended both the monetary penalty and the 2-year probationary period contingent upon the respondent complying with the settlement agreement.[27] The undersigned draws little guidance from this case. Illicitly exporting/reexporting medical equipment is a far cry from assisting Iran in developing its natural resources, which generate revenue. Moreover, this case advanced to litigation and is not being disposed of by a settlement agreement. Accordingly, Respondents' argument that this case should somehow guide the undersigned to a lesser sanction here is unpersuasive.

For similar reasons, Respondents' reliance on *Chemical Partners Europe S.A.,* where BIS entered into a settlement for the illegal export of ''coatings, pigments and paints'' is unpersuasive.[28] Likewise, Respondents' citation to *Millitech, Inc.,* where BIS entered into a settlement for the illegal export of items to Russia and China are simply too dissimilar to provide guidance here.[29] Those cases cannot compare to what Respondents did—help Iran develop access to its oil and gas reservoirs.

Conclusion

Upon review of the file, the Remand's affirmance of the aggravating and mitigating factors, and after comparing this case to prior BIS decisions, the undersigned, without reservation, again recommends the Under Secretary impose a lofty monetary penalty. Respondents' conduct in this case cannot be understated. At the risk of replowing the same ground, the undersigned again reiterates that Respondents' export violations could foster efforts to harm America, her citizens and allies. As poignantly described by the late Honorable Peter Fitzpatrick addressing similar conduct, American officials need to always be mindful that:

> There is an on-going war against terrorism. The events of September 11, 2001 reveal that international terrorism is a real threat to the national security of the United States. *To limit and curtail the financial support of terrorism the United States established an embargo against Iran.* The Respondents circumvention of the embargo by exporting goods destined for Iran . . . cannot be tolerated. The facts show that in order to achieve their objective Respondents made false statements, or caused false statements to be made.

Abdulamir Mahdi, 2003 WL 22257992 (emphasis added).

[24] *https://www.justice.gov/opa/pr/schlumberger-oilfield-holdings-ltd-agrees-plead-guilty-and-pay-over-2327-million-violating-us.*

[25] BIS cites to other decisions too factually dissimilar to the case at hand, and therefore, the undersigned does not address the proportional value those decisions have here.

[26] Respondents also cite to *In the Matters of Nordic Maritime, et al.,* Partial Remand and Final Denial Order (Mar. 18, 2020) and *United States* v. *Bajakajian,* 524 U.S. 321, 328 (1998). The Under Secretary's Remand is discussed toughly above, and I need not revisit it here. The undersigned does not address *Bajakajian* given Respondent relies on it to make a constitutional argument beyond the scope of the briefing order.

[27] *https://efoia.bis.doc.gov/index.php/documents/export-violations/export-violations-2013/887-e2346/file.*

[28] *https://efoia.bis.doc.gov/index.php/documents/export-violations/export-violations-2016/1049-e2452/file.*

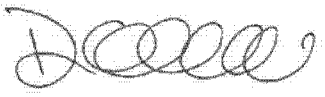
[29] *https://efoia.bis.doc.gov/index.php/documents/export-violations/export-violations-2017/1135-e2520/file.*

Judge Fitzpatrick's observations ring ever true in this case. Considering Respondents' actions, which no doubt promoted Iran's financial interests, the undersigned, without hesitation, recommends the highest penalty permitted by Congress. If the Under Secretary adopts this decision, there will be absolutely no doubt in this export industry, where you break American export law by illicitly helping Iran develop its natural resources, you help fund terrorism and you will pay the gravest of prices. Accordingly, the undersigned recommends that the Acting Under Secretary of Commerce impose a sanction in this case at the highest possible amount, *i.e.,* two times the value of the transaction at issue, *i.e.,* $31,425,760.00.

So Ordered.

Done and dated July 15, 2020, at

Galveston, Texas



DEAN C. METRY

ADMINISTRATIVE LAW JUDGE

UNITED STATES COAST GUARD

Certificate of Service

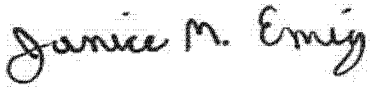
I hereby certify that I have served the foregoing document as indicated below to the following parties:

Cordell A. Hull, Acting Under Secretary of Commerce for Industry and Security, Bureau of Industry and Security, U.S. Department of Commerce, Room 3896, 1401 Constitution Ave. NW, Washington, DC 20230, Sent by Federal Express.

EAR Administrative Enforcement Proceedings, U.S. Coast Guard, ALJ Docketing Center, Attn: Hearing Docket Clerk, 40 S Gay Street, Room 412, Baltimore, MD 21202–4022, Sent electronically: *aljdocketcenter@uscg.mil* & U.S. First-Class Mail.

Gregory Michelsen, Esq., Zachary Klein, Esq., Attorneys for Bureau of Industry and Security, Office of Chief Counsel for Industry and Security, U.S. Department of Commerce, 14th Street & Constitution Avenue NW, Room H–3839, Washington, DC 20230, Sent electronically: *zklein@doc.gov; gmichelsen@doc.gov* & U.S. First-Class Mail.

Douglas N. Jacobson, Esq., JACOBSON BURTON KELLEY PLLC, 1725 I Street NW, Suite 300, Washington, DC 20006, Sent electronically: *djacobson@jacobsonburton.com* & U.S. First-Class Mail.



Janice M. Emig

Paralegal Specialist

United States Coast Guard

Department of Homeland Security

Done and dated July 15, 2020,

at Galveston, Texas

[FR Doc. 2020–18615 Filed 8–24–20; 8:45 am]

BILLING CODE 3510–DT–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Order Temporarily Denying Export Privileges

PT MS Aero Support, Mth Square Building, No. B9B, Jl. Mt. Haryono Kav 10, East Jakarta 13330, Indonesia, and Halim Perdana Kusuma Airport Building, 2nd Fl. #261–262, Jakarta 13610, Indonesia, and Sinar Kasih Building 4th Floor, JL. Dewi Sartika No. 136 D, Jakarta 13630 Indonesia

PT Antasena Kreasi, Mth Square Building, No, B9B, Jl. Mt. Haryono Kav 10, East Jakarta 13330, Indonesia and Palma One Building, Lt 5, Suite 500, JIHR Rasuna Said Blok X–2 Kav 4, Setiabudi Jakarta Selatan, Indonesia

PT Kandiyasa Energi Utama, Jalan Wijaya No 75, Jakarta Selatan 12170 Indonesia, and Palma One Building, Lt 5, Suite 500, JIHR Rasuna Said Blok X–2 Kav 4, Setiabudi Jakarta Selatan, Indonesia

Sunarko Kuntjoro, Mth Square Building, No. B9B, Jl. Mt. Haryono Kav 10, East Jakarta 13330, Indonesia

Triadi Senna Kuntjoro, Mth Square Building, No. B9B, Jl. Mt. Haryono Kav 10, East Jakarta 13330, Indonesia and Jalan Wijaya No 75, Jakarta Selatan 12170 Indonesia

Satrio Wiharjo Sasmito, Mth Square Building, No. B9B, Jl. Mt. Haryono Kav 10, East Jakarta 13330, Indonesia, and Halim Perdana Kusuma Airport Building, 2nd Fl. #261–262, Jakarta 13610, Indonesia

Pursuant to Section 766.24 of the Export Administration Regulations (the ''Regulations'' or ''EAR''),[1] the Bureau of Industry and Security (''BIS''), U.S. Department of Commerce, through its Office of Export Enforcement (''OEE''), has requested the issuance of an Order temporarily denying, for a period of 180 days, the export privileges under the Regulations of: PT MS Aero Support (''PTMS Aero''), PT Antasena Kreasi (''PTAK''), PT Kandiyasa Energi Utama (''PTKEU''), Sunarko Kuntjoro, Triadi Senna Kuntjoro, and Satrio Wiharjo Sasmito. OEE's request and related information indicates that these parties are located in Indonesia, at the respective addresses listed on the caption page of this order and on page 11, *infra,* and that Sunarko Kuntjoro owns or controls or is otherwise affiliated with PTMS Aero and the other companies at issue. Moreover, Sunarko Kuntjoro's son Triadi Senna Kuntjoro and brother Satrio Wiharjo Sasmito are not only close relatives but also were involved in the operation of these companies and the unlicensed exports as discussed further below.

I. Legal Standard

Pursuant to Section 766.24, BIS may issue an order temporarily denying a respondent's export privileges upon a showing that the order is necessary in the public interest to prevent an ''imminent violation'' of the Regulations. 15 CFR 766.24(b)(1) and 766.24(d). ''A violation may be 'imminent' either in time or degree of likelihood.'' 15 CFR 766.24(b)(3). BIS may show ''either that a violation is about to occur, or that the general circumstances of the matter under investigation or case under criminal or administrative charges demonstrate a likelihood of future violations.'' *Id.* As to the likelihood of future violations, BIS may show that the violation under investigation or charge ''is significant, deliberate, covert and/or likely to occur again, rather than technical or negligent[.]'' *Id.* A ''[l]ack of information establishing the precise time a violation may occur does not preclude a finding that a violation is imminent, so long as there is sufficient reason to believe the likelihood of a violation.'' *Id.*

Pursuant to Sections 766.23 and 766.24, a temporary denial order (''TDO'') may also be made applicable to other persons if BIS has reason to believe that they are related to a respondent and that applying the order to them is necessary to prevent its evasion. 15 CFR 766.23(a)–(b) and 766.24(c). A ''related person'' is a person, either at the time the TDO's issuance or thereafter, who is related to a respondent ''by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business.'' 15 CFR 766.23(a). Related persons may be added to a TDO on an *ex-parte* basis in accordance with Section 766.23(b) of the Regulations. 15 CFR 766.23(b).

II. OEE's Request for a Temporary Denial Order

As referenced in OEE's request, PTMS Aero, PTAK, PTKEU, and Sunarko Kuntjoro were each indicted in December 2019 on multiple counts in the United States District Court for the District of Columbia. The charges include, but are not limited to, conspiring to violate U.S. export control and sanctions laws in connection with the unlicensed export of aircraft parts to Mahan Air, an Iranian airline and prohibited end-user, often in coordination with Mustafa Ovieci, a Mahan executive. These parties also facilitated the shipment of damaged Mahan Air parts to the United States for repair and subsequent export back to Iran in further violation of U.S. laws. In both instances, the fact that the items were destined to Iran/Mahan Air was concealed from U.S. companies, shippers, and freight forwarders.

Mahan Air has been on BIS's Denied Persons List since March 2008, due to numerous significant, continuing, deliberate, and covert violations of the Regulations.[2] In addition, since October 2011, it has been designated as a Specially Designated Global Terrorist (''SDGT'') by the Treasury Department's Office of Foreign Assets Control (''OFAC'') pursuant to Executive Order 13224 for providing financial, material and technological support to Iran's Islamic Revolutionary Guard Corps-Qods Force (IRGC–QF). *See* 77 FR 64,427 (October 18, 2011).

Further, Mustafa Oveici, an Iranian national and Mahan Air executive was placed on BIS's Entity List, Supplement No. 4 to Part 744 of the Regulations, on December 12, 2013 (*see* 78 FR 75,463), for engaging in activities contrary to the national security or foreign policy interests of the United States. *See* 15 CFR 744.11. Mr. Oveici was one of 19 persons engaged in the operation of a procurement scheme that directly supported the operation of Mahan Air. *See* 78 FR 75,463 (Dec. 12, 2013). As a result of that listing, no item subject to the Regulations may be exported, reexported, or transferred (in-country) to him without prior license authorization from BIS. *See* 15 CFR 744.11; Supp No. 4 to 15 CFR part 744. Moreover, BIS's review policy regarding such

[1] The Regulations, currently codified at 15 CFR parts 730–774 (2020), originally issued pursuant to the Export Administration Act (50 U.S.C. 4601–4623 (Supp. III 2015) (''EAA''), which lapsed on August 21, 2001. The President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), as extended by successive Presidential Notices, continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701, *et seq.* (2012)) (''IEEPA''). On August 13, 2018, the President signed into law the John S. McCain National Defense Authorization Act for Fiscal Year 2019, which includes the Export Control Reform Act of 2018, 50 U.S.C. 4801–4852 (''ECRA''). While Section 1766 of ECRA repeals the provisions of the EAA (except for three sections which are inapplicable here), Section 1768 of ECRA provides, in pertinent part, that all orders, rules, regulations, and other forms of administrative action that were made or issued under the EAA, including as continued in effect pursuant to IEEPA, and were in effect as of ECRA's date of enactment (August 13, 2018), shall continue in effect according to their terms until modified, superseded, set aside, or revoked through action undertaken pursuant to the authority provided under ECRA. Moreover, Section 1761(a)(5) of ECRA authorizes the issuance of temporary denial orders.

[2] Mahan Airways' status as a denied person was most recently renewed by BIS through a temporary denial order issued on May 29, 2020. *See* 85 FR 34405 (Jun. 4, 2020). The May 29, 2020 renewal order summarizes the initial TDO issued against Mahan in March 2008, and the other renewal orders prior to May 29, 2020. *See id.*

applications involving Mr. Oveici is a presumption of denial. *Id.*

In its request, OEE has presented evidence indicating that Sunarko Kuntjoro and the other above-captioned parties are engaged in procurement and servicing activities relating to U.S.-origin aircraft parts for or on behalf of Mahan Air, operating as parties to the transactions and/or facilitating transactions that are structured to evade the Regulations as well as the Iranian Transactions and Sanctions Regulations (''ITSR''), 31 CFR part 560, administered by OFAC [3] by routing unlicensed exports or reexports through Indonesia and other third countries, including but not limited to Singapore, Hong Kong, and Thailand to Iran.

A. Misconduct Charged in December 2019 Indictment

The December 10, 2019 indictment charged Sunarko Kuntjoro, PTMS Aero, PTAK, and PTKEU with conspiracy to unlawfully export U.S.-origin goods and technology to Iran and to defraud the United States. Sunarko Kuntjoro and PTMS Aero were also charged with unlawful exports and attempted exports to an embargoed country, conspiracy to launder monetary instruments, and false statements. The evidence presented and charged in the indictment covers misconduct occurring between at least March 2011 through at least July 2018 and shows that Sunarko Kuntjoro was not only aware of U.S. export control laws but also took active steps to conceal his unlawful export-related activities in order to evade detection by law enforcement. As stated in the indictment for instance, in May 2013, OEE contacted Sunarko Kuntjoro regarding an attempted export involving PTMS Aero that was suspected of being diverted to Iran. In addition to asking about the specific transaction, OEE provided educational material on U.S. export controls, including restrictions on exports to Iran. Sunarko Kuntjoro acknowledged receipt responding, in part, ''[t]hank you for the valuable information you gave me on the attachment. I do understand the US government policy.''

Later that same month, Sunarko Kuntjoro contacted Mahan Air, copying Triadi Senna Kuntjoro on the correspondence, about the need to conceal their activities by using a company other than PTMS Aero for procuring aircraft parts. Specifically, Sunarko Kuntjoro states, in part, that ''[a]s proposed during the meeting with mr O[veici], he recommended to use other company name besides of MS aero . . . I have established the company name Kandiyasa Energi Utama [PTKEU] . . . The person incharge is Triadi Sena Sunarko . . . I also in this company . . . so everytime you send the rfq [request for quote] for tools and equipment ONLY, you will get quotation from KANDIYASA'' (typographical errors in original communication). When subsequently questioned by OEE via email in June 2013 regarding the export of aircraft engines subject to the Regulations, Sunarko Kuntjoro and Mostafa Oveici expressed concerns with each other that their activities had been discovered and discussed the need to avoid email correspondence and discuss the matter in person because ''there may be a leak in the system that jeopardize all transaction[s].''

As further alleged in the indictment, in February 2017, Sunarko Kuntjoro and PTAK negotiated with Mahan Air to have PTAK purchase, repair, and refurbish aircraft parts for the benefit of Mahan. Mahan Air would send the parts to PTAK via a freight forwarder in Singapore. PTAK would then remove any references to Mahan Air or Iran and then have the parts forwarded to the United States for repair via a different freight forwarder located in Hong Kong.

Additional steps taken by Sunarko Kuntjoro and PTMS Aero to evade the regulations include, but are not limited to, making false statements in January 2018 on a BIS Form 711 [Statement by Ultimate Consignee] submitted to a U.S. exporter regarding a shipment of aircraft parts detained by OEE. Sunarko Kuntjoro signed the form as Chairman of PTMS Aero falsely stating the parts would be used by Indonesian airlines and omitting any reference to Mahan Air—the true intended end-user. Moreover, when questioned about the form by OEE Special Agents in February 2018, Sunarko Kuntjoro reiterated the false statements claiming the information on the BIS Form 711 was correct.

B. Additional Unlawful Exports of Aircraft Parts From the United States

In addition to the wide-ranging conduct addressed in the indictment which spanned more than six years, OEE has detected that these parties continue to seek aircraft parts from the United States until as recently as December 2019, raising further concerns of continuing additional violations of both the Regulations and the Mahan Air TDO. OEE has identified an additional six exports of aircraft parts involving PTAK during 2018 valued at approximately $43,184, plus five 2019 shipments involving both PTMS AERO and PTAK worth approximately $79,548. As an example, on December 20, 2019, OEE Special Agents detained an export of aircraft parts identified as Viledon P15 Pre-filter Mats intended for PTAK. This transaction appeared to be structured in a similar manner to those charged in the indictment, including that the items were to be shipped from the United States to a freight forwarder in Singapore, rather than PTAK in Indonesia. Correspondence related to this shipment identified the email address *aryo.antasenakreasi@gmail.com* which closely matches PTAK's full name and the associated IP address relates back to Iran. Notably, Triadi Senna Kuntjoro is also copied on the correspondence for this transaction.

In sum, the facts and circumstances here and related evidence indicate a high likelihood of future violations of the Regulations and U.S. export control laws, given the repeated attempts over an extended period of time to evade the long-standing and well-known U.S. embargo against Iran by obtaining and facilitating the acquisition of U.S.-origin aircraft parts from the United States for transshipment to Iran and specifically to Mahan Air, a denied person (and SDGT).

C. Triadi Senna Kuntjoro and Satrio Wiharjo Sasmito as Related Persons

OEE's investigation has established that Triadi Senna Kuntjoro, Sunarko Kuntjoro's son, is also connected to PTAK and involved in business activities on behalf of Mahan Air. In addition to his awareness of the December 2019 export detained by OEE as referenced above, Triadi Senna Kunjoro was also involved in the February 2017 negotiations between PTAK and Mahan Air as referenced above as well. Specifically, on February 7, 2017, Triadi Senna Kuntjoro sent his father Sunarko Kuntjoro a document titled, ''*MoU W5–AK–3.docx*''. The attachment was a memorandum of understanding between Mahan Air and PTAK, with Triadi Senna Kuntjoro listed as a managing director of PTAK.[4] The purpose of the memorandum of understanding was to define the scope of the working relationship between ''W5 [Mahan Air] and Antasena [PTAK] with respect to aviation industry for purchasing, repair, consultant and

[3] Pursuant to Section 746.7(e) of the EAR, 15 CFR 746.7(e), no person may export or reexport any item that is subject to the EAR if such transaction is prohibited by the ITSR and has not been authorized by OFAC. The prohibition found in Section 746.7(e) applies whether or not the EAR requires a license for the export or reexport in question. *Id.*

[4] ''W5'' is the unique code given to Mahan Air by the International Air Transport Association (''IATA'').

forwarding the aircraft parts for W5 [Mahan Air].''

Similarly, OEE has provided evidence that Sunarko Kuntjoro's brother Satrio Wiharjo Sasmito was not only aware of restrictions on exports to prohibited end-users and destinations such as Iran, but was also involved in obtaining aircraft parts from the United States for such prohibited end-users and destinations. An example of such evidence includes June 2015 correspondence between Satrio Wiharjo Sasmito and a U.S. aviation parts company using his PTMS Aero email account. Specifically, Satrio Wiharjo Sasmito provided the U.S. Company with a signed ''End-Use Statement'' form on behalf of PTMS Aero listing his position within the company as ''President Director'' and omitting any reference to Mahan and/or Iran. The form further acknowledges that PTMS Aero will not export or reexport the items to prohibited destinations such as Iran or to parties on BIS's Denied Persons List or OFAC's SDN List. These actions show not only an awareness of the EAR but also a willingness to provide false end-user information which resulted in the concealment of the item's ultimate destination from both the U.S. exporter and law enforcement.

Additionally, the above-referenced indictment states in part that PTMS Aero, PTKEU, and Satrio Wiharjo Sasmito [identified in the indictment as ''Person C''] wired hundreds of thousands of dollars to the United States to ''repair Mahan airplane parts in the United States and to re-export those airplane parts back to PTMS [Aero] and Mahan.'' This conduct violates the Mahan TDO's prohibition on ''[e]ngaging in any transaction to service any item subject to the EAR that has been or will be exported from the United States and which is owned, possessed, or controlled by a Denied Person [Mahan] . . . For purposes of this paragraph, servicing means installation, maintenance, repair, modification, or testing.''

III. Findings

I find that the evidence presented by BIS demonstrates that a violation of the Regulations by the above-captioned parties is imminent in both time and degree of likelihood. As such, a TDO is needed to give notice to persons and companies in the United States and abroad that they should cease dealing with PT MS Aero Support, PT Antasena Kreasi, PT Kandiyasa Energi Utama, and Sunarko Kuntjoro in export or reexport transactions involving items subject to the EAR. Such a TDO is consistent with the public interest to preclude future violations of the Regulations given the deliberate, covert, and determined nature of the misconduct and clear disregard for complying with U.S. export control laws. Additionally, I find that Triadi Senna Kuntjoro, and Satrio Wiharjo Sasmito meet the criteria set out in Section 766.23 and should be added to the TDO as related persons in order to prevent evasion.

This Order is being issued on an *ex parte* basis without a hearing based upon BIS's showing of an imminent violation in accordance with Section 766.24 and 766.23(b) of the Regulations.

It is therefore ordered:

First, that PT MS Aero Support, with an address at Mth Square Building, No. B9B, Jl. Mt. Haryono Kav 10, East Jakarta 13330, Indonesia, and Halim Perdana Kusuma Airport Building, 2nd Fl. #261–262, Jakarta 13610, Indonesia, and Sinar Kasih Building 4th Floor, JL. Dewi Sartika No. 136 D, Jakarta 13630 Indonesia; PT Antasena Kreasi, with an address at Mth Square Building, No. B9B, Jl. Mt. Haryono Kav 10, East Jakarta 13330, Indonesia, and Palma One Building, Lt 5, Suite 500, JIHR Rasuna Said Blok X–2 Kav 4, Setiabudi Jakarta Selatan, Indonesia; PT Kandiyasa Energi Utama, with an address at Jalan Wijaya No 75, Jakarta Selatan 12170 Indonesia, and Palma One Building, Lt 5, Suite 500, JIHR Rasuna Said Blok X–2 Kav 4, Setiabudi Jakarta Selatan, Indonesia; Sunarko Kuntjoro, with an address at Mth Square Building, No. B9B, Jl. Mt. Haryono Kav 10, East Jakarta 13330, Indonesia; Triadi Senna Kuntjoro, with an address at Mth Square Building, No. B9B, Jl. Mt. Haryono Kav 10, East Jakarta 13330, Indonesia, and Jalan Wijaya No 75, Jakarta Selatan 12170 Indonesia; and Satrio Wiharjo Sasmito, with an address at Mth Square Building, No. B9B, Jl. Mt. Haryono Kav 10, East Jakarta 13330, Indonesia, and Halim Perdana Kusuma Airport Building, 2nd Fl. #261–262, Jakarta 13610, Indonesia, and when acting for or on their behalf, any successors or assigns, agents, or employees (each a ''Denied Person'' and collectively the ''Denied Persons'') may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the EAR, or in any other activity subject to the EAR including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the EAR, or in any other activity subject to the EAR; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the EAR, or in any other activity subject to the EAR.

Second, that no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of a Denied Person any item subject to the EAR;

B. Take any action that facilitates the acquisition or attempted acquisition by a Denied Person of the ownership, possession, or control of any item subject to the EAR that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby a Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from a Denied Person of any item subject to the EAR that has been exported from the United States;

D. Obtain from a Denied Person in the United States any item subject to the EAR with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the EAR that has been or will be exported from the United States and which is owned, possessed or controlled by a Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by a Denied Person if such service involves the use of any item subject to the EAR that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, that, after notice and opportunity for comment as provided in section 766.23 of the EAR, any other person, firm, corporation, or business organization related to PT MS Aero Support, PT Antasena Kreasi, PT Kandiyasa Energi Utama, or Sunarko Kuntjoro by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be made subject to the provisions of this Order.

In accordance with the provisions of Section 766.24(e) of the EAR, PT MS Aero Support, PT Antasena Kreasi, PT Kandiyasa Energi Utama, and Sunarko

Kuntjoro may, at any time, appeal this Order by filing a full written statement in support of the appeal with the Office of the Administrative Law Judge, U.S. Coast Guard ALJ Docketing Center, 40 South Gay Street, Baltimore, Maryland 21202–4022.

In accordance with the provisions of Sections 766.23(c)(2) and 766.24(e)(3) of the EAR, Triadi Senna Kuntjoro and Satrio Wiharjo Sasmito may, at any time, appeal their inclusion as a related person by filing a full written statement in support of the appeal with the Office of the Administrative Law Judge, U.S. Coast Guard ALJ Docketing Center, 40 South Gay Street, Baltimore, Maryland 21202–4022.

In accordance with the provisions of Section 766.24(d) of the EAR, BIS may seek renewal of this Order by filing a written request not later than 20 days before the expiration date. Respondents PT MS Aero Support, PT Antasena Kreasi, PT Kandiyasa Energi Utama, and Sunarko Kuntjoro may oppose a request to renew this Order by filing a written submission with the Assistant Secretary for Export Enforcement, which must be received not later than seven days before the expiration date of the Order.

A copy of this Order shall be served on each denied person and shall be published in the **Federal Register**.

This Order is effective immediately and shall remain in effect for 180 days.

Dated: August 19, 2020.

P. Lee Smith,

Performing the Non-exclusive Functions and Duties of the Assistant Secretary for Export Enforcement.

[FR Doc. 2020–18587 Filed 8–24–20; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–839]

Carbazole Violet Pigment 23 From India: Rescission of Countervailing Duty Administrative Review: 2018

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 carbazole violet pigment 23 (CVP–23) from India for the period of review (POR) January 1, 2018 through December 31, 2018, based on the timely withdrawal of the request for review.

DATES: Applicable August 25, 2020.

FOR FURTHER INFORMATION CONTACT: Gene Calvert, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3586.

SUPPLEMENTARY INFORMATION:

Background

On December 6, 2019, Commerce published a notice of opportunity to request an administrative review of the CVD order on CVP–23 from India for the POR of January 1, 2018 through December 31, 2018.[1] On December 31, 2019, Commerce received a timely-filed request from Pidilite Industries Limited (Pidilite) for an administrative review of Pidilite, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213(b).[2]

On February 6, 2020, pursuant to this request, and in accordance with 19 CFR 351.221(c)(1)(i), Commerce published a notice initiating an administrative review of the countervailing duty order on CVP–23 from India for Pidilite.[3] On May 6, 2020, Pidilite timely withdrew its request for an administrative review.[4]

Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the party or parties that requested a review withdraws the request within 90 days of the publication date of the notice of initiation of the requested review. Pidilite withdrew its request for review within the requisite 90 days. No other parties requested an administrative review of the order. Therefore, in accordance with 19 CFR 351.213(d)(1), we are rescinding this review in its entirety.

Assessment

Commerce will instruct U.S. Customs and Border Protection (CBP) to assess countervailing duties on all appropriate entries of CVP–23 from India. Countervailing duties shall be assessed at rates equal to the cash deposit of estimated countervailing duties required at the time of entry, or withdrawal from warehouse, for consumption in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue appropriate assessment instructions to CBP 15 days after the date of publication of this notice in the **Federal Register**.

Administrative Protective Orders

This notice also serves as a reminder to all 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. 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.

Notification to Interested Parties

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(d)(4).

Dated: August 19, 2020.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2020–18593 Filed 8–24–20; 8:45 am]

BILLING CODE 3510–DS–P

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[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review,* 84 FR 66880 (December 6, 2019).

[2] *See* Pidilite's Letter, ''Carbazole Violet Pigment 23 from India—Request for Administrative Review,'' dated December 31, 2019.

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 85 FR 6896 (February 6, 2020).

[4] *See* Pidilite's Letter, ''Carbazole Violet Pigment 23 from India—Withdrawal of Request for Administrative Review,'' dated May 6, 2020.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–427–831, A–588–879, A–469–822]

Methionine From France, Japan, and Spain: Initiation of Less-Than-Fair-Value Investigations

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

DATES: Applicable August 18, 2020.

FOR FURTHER INFORMATION CONTACT: Zachary Shaykin at (202) 482–2638 (France); Robert Scully at (202) 482–0572 (Japan); and Elizabeth Bremer at (202) 482–4987 (Spain); AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Petitions

On July 29, 2020, the Department of Commerce (Commerce) received antidumping duty (AD) petitions

concerning imports of methionine from France, Japan, and Spain filed in proper form on behalf of Novus International, Inc. (the petitioner), a domestic producer of methionine.[1]

On August 3, 7, and 12, 2020, Commerce requested supplemental information pertaining to certain aspects of the Petitions in separate supplemental questionnaires and in phone calls.[2] The petitioner filed responses to these requests on August 5, 6, 11, and 13, 2020.[3]

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the Act), the petitioner alleges that imports of methionine from France, Japan, and Spain are being, or are likely to be, sold in the United States at less than fair value (LTFV) within the meaning of section 731 of the Act, and that imports of such products are materially injuring, or threatening material injury to, the methionine industry in the United States. Consistent with section 732(b)(1) of the Act, the Petitions are accompanied by information reasonably available to the petitioner supporting its allegations.

Commerce finds that the petitioner filed the Petitions on behalf of the domestic industry, because the petitioner is an interested party, as defined in section 771(9)(C) of the Act. Commerce also finds that the petitioner demonstrated sufficient industry support for the initiation of the requested LTFV investigations.[4]

Periods of Investigation

Because the Petitions were filed on July 29, 2020, the period of investigation for these LTFV investigations is July 1, 2019 through June 30, 2020, pursuant to 19 CFR 351.204(b)(1).[5]

Scope of the Investigations

The products covered by these investigations are methionine from France, Japan, and Spain. For a full description of the scope of these investigations, *see* the appendix to this notice.

Comments on the Scope of the Investigations

On August 3, 7, and 12, 2020, Commerce requested further information from the petitioner regarding the proposed scope to ensure that the scope language in the Petitions is an accurate reflection of the products for which the domestic industry is seeking relief.[6] On August 5, 11, and 13, 2020, the petitioner revised the scope.[7] The description of merchandise covered by these investigations, as described in the appendix to this notice, reflects these clarifications.

As discussed in the *Preamble* to Commerce's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (*i.e.,* scope).[8] Commerce will consider all comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determinations. If scope comments include factual information,[9] all such factual information should be limited to public information. To facilitate preparation of its questionnaires, Commerce requests that all interested parties submit such comments by 5:00 p.m. Eastern Time (ET) on September 8, 2020, which is the next business day after 20 calendar days from the signature date of this notice.[10] Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on September 18, 2020, which is ten calendar days from the initial comment deadline.

Commerce requests that any factual information that parties consider relevant to the scope of these investigations be submitted during this period. However, if a party subsequently finds that additional factual information pertaining to the scope of these investigations may be relevant, the party may contact Commerce and request permission to submit the additional information. All such submissions must be filed on the records of each of the concurrent AD investigations.

Filing Requirements

All submissions to Commerce must be filed electronically via Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS), unless an exception applies.[11] An electronically filed document must be received successfully in its entirety by the time and date on which it is due.

Comments on Product Characteristics

Commerce is providing interested parties an opportunity to comment on the appropriate physical characteristics of methionine to be reported in response to Commerce's questionnaires. This information will be used to identify the key physical characteristics of the subject merchandise in order to report the relevant costs of production accurately, as well as to develop appropriate product-comparison criteria.

Interested parties may provide any information or comments that they feel are relevant to the development of an accurate list of physical characteristics. Specifically, they may provide comments as to which characteristics are appropriate to use as: (1) General product characteristics, and (2) product

[1] *See* Petitioner's Letter, ''Petitions for the Imposition of Antidumping Duties: Methionine from France, Japan, and Spain,'' dated July 29, 2020 (Petitions).

[2] *See* Commerce's Letters, ''Methionine from France, Japan, and Spain—Petitions for the Imposition of Antidumping Duties: Supplemental Questions,'' dated August 3, 2020 (General Issues Supplemental); and Country-Specific Supplemental Questionnaires: ''Methionine from France—Petition for the Imposition of Antidumping Duties: Supplemental Questions'' (France AD Supplemental); ''Methionine from Japan—Petition for the Imposition of Antidumping Duties: Supplemental Questions'' (Japan AD Supplemental); and ''Methionine from Spain—Petition for the Imposition of Antidumping Duties: Supplemental Questions'' (Spain AD Supplemental), dated August 3, 2020; Memorandum, ''Telephone Call with the Petitioners Regarding Antidumping Duty Petitions on Methionine from France, Japan, and Spain,'' dated August 7, 2020 (August 7, 2020 Memorandum); and Memorandum, ''Telephone Call with the Petitioners Regarding Antidumping Duty Petitions on Methionine from France, Japan, and Spain,'' dated August 12, 2020 (August 12, 2020 Memorandum).

[3] *See* Petitioner's Letter, ''Methionine from France, Japan, and Spain: Response to General Issues Questionnaire,'' dated August 5, 2020 (First General Issues Supplement); *see also* Petitioner's Letters, ''Methionine from France: Response to Supplemental Questions'' dated August 6, 2020 (France AD Supplement); ''Methionine from Japan: Response to Supplemental Questions'' dated August 6, 2020 (Japan AD Supplement); and ''Methionine from Spain: Response to Supplemental Questions'' dated August 6, 2020 (Spain AD Supplement); Petitioner's Letter, ''Methionine from France, Japan, and Spain: Response to Scope Request,'' dated August 11, 2020 (Second General Issues Supplement); and Petitioner's Letter, ''Methionine from France, Japan, and Spain: Response to Scope Request,'' dated August 13, 2020 (Third General Issues Supplement).

[4] *See infra,* section on ''Determination of Industry Support for the Petitions.''

[5] *See* 19 CFR 351.204(b)(1).

[6] *See* General Issues Supplemental at 1–3.

[7] *See* First General Issues Supplement at Exhibit I–21; *see also* Second General Issues Supplement at Exhibit I–24; and Third General Issues Supplement at Exhibit I–24.

[8] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).

[9] *See* 19 CFR 351.102(b)(21) (defining ''factual information'').

[10] In this case, 20 calendar days falls on September 7, 2020, a federal holiday. Where a deadline falls on a weekend or a 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).

[11] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011); *see also Enforcement and Compliance; Change of Electronic Filing System Name,* 79 FR 69046 (November 20, 2014) for details of Commerce's electronic filing requirements, effective August 5, 2011. Information on help using ACCESS can be found at *https://access.trade.gov/help.aspx* and a handbook can be found at *https://access.trade.gov/help/Handbook_on_Electronic_Filing_Procedures.pdf.*

comparison criteria. We note that it is not always appropriate to use all product characteristics as product comparison criteria. We base product comparison criteria on meaningful commercial differences among products. In other words, although there may be some physical product characteristics utilized by manufacturers to describe methionine, it may be that only a select few product characteristics take into account commercially meaningful physical characteristics. In addition, interested parties may comment on the order in which the physical characteristics should be used in matching products. Generally, Commerce attempts to list the most important physical characteristics first and the least important characteristics last.

In order to consider the suggestions of interested parties in developing and issuing the AD questionnaires, all product characteristics comments must be filed by 5:00 p.m. ET on September 8, 2020, which is the next business day after 20 calendar days from the signature date of this notice.[12] Any rebuttal comments must be filed by 5:00 p.m. ET on September 18, 2020. All comments and submissions to Commerce must be filed electronically using ACCESS, as explained above, on the record of each of the LTFV investigations.

Determination of Industry Support for the Petitions

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 732(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the ''industry.''

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC must apply the same statutory definition regarding the domestic like product,[13] they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[14]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, the petitioner does not offer a definition of the domestic like product distinct from the scope of the investigations.[15] Based on our analysis of the information submitted on the record, we have determined that methionine, as defined in the scope, constitutes a single domestic like product, and we have analyzed industry support in terms of that domestic like product.[16]

In determining whether the petitioner has standing under section 732(c)(4)(A) of the Act, we considered the industry support data contained in the Petitions with reference to the domestic like product as defined in the ''Scope of the Investigations,'' in the appendix to this notice. To establish industry support, the petitioner provided its own production of the domestic like product in 2019 and the estimated production capacity of the only other known U.S. producer of methionine.[17] We relied on data provided by the petitioner for purposes of measuring industry support.[18]

Our review of the data provided in the Petitions, the General Issues Supplement, and other information readily available to Commerce indicates that the petitioner has established industry support for the Petitions.[19] First, the Petitions established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, Commerce is not required to take further action in order to evaluate industry support (*e.g.,* polling).[20] Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petitions account for at least 25 percent of the total production of the domestic like product.[21] Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petitions account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petitions.[22] Accordingly, Commerce determines that the Petitions were filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.[23]

Allegations and Evidence of Material Injury and Causation

The petitioner alleges that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the imports of the subject merchandise sold at LTFV. In addition,

[12] *See Next Business Day Rule,* 70 FR 24533.

[13] *See* section 771(10) of the Act.

[14] *See USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F. 2d 240 (Fed. Cir. 1989)).

[15] *See* Volume I of the Petitions at I–10–I–12 and Exhibits I–4, I–7 and I–9; *see also* First General Issues Supplement at 4; Second General Issues Supplement at 2–4 and Exhibit I–24; and Third General Issues Supplement at Exhibit I–24.

[16] For a discussion of the domestic like product analysis as applied to these cases and information regarding industry support, *see* country-specific AD Initiation Checklists at Attachment II, Analysis of Industry Support for the Antidumping Duty Petitions Covering Methionine from France, Japan, and Spain (Attachment II). These checklists are dated concurrently with, and hereby adopted by, this notice and on file electronically via ACCESS.

[17] *See* Volume I of the Petitions at I–2–I–3 and Exhibits I–1 and I–3; *see also* First General Issues Supplement at 4 and Exhibit I–23.

[18] *See* Volume I of the Petitions at I–2–I–3 and Exhibits I–1 and I–3; *see also* First General Issues Supplement at 4 and Exhibit I–23 and country-specific AD Initiation Checklists at Attachment II.

[19] *See* country-specific AD Initiation Checklists at Attachment II.

[20] *Id.; see also* section 732(c)(4)(D) of the Act.

[21] *See* country-specific AD Initiation Checklists at Attachment II.

[22] *Id.*

[23] *Id.*

the petitioner alleges that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[24]

The petitioner contends that the industry's injured condition is illustrated by a significant and increasing volume of subject imports; underselling and price depression and suppression; declines in production and capacity utilization; negative impact on employment variables; declining profitability and operating income margin; and a cancelled business expansion project.[25] We assessed the allegations and supporting evidence regarding material injury, threat of material injury, causation, as well as negligibility, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.[26]

Allegations of Sales at LTFV

The following is a description of the allegations of sales at LTFV upon which Commerce based its decision to initiate these LTFV investigations of imports of methionine from the France, Japan, and Spain. The sources of data for the deductions and adjustments relating to U.S. price and normal value (NV) are discussed in greater detail in the country-specific AD Initiation Checklists.

U.S. Price

For France, Japan, and Spain, the petitioner based export price (EP) on the average unit values of publicly available import data. The petitioner made certain adjustments to U.S. price to calculate a net ex-factory U.S. price.[27]

Normal Value [28]

For France, Japan, and Spain, the petitioner based NV on a home market price quote obtained through market research for methionine offered for sale in each country within the applicable time period.[29] For France and Spain, the petitioners made certain adjustments to those prices to calculate an ex-factory home market price, in accordance with section 773 of the Act.[30]

Fair Value Comparisons

Based on the data provided by the petitioner, there is reason to believe that imports of methionine from France, Japan, and Spain are being, or are likely to be, sold in the United States at LTFV. Based on comparisons of EP to NV in accordance with sections 772 and 773 of the Act, the estimated dumping margins for methionine for each of the countries covered by this initiation are as follows: (1) France—16.17 percent; (2) Japan—104.23 percent; and (3) Spain—36.22 percent.[31]

Initiation of LTFV Investigations

Based upon the examination of the Petitions and supplemental responses, we find that they meet the requirements of section 732 of the Act. Therefore, we are initiating these LTFV investigations to determine whether imports of methionine from France, Japan, and Spain are being, or are likely to be, sold in the United States at LTFV. In accordance with section 733(b)(1)(A) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determinations no later than 140 days after the date of this initiation.

Respondent Selection

In the Petitions, the petitioner identified one known producer/exporter, Adisseo France S.A.S., in France; one known producer/exporter, Sumitomo Chemical Company, Limited, in Japan; and one known producer/exporter, Adisseo España, in Spain.[32] However, the petitioner noted that because some methionine is sold by distributors,[33] there may be other exporters of methionine in France, Japan, and Spain that are not known to the petitioner.[34]

Therefore, following standard practice in LTFV investigations involving market economy countries, Commerce intends to select mandatory respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports under the appropriate Harmonized Tariff Schedule of the United States numbers listed in the ''Scope of the Investigations,'' in the appendix.

On August 17, 2020, Commerce released CBP data on imports of methionine from France, Japan, and Spain under Administrative Protective Order (APO) to all parties with access to information protected by APO, and indicated that interested parties wishing to comment on the CBP data must do so within three business days of the publication date of this notice of initiation of these investigations.[35] Commerce will not accept rebuttal comments regarding the CBP data or respondent selection.

Comments must be filed electronically using ACCESS. An electronically-filed document must be received successfully in its entirety by ACCESS, by 5:00 p.m. ET on the specified deadline. Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on Commerce's website at *https://enforcement.trade.gov/apo.*

Distribution of Copies of the Petitions

In accordance with section 732(b)(3)(A) of the Act and 19 CFR 351.202(f), copies of the public version of the Petitions have been provided to the governments of France, Japan, and Spain via ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the AD Petitions to each exporter named in the AD Petitions, as provided under 19 CFR 351.203(c)(2).

ITC Notification

We will notify the ITC of our initiation, as required by section 732(d) of the Act.

Preliminary Determinations by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the AD Petitions were filed, whether there is a reasonable indication that imports of methionine from France, Japan, and/or Spain are materially injuring, or threatening material injury to, a U.S. industry.[36] A negative ITC determination for any country will result in the investigation being terminated with respect to that

[24] *See* Volume I of the Petitions at 16–17 and Exhibit I–2.

[25] *See* Volume I of the Petitions at I–13, I–15 through I–30 and Exhibits I–1, I–2, I–7, I–9, and I–12 through I–18; *see also* First General Issues Supplement at 5 and Exhibit I–20.

[26] *See* country-specific AD Initiation Checklists at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping Duty Petitions Covering Methionine from France, Japan, and Spain.

[27] *See* country-specific AD Initiation Checklists.

[28] In accordance with section 773(b)(2) of the Act, for these investigations, Commerce will request information necessary to calculate the constructed value and cost of production (COP) to determine whether there are reasonable grounds to believe or suspect that sales of the foreign like product have been made at prices that represent less than the COP of the product.

[29] *See* country-specific AD Initiation Checklists.

[30] *Id.*

[31] *Id.*

[32] *See* Volume I of the Petitions at Exhibit I–8.

[33] *See* First General Issues Supplemental at 1.

[34] *Id.*

[35] *See* Memoranda, ''Petition for the Imposition of Antidumping Duties on Imports of Methionine from France: Release of Customs Data from U.S. Customs and Border Protection;'' ''Petition for the Imposition of Antidumping Duties on Imports of Methionine from Japan: Release of Customs Data from U.S. Customs and Border Protection;'' and ''Petition for the Imposition of Antidumping Duties on Imports of Methionine from Spain: Release of Customs Data from U.S. Customs and Border Protection,'' all dated August 17, 2020.

[36] *See* section 733(a) of the Act.

country.[37] Otherwise, these LTFV investigations will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). Section 351.301(b) of Commerce's regulations requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted [38] and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.[39] Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in these investigations.

Particular Market Situation Allegation

Section 773(e) of the Act addresses the concept of particular market situation (PMS) for purposes of CV, stating that ''if a particular market situation exists such that the cost of materials and fabrication or other processing of any kind does not accurately reflect the cost of production in the ordinary course of trade, the administering authority may use another calculation methodology under this subtitle or any other calculation methodology.'' When an interested party submits a PMS allegation pursuant to section 773(e) of the Act, Commerce will respond to such a submission consistent with 19 CFR 351.301(c)(2)(v). If Commerce finds that a PMS exists under section 773(e) of the Act, then it will modify its dumping calculations appropriately.

Neither section 773(e) of the Act, nor 19 CFR 351.301(c)(2)(v), set a deadline for the submission of PMS allegations and supporting factual information. However, in order to administer section 773(e) of the Act, Commerce must receive PMS allegations and supporting factual information with enough time to consider the submission. Thus, should an interested party wish to submit a PMS allegation and supporting new factual information pursuant to section 773(e) of the Act, it must do so no later than 20 days after submission of a respondent's initial section D questionnaire response.

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by Commerce. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301. For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, we may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in a letter or memorandum of the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, stand-alone submission; under limited circumstances we will grant untimely-filed requests for the extension of time limits. Parties should review *Extension of Time Limits; Final Rule,* 78 FR 57790 (September 20, 2013), available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in these investigations.

Certification Requirements

Any party submitting factual information in an AD or countervailing duty (CVD) proceeding must certify to the accuracy and completeness of that information.[40] Parties must use the certification formats provided in 19 CFR 351.303(g).[41] Commerce intends to reject factual submissions if the submitting party does not comply with the applicable certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. On January 22, 2008, Commerce published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3634 (January 22, 2008). Parties wishing to participate in these investigations should ensure that they meet the requirements of these procedures (*e.g.,* the filing of letters of appearance as discussed at 19 CFR 351.103(d)). Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[42]

This notice is issued and published pursuant to sections 732(c)(2) and 777(i) of the Act, and 19 CFR 351.203(c).

Dated: August 18, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Investigations

The merchandise covered by these investigations is methionine and dl-Hydroxy analogue of dl-methionine, also known as 2-Hydroxy 4-(Methylthio) Butanoic acid (HMTBa), regardless of purity, particle size, grade, or physical form. Methionine has the chemical formula $C_5H_{11}NO_2S$, liquid HMTBa has the chemical formula $C_5H_{10}O_3S$, and dry HMTBa has the chemical formula $(C_5H_9O_3S)_2Ca$.

Subject merchandise also includes methionine processed in a third country including, but not limited to, refining, converting from liquid to dry or dry to liquid form, or any other processing that would not otherwise remove the merchandise from the scope of these investigations if performed in the country of manufacture of the in-scope methionine or dl-Hydroxy analogue of dl-methionine.

The scope also includes methionine that is commingled (*i.e.,* mixed or combined) with methionine from sources not subject to these investigations. Only the subject component of such commingled products is covered by the scope of these investigations.

Excluded from these investigations is United States Pharmacopoeia (USP) grade methionine. In order to qualify for this exclusion, USP grade methionine must meet or exceed all of the chemical, purity, performance, and labeling requirements of the United States Pharmacopeia and the National Formulary for USP grade methionine.

Methionine is currently classified under subheadings 2930.40.0000 and 2930.90.4600 of the Harmonized Tariff Schedule of the United States (HTSUS). Methionine has the

[37] *Id.*

[38] *See* 19 CFR 351.301(b).

[39] *See* 19 CFR 351.301(b)(2).

[40] *See* section 782(b) of the Act.

[41] *See Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*). Answers to frequently asked questions regarding the *Final Rule* are available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

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

Chemical Abstracts Service (CAS) registry numbers 583–91–5, 4857–44–7, 59–51–8 and 922–50–9. While the HTSUS subheadings and CAS registry numbers are provided for convenience and customs purposes, the written description of the scope of these investigations is dispositive.

[FR Doc. 2020–18592 Filed 8–24–20; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA086]

Atlantic Highly Migratory Species; Draft Amendment 12 to the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan

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

ACTION: Availability of a draft fishery management plan amendment; request for comments.

SUMMARY: NMFS announces the availability of Draft Amendment 12 to the 2006 Consolidated Atlantic Highly Migratory Species (HMS) Fishery Management Plan (FMP). The Draft Amendment responds to revisions to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) National Standard (NS) guidelines, a rulemaking addressing reporting methodologies for bycatch as defined under the Magnuson-Stevens Act, and recent NMFS policy directives which aim to improve and streamline fishery management procedures to enhance their utility for managers and the public. This draft amendment does not include a proposed rule or regulatory text. Any operational changes to fishery management measures as a result of Amendment 12 would be considered in future rulemakings, as appropriate.

DATES: Written comments must be received by October 26, 2020. NMFS will hold two public hearings via conference calls and webinars for this draft amendment on September 23, 2020, from 2 p.m. to 4 p.m., and September 29, 2020 from 3 p.m. to 5 p.m. For specific dates and times, see the **SUPPLEMENTARY INFORMATION** section of this document.

ADDRESSES: Electronic copies of Draft Amendment 12 to the 2006 Consolidated HMS FMP may be obtained on the internet at: *https://www.fisheries.noaa.gov/action/amendment-12-2006-consolidated-hms-fishery-management-plan-msa-guidelines-and-national.* If available, hard copies may be obtained by contacting Rick Pearson at 727–824–5399. You may submit comments on this document, identified by NOAA–NMFS–2019–0096, by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov,* enter NOAA–NMFS–2019–0096 into the search box, click the ''Comment Now!'' icon, complete the required fields and enter, or attach your comments.

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

FOR FURTHER INFORMATION CONTACT: Rick Pearson at 727–824–5399 or by email at *rick.a.pearson@noaa.gov* or Sarah McLaughlin by email at *sarah.mclaughlin@noaa.gov.*

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Act requires that any FMP or FMP amendment be consistent with 10 National Standards (NS). In 2016, NMFS published a final rule revising the guidelines for NS1, NS3, and NS7 to improve and clarify the guidance and to facilitate compliance with requirements of the Magnuson-Stevens Act to end and prevent overfishing, rebuild overfished stocks, and achieve optimum yield (OY) (81 FR 71858, October 18, 2016). The final rule on the NS guidelines included a recommendation that FMP objectives should be reassessed on a regular basis to reflect the changing needs of fisheries over time. Although no time frame was prescribed, the guidelines indicated that NMFS should provide notice to the public of the expected schedule for review. The final rule also noted that, for stocks managed under international agreements, consistent with provisions in the Magnuson-Stevens Act, NMFS may decide to use the international stock status determination criteria (SDC) defined by the relevant international body (*e.g.,* the International Commission for the Conservation of Atlantic Tunas (ICCAT)). Thus, Draft Amendment 12 reassesses, and proposes revisions to the objectives contained in the 2006 Consolidated Atlantic HMS FMP, and proposes the adoption of ICCAT SDC for ICCAT-managed HMS.

The Magnuson-Stevens Act further requires that any FMP, with respect to any fishery, establish standardized bycatch reporting methodology (SBRM) to assess the amount and type of bycatch occurring in a fishery. On January 19, 2017, NMFS published a final rule (82 FR 6317) to interpret and provide guidance on this requirement. Specifically, the 2017 final rule indicated that each FMP must identify the required procedure or procedures that constitute the SBRM for a fishery and conduct an analysis that explains how the SBRM meets the purposes described at 50 CFR 600.1600. Draft Amendment 12 conducts the required review of SBRMs for HMS fisheries.

Also in 2017, NMFS issued a Fisheries Allocation Review Policy Directive and Procedures (01–119), which described a mechanism to ensure that fishery quota allocations are periodically reviewed and evaluated to remain relevant to current conditions, improve transparency, and minimize conflict for a process that is often controversial. Draft Amendment 12 reviews and proposes potential triggers for review of allocations of quota-managed HMS.

Finally, the HMS Stock Assessment and Fishery Evaluation (SAFE) Report is a public document that provides a summary of scientific information concerning the most recent biological condition of stocks, stock complexes, and marine ecosystems, essential fish habitat (EFH), and the social and economic condition of recreational and commercial HMS fishing interests, fishing communities, and the fish processing industries. National Standard 2 guidelines specify that SAFE reports summarize, on a periodic basis, the best scientific information available concerning the past, present, and possible future condition of the stocks, EFH, marine ecosystems, and fisheries being managed under Federal regulation. In 2008, NMFS published Amendment 2 to the 2006 Consolidated HMS FMP which, among other things, indicated that publication of the HMS SAFE Report would occur by the fall of each year. Draft Amendment 12 proposes adjusting the publication date of the HMS SAFE Report to account for unexpected delays (*e.g.,* data availability, staff availability, furloughs, emergencies, etc.).

Draft Amendment 12 would be consistent with the revised 2016 NS

guidelines, the 2017 SBRM rulemaking, and the 2017 Fisheries Allocation Review Policy Directive 01–119, along with other relevant statutes and the 2006 Consolidated Atlantic HMS FMP and its amendments. Draft Amendment 12 does not contain a proposed rule or regulatory text. Quotas or other fishery management measures will not be changed or affected as a result of this amendment. Any operational changes to fishery management measures as a result of Amendment 12 would be considered in future rulemakings, as appropriate. NMFS will take public comment into consideration before finalizing Draft Amendment 12, and its provisions may be altered or changed at the final amendment stage.

NMFS published a Notice of Availability of a scoping document for Amendment 12 on September 3, 2019 (84 FR 45941). The scoping period closed on November 4, 2019. Given that specific changes to fishery management measures are not proposed or evaluated in this amendment; NMFS does not expect any impacts. Furthermore, no extraordinary circumstances exist, and the action is not expected to be controversial. Thus, NMFS has preliminarily determined that Amendment 12 would appropriately be categorically excluded from further analysis under the National Environmental Policy Act (NEPA).

Public Hearings

Comments on Draft Amendment 12 may be submitted via *www.regulations.gov* (see **ADDRESSES**) and comments may also be submitted at a public hearing. NMFS solicits comments on this action by October 26, 2020. During the comment period, NMFS will hold two public hearings via conference call and webinar for Draft Amendment 12 (Table 1). In addition, NMFS anticipates presenting at the HMS Advisory Panel meeting in the fall of 2020, to discuss Draft Amendment 12.

TABLE 1—DATES AND TIMES OF UPCOMING WEBINARS/CONFERENCE CALLS

Venue	Date	Time	Instructions
Webinar	September 23, 2020	2–4 p.m.	Link: *https://noaanmfs-meets.webex.com/noaanmfs-meets/j.php?MTID=m6d4223b580c2d26883b4ca44e1d35a7a*. Meeting number: 199 162 5739; Password: D3Pn3hQt2J9. Join by phone: 1–415–527–5035; Access code: 199 162 5739.
Webinar	September 29, 2020	3–5 p.m.	Link: *https://noaanmfs-meets.webex.com/noaanmfs-meets/j.php?MTID=m335138f7bf5bbac0518e97789ee49776*. Meeting number: 199 054 2449; Password: yfSEgJW24d3. Join by phone: 1–415–527–5035; Access code: 199 054 2449

The public is reminded that NMFS expects participants at public webinars/conference calls to conduct themselves appropriately. At the beginning of each webinar/conference call, the moderator will explain how the webinar/conference call will be conducted and how and when participants can provide comments. NMFS representative(s) will structure the webinars/conference calls so that all members of the public will be able to comment, if they so choose, regardless of the controversial nature of the subject(s). Participants are expected to respect the ground rules, and those that do not may be asked to leave the webinars/conference calls.

Authority: 16 U.S.C. 971 *et seq.,* and 1801 *et seq.*

Dated: August 20, 2020.

Samuel D. Rauch III,

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

[FR Doc. 2020–18651 Filed 8–24–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA315]

Marine Mammals; Pinniped Removal Authority; Approval of Application

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

ACTION: Notice of availability.

SUMMARY: NMFS announces approval of an application to intentionally take, by lethal methods, California sea lions (*Zalophus californianus*) and Steller sea lions (*Eumetopias jubatus:* Eastern stock) that are located in the mainstem of the Columbia River between river mile 112 (I–205 bridge) and river mile 292 (McNary Dam), or in any tributary to the Columbia River that includes spawning habitat of threatened or endangered salmon or steelhead (*Onchorynchus* spp.). This action is intended to reduce or eliminate sea lion predation on species that are listed as threatened or endangered under the Endangered Species Act of 1973, and species of lamprey or sturgeon that are not listed as endangered or threatened but are listed as a species of concern. This authorization is pursuant to section 120(f) of the Marine Mammal Protection Act (MMPA). NMFS also announces availability of decision documents and other information relied upon in making this determination.

ADDRESSES: Additional information about our determination may be obtained by visiting the NMFS West Coast Region's website: *http://www.westcoast.fisheries.noaa.gov,* or by writing to us at: NMFS West Coast Region, Protected Resources Division, 1201 Lloyd Blvd., Suite 1100, Portland, OR 97232.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Anderson at the above address, by phone at (503) 231–2226, or by email at *robert.c.anderson@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

Section 120 (MMPA; 16 U.S.C. 1361, *et seq.*) allows the Secretary of Commerce, acting through the Assistant Administrator for Fisheries, and the West Coast Regional Administrator of NMFS, to authorize the intentional lethal taking of individually identifiable pinnipeds that are having a significant negative impact on the decline or recovery of salmonid species listed as threatened or endangered species under the ESA, are approaching threatened species or endangered species status (as those terms are defined in that Act), or migrate through the Ballard Locks at Seattle, Washington. Section 120(b)(1)

establishes the criteria whereby a state may apply to the Secretary requesting authorization for the intentional lethal taking of individually identifiable pinnipeds which are having a significant negative impact on the decline or recovery of salmonid species. Section 120(b)(2) requires that any such application shall include a means of identifying the individual pinniped or pinnipeds, and shall include a detailed description of the problem interaction and expected benefits of the taking.

The Endangered Salmon Predation Prevention Act of 2018 (Pub. L. 115–329) replaced the existing MMPA section 120(f) with a new section 120(f)—Temporary Marine Mammal Removal Authority on the Waters of the Columbia River or its Tributaries. The new 120(f) provides separate authority for NMFS to issue permits allowing the intentional lethal taking of sea lions for the purpose of protecting ESA-listed fish species and species of lamprey and sturgeon that are listed as species of concern. Under section 120(f), sea lions are deemed to be individually identifiable and having a significant negative impact on the protected fish species when the sea lions are located in defined areas of the Columbia River and its tributaries. These areas include the mainstem of the Columbia River between river mile 112 (I–205 bridge) and river mile 292 (McNary Dam), and in any tributary to the Columbia River that includes spawning habitat of threatened or endangered salmon or steelhead (*Onchorynchus* spp.) are deemed to be individually identifiable and to be having a significant negative impact, within the meaning of section 120(b)(1), as defined by section 120(f)(7) and (8) (MMPA; 16 U.S.C. 1389(f)(7) and (8)). Public Law 115–329 also included additional eligible entities [1] not identified in section 120(b)(1) that may apply for authorization to intentionally take, by lethal methods, sea lions present within the geographic area established in section 120(f).

Pursuant to section 120(f) of the MMPA, an eligible entity may request authorization to lethally remove sea lions, and the Regional Administrator is required to: (1) Review the application to determine whether the applicant has produced sufficient evidence to warrant establishing a Pinniped-Fishery Interaction Task Force (Task Force) to address the situation described in the application; (2) publish a notice in the **Federal Register** requesting public comment on the application, if sufficient evidence has been produced; (3) establish and convene a Task Force; (4) consider any recommendations made by the Task Force in making a determination whether to approve or deny the application; and (5) if approved, immediately take steps to implement the intentional lethal taking, which shall be performed by agencies or qualified individuals under contract to such agencies (section 120(c)(4)), or by individuals employed by the eligible entities described in section 120(f)(6).

Section 120(c)(2) requires the Task Force be composed of the following: (1) Employees of the Department of Commerce; (2) scientists who are knowledgeable about the pinniped interaction; (3) representatives of affected conservation and fishing community organizations; (4) Indian Treaty tribes; (5) the states; and (6) such other organizations as NMFS deems appropriate. The Task Force reviews the application and public comments and, as required by section 120, recommends to NMFS whether to approve or deny the application. The Task Force is also required to submit with its recommendations for the proposed location, time, and method of such taking; criteria for evaluating the success of the action; the duration of the intentional lethal taking authority; and a suggestion for non-lethal alternatives, if available and practicable, including a recommended course of action.

Section 120(f)(2)(C) requires the Secretary to establish procedures to coordinate issuance of permits [authorizations] under this subsection, including application procedures and timelines, delegation and revocation of permits to and between eligible entities, monitoring, periodic review, and geographic, seasonal take, and species-specific considerations. Pursuant to section 120(f)(2)(C), on June 4, 2019, NMFS issued a Decision Memorandum to fulfill this statutory requirement by establishing application requirements and program implementation procedures for prospective and approved authorizations issued to an eligible entity under section 120(f). Permits issued under section 120(f) may only authorize take of sea lions that are not listed under the ESA, or designated as a depleted or strategic stock under the MMPA.

On June 13, 2019, NMFS received an application pursuant to section 120(f) from the following entities: Oregon Department of Fish and Wildlife, the Washington Department of Fish and Wildlife, the Idaho Department of Fish and Game, the Nez Perce Tribe, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of the Warm Springs Reservation of Oregon, the Confederated Tribes and Bands of the Yakama Nation, and the Willamette Committee [2] (hereafter referred to as the ''eligible entities''). The eligible entities requested authorization to intentionally take, by lethal methods, California sea lions and Steller sea lions that are located in the mainstem of the Columbia River between river mile 112 and river mile 292 (McNary Dam), or in any tributary to the Columbia River that includes spawning habitat of threatened or endangered salmon or steelhead (*Onchorynchus* spp.) to reduce or eliminate sea lion predation on the following species that are listed as threatened or endangered under the ESA: Lower Columbia River Chinook salmon (*O. tshawytscha*), Snake River Fall-run Chinook salmon, Snake River Spring/Summer-run Chinook salmon, Upper Columbia River Spring-run Chinook salmon, Upper Willamette River Chinook salmon, Lower Columbia River steelhead, Middle Columbia River steelhead (*O. mykiss*), Snake River Basin steelhead, Upper Columbia River steelhead, Upper Willamette River steelhead, Columbia River chum salmon (*O. keta*), Lower Columbia River coho salmon (*O. kisutch*), Snake River sockeye salmon (*O. nerka*), the southern distinct population segment of eulachon (*Thaleichthys pacificus*), and species of lamprey or sturgeon that are not listed as threatened or endangered but are listed as a species of concern. California and Steller sea lions are not listed under the ESA nor are they designated as a depleted or strategic stock under the MMPA.

On June 18, 2019, NMFS provided the above-mentioned eligible entities a letter acknowledging receipt of their application and a determination that the application produced sufficient evidence of the problem interaction to warrant establishing a Task Force. On August 30, 2019, NMFS published a notice in the **Federal Register** (84 FR

[1] The Nez Perce Tribe, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of the Warm Springs Reservation of Oregon, the Confederated Tribes and Bands of the Yakama Nation; and the Willamette Committee as defined in section 120(f)(6)(D) of the MMPA.

[2] The Willamette Committee fulfills the requirements for an eligible entity under section 120(f)(6)(A)(iii) of the MMPA. Pursuant to this section of the statute, the Committee members include the Oregon Department of Fish and Wildlife, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of the Warm Springs Reservation of Oregon, the Confederated Tribes of the Grand Ronde Community, and the Confederated Tribes of the Siletz Indians of Oregon. The Confederated Tribes of the Grand Ronde Community and the Confederated Tribes of the Siletz Indians of Oregon will coordinate and conduct lethal removal activities in the Willamette River Basin with the member co-managers, but not elsewhere in the Columbia River Basin.

45730) requesting public comment on the application, any additional information NMFS should consider in making its decision, and nominations for potential Task Force members. As required under the MMPA, after the close of the public comment period NMFS established the Task Force and convened a Task Force meeting on May 12, 2020 through May 14, 2020. The Task Force meeting was open to the public.

The Task Force completed and submitted its report to NMFS on July 14, 2020. The majority of Task Force members present at the meeting (16 of 22) recommended that NMFS approve the eligible entities' application with certain terms and conditions, while two Task Force members recommended that NMFS deny the application, one Task Force member abstained, and three Task Force members were intermittently absent and did not provide a recommendation. The Task Force report also included recommendations pursuant to the requirements in section 120(c)(3)(A) of the MMPA and also considered the factors identified in MMPA section 120(d). All decision documents, including a copy of the authorization, are available on NMFS' West Coast Region web page (see **ADDRESSES**).

Findings

As required under section 7(a)(2) under the ESA, NMFS completed informal consultation, and in accordance with the National Environmental Policy Act, NMFS completed an environmental assessment with a finding of no significant impact.

Based on these requirements, NMFS has determined that the requirements of section 120(f) of the MMPA have been met and it is therefore reasonable to issue a permit to the eligible entities authorizing them to remove (*i.e.,* place in permanent captivity or kill) no more than 540 California sea lions and no more than 176 Steller sea lions (eastern stock) through August 14, 2025.

Dated: August 19, 2020.

Angela Somma,

Acting Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2020–18570 Filed 8–24–20; 8:45 am]

BILLING CODE 3510–22–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No. CFPB–2020–0026]

Request for Information on the Equal Credit Opportunity Act and Regulation B; Extension of Comment Period

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice and request for information; extension of comment period.

SUMMARY: On August 3, 2020, the Bureau of Consumer Financial Protection (Bureau) published in the **Federal Register** a Request for Information (RFI) seeking comments and information to identify opportunities to prevent credit discrimination, encourage responsible innovation, promote fair, equitable, and nondiscriminatory access to credit, address potential regulatory uncertainty, and develop viable solutions to regulatory compliance challenges under the Equal Credit Opportunity Act (ECOA) and Regulation B. The RFI provided a 60-day comment period that was set to close on October 2, 2020. To allow interested persons more time to consider and submit their comments, the Bureau is extending the comment period until December 1, 2020.

DATES: The comment period for the RFI published August 3, 2020, at 85 FR 46600, is extended. Responses to the RFI must now be received on or before December 1, 2020.

ADDRESSES: You may submit responsive information and other comments, identified by Docket No. CFPB–2020–0026, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: 2020-RFI-ECOA@cfpb.gov.* Include Docket No. CFPB–2020–0026 in the subject line of the message.
- *Mail/Hand Delivery/Courier:* Comment Intake, Bureau of Consumer Financial Protection, 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.
- *Instructions:* The Bureau encourages the early submission of comments. All submissions must include the document title and docket number. Because paper mail in the Washington, DC area and at the Bureau is subject to delay, and in light of difficulties associated with mail and hand deliveries during the COVID–19 pandemic, commenters are encouraged to submit comments electronically. 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 the documents by telephoning 202–435–9169.

All submissions in response to this request for information (RFI), including attachments and other supporting materials, will become part of the public record and subject to public disclosure. Please do not include sensitive personal information in your submissions, such as account numbers or Social Security numbers, or names of other individuals, or other information that you would not ordinarily make public, such as trade secrets or confidential commercial information. Submissions will not be edited to remove any identifying or contact information, or other information that you would not ordinarily make public. If you wish to submit trade secret or confidential commercial information, please contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section below. Information submitted to the Bureau will be treated in accordance with the Bureau's Rule on the Disclosure of Records and Information, 12 CFR part 1070 *et seq.*

FOR FURTHER INFORMATION CONTACT: For general inquiries and submission process questions, please call Pavy Bacon, Senior Counsel, Office of Regulations at 202–435–7700. If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.*

SUPPLEMENTARY INFORMATION: On July 28, 2020, the Bureau issued an RFI to seek comments on the actions it can take or should consider taking to prevent credit discrimination, encourage responsible innovation, promote fair, equitable, and nondiscriminatory access to credit, address potential regulatory uncertainty, and develop viable solutions to regulatory compliance challenges under ECOA and Regulation B. The RFI was published in the **Federal Register** on August 3, 2020.[1]

The RFI provided a 60-day public comment period that was set to close on October 2, 2020. Subsequent to issuance of the RFI, representatives from several

[1] 85 FR 46600 (Aug. 3, 2020).

industry organizations and consumer groups asked the Bureau to extend the deadline for submission of comments, to allow interested parties more time to conduct outreach to relevant constituencies and to address the many issues raised in the RFI. The Bureau believes that an extension of the RFI comment period to December 1, 2020, is appropriate. This extension should allow interested parties more time to prepare responses to the RFI. The RFI comment period will now close on December 1, 2020.

Signing Authority

The Director of the Bureau, having reviewed and approved this document, is delegating the authority to electronically sign this document to Laura Galban, a Bureau Federal Register Liaison, for purposes of publication in the **Federal Register**.

Dated: August 19, 2020.

Laura Galban,

Federal Register Liaison, Bureau of Consumer Financial Protection.

[FR Doc. 2020–18557 Filed 8–24–20; 8:45 am]

BILLING CODE 4810–AM–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No. CFPB–2020–0029]

Agency Information Collection Activities: Comment Request

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice and request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Bureau of Consumer Financial Protection (Bureau) is publishing this notice seeking comment on a Generic Information Collection titled, ''Making Ends Meet Survey'' under the Generic Information Collection Plan titled, ''Generic Information Collection Plan for Surveys Using the Consumer Credit Panel'' prior to requesting the Office of Management and Budget (OMB) approval of this collection.

DATES: Written comments are encouraged and must be received on or before September 24, 2020 to be assured of consideration.

ADDRESSES: You may submit comments, identified by the title of the information collection, OMB Control Number (see below), and docket number (see above), by any of the following methods:

- *Regulations.gov:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: PRA_Comments@cfpb.gov.* Include Docket No. CFPB–2020–0029 in the subject line of the message.
- *Mail/Hand Delivery/Courier:* Consumer Financial Protection Bureau (Attention: PRA Office), 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. *Please note that comments submitted after the comment period will not be accepted.* In general, all comments received will become public records, including any personal information provided. Sensitive personal information, such as account numbers or Social Security numbers, should not be included.

FOR FURTHER INFORMATION CONTACT: Documentation prepared in support of this information collection request is available at *www.regulations.gov.* Requests for additional information should be directed to Darrin King, PRA Officer, at (202) 435–9575, or email: *CFPB_PRA@cfpb.gov.* If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.* Please do not submit comments to these email boxes.

SUPPLEMENTARY INFORMATION:

Title of Collection: Making Ends Meet Survey.

OMB Control Number: 3170–0066.

Type of Review: Request for approval of a Generic Information Collection under an existing Generic Information Collection Plan.

Affected Public: Individuals or households.

Estimated Number of Respondents: 4,200.

Estimated Total Annual Burden Hours: 1,226.

Abstract: The Bureau seeks to obtain approval for another round of the ''Making Ends Meet Survey'' that will solicit information on the consumer's experience related to household financial shocks, particularly shocks related to the economic effects of the COVID–19 pandemic, how households respond to those shocks, and the role of savings to help provide a financial buffer. The Bureau mailed one round in May 2019 and a second round in May 2020.[1] Both rounds sought to understand how consumers response to financial shocks, among other things. This new survey will have two arms: One will be a follow-up to respondents from the Bureau's 2019 ''Making Ends Meet Survey'' to better understand household financial experiences dealing with the economic impacts of the COVID–19 pandemic. The second arm will go to a new sample of consumers from the Consumer Credit Panel and will help balance attrition from the follow-up and provide additional information specifically related to savings behaviors. All research under this collection will be related to the household balance sheet, and, thus, will be for general, formative, and informational research on consumer financial markets and consumers' use of financial products and will not directly provide the basis for specific policymaking at the Bureau.

Request for Comments: The Bureau is publishing this notice and soliciting comments on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Bureau, including whether the information will have practical utility; (b) The accuracy of the Bureau's estimate of the burden of the collection of information, including the validity of the methods and the assumptions used; (c) Ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Special Request for Comments: Both proposed survey arms contain more questions than the Bureau intends to mail, the Bureau solicits comments on which questions provide the most value.

Note that although the Bureau is requesting comments at this time, the Bureau will not proceed with the collection or request any responses until such time as the Bureau determines it will not impose an undue burden on respondents as they respond to the COVID–19 pandemic. Comments submitted in response to this notice will be submitted to OMB as part of its review of this request. All comments will become a matter of public record.

Darrin King,

Paperwork Reduction Act Officer, Bureau of Consumer Financial Protection.

[FR Doc. 2020–18644 Filed 8–24–20; 8:45 am]

BILLING CODE 4810–AM–P

[1] The Bureau published a report on the first round in July, 2020. The report describes select results from the survey and discusses response rates and weighting procedures. The report is available here: *https://www.consumerfinance.gov/data-research/research-reports/insights-making-ends-meet-survey/*.

DEPARTMENT OF DEFENSE

Department of the Air Force

Active Duty Service Determinations For Civilian Or Contractual Groups

AGENCY: DoD Civilian/Military Service Review Board, Department of the Air Force.

ACTION: Notice.

SUMMARY: On 21 October 2019, the Secretary of the Air Force, acting as Executive Agent of the Secretary of Defense, determined that the service of the group known as the ''NCIS Special Agents Who Were Assigned to the Middle East Field Office in Bahrain in Direct Support of the CTF–151 Counter-Piracy Mission'' shall not be considered ''active duty'' under the provisions of Public Law 95–202 for purposes of all laws administered by the Department of Veterans Affairs (DVA).

FOR FURTHER INFORMATION CONTACT: Colonel Patricia Barr, Secretary of the Air Force Personnel Council (SAFPC), 3351 Celmers Lane, Joint Base Andrews NAF, Washington, MD 20762, 240–612–5371.

Adriane Paris,

Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2020–18357 Filed 8–24–20; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF DEFENSE

Office of the Secretary

U.S. Strategic Command Strategic Advisory Group; Notice of Advisory Committee Closed Meeting

AGENCY: Office of the Chairman Joint Chiefs of Staff, Department of Defense (DoD).

ACTION: Notice of Advisory Committee closed meeting.

SUMMARY: The DoD is publishing this notice to announce that the following Federal Advisory Committee meeting of the U.S. Strategic Command Strategic Advisory Group will take place.

DATES: Day 1—Closed to the public Tuesday, October 6, 2020, from 8:00 a.m. to 4:00 p.m. and Day 2—Closed to the public Wednesday, October 7, 2020, from 8:00 a.m. to 12:00 p.m.

ADDRESSES: 900 SAC Boulevard, Offutt AFB, Nebraska 68113.

FOR FURTHER INFORMATION CONTACT: Mr. Mark J. Olson, Designated Federal Officer, (402) 912–0322 (Voice), *mark.j.olson.civ@mail.mil* (Email). Mailing address is 900 SAC Boulevard, Suite N3.170, Offutt AFB, NE 68113.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C. Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.140.

Purpose of the Meeting: The purpose of the meeting is to provide advice on scientific, technical, intelligence, and policy-related issues to the Commander, U.S. Strategic Command, during the development of the Nation's strategic war plans.

Agenda: Topics include: Policy Issues, Space Operations, Nuclear Weapons Stockpile Assessment, Weapons of Mass Destruction, Intelligence Operations, Cyber Operations, Global Strike, Command and Control, Science and Technology, and Missile Defense.

Meeting Accessibility: Pursuant to 5 U.S.C. 552b, and 41 CFR 102–3.155, the Department of Defense has determined that the meeting shall be closed to the public. Per delegated authority by the Chairman, Joint Chiefs of Staff, Admiral Charles A. Richard, Commander, U.S. Strategic Command, in consultation with his legal advisor, has determined in writing that the public interest requires that all sessions of this meeting be closed to the public because they will be concerned with matters listed in 5 U.S.C. 552b(c)(1).

Written Statements: Pursuant to 41 CFR 102–3.140(c), the public or interested organizations may submit written statements to the membership of the Strategic Advisory Group at any time or in response to the stated agenda of a planned meeting. Written statements should be submitted to the Strategic Advisory Group's Designated Federal Officer; the Designated Federal Officer's contact information can be obtained from the GSA's FACA Database—*http://www.facadatabase.gov/.* Written statements that do not pertain to a scheduled meeting of the Strategic Advisory Group may be submitted at any time. However, if individual comments pertain to a specific topic being discussed at a planned meeting, then these statements must be submitted no later than five business days prior to the meeting in question. The Designated Federal Officer will review all submitted written statements and provide copies to all the committee members.

Dated: August 17, 2020.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2020–18654 Filed 8–24–20; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2020–SCC–0135]

Agency Information Collection Activities; Comment Request; CARES Act 18004(a)(3) Discretionary Grant Application

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

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is requesting the Office of Management and Budget (OMB) to conduct an emergency review of a new information collection.

DATES: OMB approved this information collection under emergency processing on August 18, 2020. To provide the public with an opportunity to comment, a regular clearance process is hereby being initiated. Interested persons are invited to submit comments on or before September 24, 2020.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection request by selecting ''Department of Education'' under ''Currently Under Review,'' then check ''Only Show ICR for Public Comment'' checkbox.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Karen Epps, 202–453–6337.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that

is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: CARES Act 18004(a)(3) Discretionary Grant Application.

OMB Control Number: 1840–NEW.

Type of Review: A new information collection.

Respondents/Affected Public: State, Local and Tribal Organizations; Private Sector.

Total Estimated Number of Annual Responses: 250.

Total Estimated Number of Annual Burden Hours: 18,750.

Abstract: Section 18004(a)(3) of the CARES Act authorizes the Secretary to allocate funds for part B of Title VII of the HEA, for institutions of higher education that the Secretary determines have the greatest unmet needs related to coronavirus. This collection includes application materials that will be used by institutions competing for discretionary grant funding under this section.

This collection is being submitted under the Streamlined Clearance Process for Discretionary Grant Information Collections (1894–0001). Therefore, the 30-day public comment period notice will be the only public comment notice published for this information collection request. An emergency clearance approval was previously requested to be able to issue these awards in a timely manner. These awards are particularly needed by IHEs that have experienced the greatest economic and educational disruptions caused by 2019–nCoV in order to support their recovery.

Dated: August 20, 2020.

Kate Mullan,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2020–18594 Filed 8–24–20; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice Inviting Publishers To Submit Tests for a Determination of Suitability for Use in the National Reporting System for Adult Education

AGENCY: Office of Career, Technical, and Adult Education, Department of Education.

ACTION: Notice.

SUMMARY: The Secretary of Education invites publishers to submit tests for review and approval for use in the National Reporting System for Adult Education (NRS) and announces the date by which publishers must submit these tests. This notice relates to the approved information collection under OMB control number 1830–0567.

DATES: *Deadline for transmittal of applications:* October 1, 2020.

ADDRESSES: Submit your application by email to *NRS@air.org.*

FOR FURTHER INFORMATION CONTACT: John LeMaster, U.S. Department of Education, 400 Maryland Avenue SW, Room 11152, Potomac Center Plaza, Washington, DC 20202–7240. Telephone: (202) 245–6218. Email: *John.LeMaster@ed.gov.*

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

SUPPLEMENTARY INFORMATION: The Department's regulations for Measuring Educational Gain in the National Reporting System for Adult Education, 34 CFR part 462 (NRS regulations), include the procedures for determining the suitability of tests for use in the NRS.

There is a review process that will begin on October 1, 2020. Only tests submitted by the due date will be reviewed in that review cycle. If a publisher submits a test after October 1, 2020, the test will not be reviewed until the review cycle that begins on October 1, 2021.

Criteria the Secretary Uses: In order for the Secretary to consider a test suitable for use in the NRS, the test must meet the criteria and requirements established in 34 CFR 462.13.

Submission Requirements:

(a) In preparing your application, you must comply with the requirements in 34 CFR 462.11.

(b) In accordance with 34 CFR 462.10, the deadline for transmittal of applications in this fiscal year is October 1, 2020.

(c) You must retain a copy of your sent email message and the email attachments as proof that you submitted your application by 11:59 p.m. local time on October 1, 2020.

(d) We do not consider applications submitted after the application deadline date to be timely for the October 1, 2020, review cycle. If an application is submitted after the October 1, 2020, deadline date, the application will be considered timely for the October 1, 2021, deadline date.

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

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

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

(Authority: 29 U.S.C. 3292.)

Scott Stump,

Assistant Secretary for Career, Technical, and Adult Education.

[FR Doc. 2020–18564 Filed 8–24–20; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Notice of Orders Issued Under Section 3 of The Natural Gas Act During July 2020

	FE Docket Nos.
JORDAN COVE ENERGY PROJECT L.P.	12–32–LNG
TWIN EAGLE RESOURCE MANAGEMENT, LLC.	20–67–NG
CONCORD ENERGY LLC	20–66–NG
BP ENERGY COMPANY	20–69–NG
LIBERTY UTILITIES (ST. LAWRENCE GAS) CORP.	20–70–NG; 19–19–NG; 18–68–NG
PORT ARTHUR LNG PHASE II, LLC.	20–23–LNG
CONSOLIDATED EDISON ENERGY, INC.	20–72–NG
INFINITE ENERGY, INC	20–68–NG
ENGIE ENERGY MARKETING NA, INC.	20–74–NG

	FE Docket Nos.
GUNVOR USA LLC	20–77–NG
CLEAN ENERGY	20–75–LNG

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of orders.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy gives notice that during July 2020, it issued orders granting authority to import and export natural gas, to import and export liquefied natural gas (LNG), and vacating prior authorization. These orders are summarized in the attached appendix and may be found on the FE website at *https://www.energy.gov/fe/listing-doefe-authorizationsorders-issued-2020.*

They are also available for inspection and copying in the U.S. Department of Energy (FE–34), Division of Natural Gas Regulation, Office of Regulation, Analysis, and Engagement, Office of Fossil Energy, Docket Room 3E–033, Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586–9387. The Docket Room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Signed in Washington, DC, on August 19, 2020.

Amy Sweeney,

Director, Office of Regulation, Analysis, and Engagement, Office of Oil and Natural Gas.

Appendix

DOE/FE ORDERS GRANTING IMPORT/EXPORT AUTHORIZATIONS

3413–A	07/06/20	12–32–LNG	Jordan Cove Energy Project LP.	Final Opinion and Order 3413–A granting long-term authority to export LNG to Non-Free Trade Agreement Nations.
4558	07/06/20	20–67–NG	Twin Resource Management, LLC.	Order 4558 granting blanket authority to import/export natural gas from/to Canada/Mexico.
4559	07/07/20	20–66–NG	Concord Energy LLC	Order 4559 granting blanket authority to import/export natural gas from/to Canada/Mexico.
4560	07/07/20	20–69–NG	BP Energy Company	Order 4560 granting blanket authority to import LNG from various international sources by vessel.
4561; 4353–A; 4203.	07/13/20	20–70–NG; 19–19–NG; 18–68–NG	Liberty Utilities (St. Lawrence) Corp.	Order 4561 granting blanket authority to import/export natural gas from/to Canada, and vacating prior authority (Orders 4353 and 4203).
4562	07/14/20	20–23–LNG	Port Arthur Phase II, LLC	Order 4562 granting long-term authority to export LNG to Non-Free Trade Agreement Nations.
4563	07/31/20	20–72–NG	Consolidated Edison Energy, Inc.	Order 4538 granting blanket authority to import/export natural gas from/to Canada.
4564	07/31/20	20–68–NG	Infinite Energy, Inc	Order 4539 granting blanket authority to import/export natural gas from/to Canada/Mexico.
4565	07/31/20	20–74–NG	ENGIE Energy Marketing NA, Inc.	Order 4540 granting blanket authority to import/export natural gas from/to Canada/Mexico.
4566	07/31/20	20–77–NG	Gunvor USA LLC	Order 4566 granting blanket authority to import/export natural gas from/to Canada/Mexico.
4567	07/31/20	20–75–LNG	Clean Energy	Order 4567 granting blanket authority to import/export LNG from/to Canada/Mexico by truck, to export LNG to Canada/Mexico by barge/vessel, and to import LNG from various international sources by barge/vessel.

[FR Doc. 2020–18599 Filed 8–24–20; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL20–65–000]

New York Independent System Operator, Inc.; Notice of Petition for Declaratory Order

Take notice that on August 18, 2020, pursuant to Rule 207 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.207 (2019), New York Independent System Operator, Inc (Petitioner), hereby submits a petition for declaratory order seeking confirmation that Transmission Owners in New York possess a federal right of first refusal to build, own, and recover the costs of upgrades to their transmission facilities that is permitted under Order No. 1000,[1] as more fully explained in the petition.

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. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

The Commission strongly encourages electronic filings of comments, protests

[1] See Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities, Order No. 1000, 136 FERC ¶ 61,051 (2011) (Order No. 1000), order on reh'g and clarification, Order No. 1000–A, 139 FERC ¶ 61,132 (2012) (Order No. 1000–A), order on reh'g and clarification, 141 FERC ¶ 61,044 (2012) (Order No. 1000–B). For convenience, unless otherwise specified, references in this filing to Order No. 1000 should be understood to encompass Order Nos. 1000, 1000–A, and 1000–B.

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 September 17, 2020.

Dated: August 19, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–18605 Filed 8–24–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the-Record Communications; Public Notice

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for electronic review at the Commission in the Public Reference Room or 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. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Docket Nos.	File date	Presenter or requester
Prohibited:		
CP20–55–000, CP20–459–000	8–12–2020	SunBridge LNG.
Exempt:		
P–2934–029	8–13–2020	Advisory Council on Historic Preservation.

Dated: August 19, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–18609 Filed 8–24–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP20–1102–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) Rate Filing: 081820 Negotiated Rates—Castleton Commodities Merchant Trading L.P. R–4010–23 to be effective 9/1/2020.
Filed Date: 8/18/20.
Accession Number: 20200818–5050.
Comments Due: 5 p.m. ET 8/31/20.

Docket Numbers: RP20–1103–000.
Applicants: Dominion Energy Overthrust Pipeline, LLC.
Description: § 4(d) Rate Filing: Non-Conforming TSAs—Wyoming Interstate Company, LLC to be effective 10/1/2020.
Filed Date: 8/18/20.
Accession Number: 20200818–5080.
Comments Due: 5 p.m. ET 8/31/20.

Docket Numbers: RP20–1104–000.
Applicants: Tallgrass Interstate Gas Transmission, LLC.
Description: § 4(d) Rate Filing: TIGT 2020–08–18 Negotiated Rate Agreement Amendment to be effective 7/1/2020.
Filed Date: 8/18/20.
Accession Number: 20200818–5137.
Comments Due: 5 p.m. ET 8/31/20.

Docket Numbers: RP20–1105–000.
Applicants: Aethon III HV LLC, Aethon United BR LP.
Description: Joint Petition for Temporary Waivers of Capacity Release Regulations, et al. of Aethon United BR LP, et al. under RP20–1105.
Filed Date: 8/18/20.
Accession Number: 20200818–5147.
Comments Due: 5 p.m. ET 8/25/20.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 19, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–18607 Filed 8–24–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–458–000]

Midship Pipeline Company, LLC; Notice of Request for Extension of Time

Take notice that on August 10, 2020, Midship Pipeline Company, LLC (Midship) requested that the Federal Energy Regulatory Commission (Commission) grant an extension of time, until December 31, 2022, to complete construction and place into service three delayed compressor units for its Midship Pipeline Project, as originally authorized in the August 13, 2018 Order Issuing Certificate (August 13 Order).[1] The August 13 Order (as amended)[2] required the applicants to complete construction and make the facilities available for service within two years of the original Order date.

The overall project is designed to provide up to 1,440 million standard cubic feet per day (MMcf/d) of firm transportation capacity from the South Central Oklahoma Oil Province and the Sooner Trend Anadarko Basin Canadian and Kingfisher gas plays in the Anadarko Basin in Oklahoma to existing natural gas pipelines near Bennington, Oklahoma, for subsequent transport to Gulf Coast and Southeast markets. As authorized, the project includes an approximately 200-mile-long mainline pipeline in Oklahoma; three mainline gas-fired turbine compressor stations (Calumet, Tatums and Bennington), each of which included three compressor units; metering and regulation stations; appurtenant facilities; and two lateral pipelines, the Chisholm and Velma Laterals.

In its request, Midship states that it has constructed all facilities authorized by the Certificate, except for one compressor unit at each of the Calumet, Tatums, and Bennington compressor stations.

Midship also states that, due to delays in the commercialization of the project, additional time is now required in order to complete the construction of the remaining authorized project facilities.

This notice establishes a 15-calendar day intervention and comment period deadline. Any person wishing to comment on the applicant's request for an extension of time may do so. No reply comments or answers will be considered. If you wish to obtain legal status by becoming a party to the proceedings for this request, you should, on or before the comment date stated below, file a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10).[3]

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,[4] the Commission will aim to issue an order acting on the request within 45 days.[5] The Commission will address all arguments relating to whether the applicant has demonstrated there is good cause to grant the extension.[6] The Commission will not consider arguments that re-litigate the issuance of the certificate order, including whether the Commission properly found the project to be in the public convenience and necessity and whether the Commission's environmental analysis for the certificate complied with the National Environmental Policy Act.[7] At the time a pipeline requests an extension of time, orders on certificates of public convenience and necessity are final and the Commission will not re-litigate their issuance.[8] The OEP Director, or his or her designee, will act on all of those extension requests that are uncontested.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

The Commission strongly encourages electronic filings of comments 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 September 1, 2020.

Dated: August 17, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–18582 Filed 8–24–20; 8:45 am]

BILLING CODE 6717–01–P

[1] *Midship Pipeline Company, LLC,* 164 FERC ¶ 61,103 (2018).

[2] *Midship Pipeline Company, LLC,* 166 FERC ¶ 62,039 (2019); *Midship Pipeline Company, LLC,* 168 FERC ¶ 61,147 (2019); *Midship Pipeline Company, LLC,* 170 FERC ¶ 61,137 (2020).

[3] 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).

[4] Contested proceedings are those where an intervenor disputes any material issue of the filing. 18 CFR 385.2201(c)(1) (2019).

[5] *Algonquin Gas Transmission, LLC,* 170 FERC ¶ 61,144, at P 40 (2020).

[6] Id. at P 40.

[7] 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.

[8] *Algonquin Gas Transmission, LLC,* 170 FERC ¶ 61,144, at P 40 (2020).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER20–2690–000]

Jordan Creek Wind Farm LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Jordan Creek Wind Farm LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice

and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is September 8, 2020.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Dated: August 19, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–18608 Filed 8–24–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER19–1506–001.
Applicants: Minonk Wind, LLC.
Description: Report Filing: Refund Report (ER20–1506–) to be effective N/A.
Filed Date: 8/19/20.
Accession Number: 20200819–5028.
Comments Due: 5 p.m. ET 9/9/20.

Docket Numbers: ER20–2196–001.
Applicants: Southwest Power Pool, Inc.
Description: Tariff Amendment: 3690 GridLiance High Plains/Evergy KS South Int Agr- Amended to be effective 9/1/2020.
Filed Date: 8/19/20.
Accession Number: 20200819–5100.
Comments Due: 5 p.m. ET 9/9/20.

Docket Numbers: ER20–2201–000.
Applicants: GridLiance High Plains LLC.
Description: Supplement to June 26, 2020 GridLiance High Plains LLC tariff filing (Limited Clarification Comments).
Filed Date: 8/18/20.
Accession Number: 20200818–5166.
Comments Due: 5 p.m. ET 8/25/20.

Docket Numbers: ER20–2202–001.
Applicants: Cassadaga Wind LLC.
Description: Tariff Amendment: Response to Commission Staff Request Regarding Application for Market-Based Rate to be effective 8/26/2020.
Filed Date: 8/19/20.
Accession Number: 20200819–5029.
Comments Due: 5 p.m. ET 9/9/20.

Docket Numbers: ER20–2691–000.
Applicants: Public Service Company of New Mexico.
Description: § 205(d) Rate Filing: PIA between PNM, Pattern NM Wind, Red Cloud Wind, and Clines Corners Wind farm to be effective 10/18/2020.
Filed Date: 8/18/20.
Accession Number: 20200818–5155.
Comments Due: 5 p.m. ET 9/8/20.

Docket Numbers: ER20–2692–000.
Applicants: Southern California Edison Company.
Description: § 205(d) Rate Filing: Letter Agreement Coso Energy Storage Project SA No. 251 to be effective 8/20/2020.
Filed Date: 8/19/20.
Accession Number: 20200819–5060.
Comments Due: 5 p.m. ET 9/9/20.

Docket Numbers: ER20–2693–000.
Applicants: Southern California Edison Company.
Description: § 205(d) Rate Filing: GIA and DSA Calportland Company—CPCC Wind Mojave SA Nos. 1110–1111 to be effective 10/19/2020.
Filed Date: 8/19/20.
Accession Number: 20200819–5065.
Comments Due: 5 p.m. ET 9/9/20.

Docket Numbers: ER20–2694–000.
Applicants: Icon Energy LLC.
Description: Baseline eTariff Filing: Baseline new to be effective 10/4/2020.
Filed Date: 8/19/20.
Accession Number: 20200819–5071.
Comments Due: 5 p.m. ET 9/9/20.

Docket Numbers: ER20–2695–000.
Applicants: Mohave County Wind Farm LLC.
Description: Baseline eTariff Filing: Mohave County Wind Farm LLC Application for MBR Authority to be effective 10/19/2020.
Filed Date: 8/19/20.
Accession Number: 20200819–5075.
Comments Due: 5 p.m. ET 9/9/20.

Docket Numbers: ER20–2696–000.
Applicants: AltaGas Pomona Energy Storage Inc.
Description: § 205(d) Rate Filing: Change in Status and Notice of Name Change to VESI Pomona Energy Storage, Inc. to be effective 8/20/2020.
Filed Date: 8/19/20.
Accession Number: 20200819–5092.
Comments Due: 5 p.m. ET 9/9/20.

Docket Numbers: ER20–2697–000.
Applicants: California Independent System Operator Corporation.
Description: § 205(d) Rate Filing: 2020–08–19 Certificate of Concurrence—LGIA among PG&E and CAISO to be effective 10/7/2020.
Filed Date: 8/19/20.
Accession Number: 20200819–5099.
Comments Due: 5 p.m. ET 9/9/20.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 19, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–18606 Filed 8–24–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP20–506–000]

ANR Pipeline Company; Notice of Request Under Blanket Authorization

Take notice that on August 4, 2020, ANR Pipeline Company (ANR), 700 Louisiana Street Houston, Texas 77002–2700, filed in the above referenced docket, a prior notice request pursuant to sections 157.205 and 157.216(b) of the Commission's regulations under the Natural Gas Act (NGA) and ANR's blanket certificate issued in Docket No. CP82–480–000, for authorization to abandon in place by cut and capping ten storage injection/withdrawal wells within the Lincoln Freeman Storage Field in Clare County, Michigan in order to minimize the potential impact of gas leakage into underground fresh water reservoirs (2020 Lincoln Freeman Plug and Abandonment Project). Details of ANR's 2020 Lincoln Freeman Plug and Abandonment Project is more fully set forth in the application which is on file with the Commission and open to public inspection. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions regarding this prior notice request should be directed to Sorana Linder, Director, Modernization & Certificates, ANR Pipeline Company, 700 Louisiana Street, Houston, Texas 77002–2700, phone: (832) 320–5209 or email: *sorana_linder@tcenergy.com.*

Any person or the Commission's staff may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention. Any person filing to intervene, or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the NGA (18 CFR 157.205) file a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's EA.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list and will be notified of any meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments in lieu of paper using the ''eFiling'' 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.

Dated: August 17, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–18581 Filed 8–24–20; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2020–0017–0001; FRL—10014–14–OMS]

Information Collection Request Submittal to OMB for Review and Approval; Comment Request; 2020 Drinking Water Infrastructure Needs Survey and Assessment (New)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The U.S. Environmental Protection Agency (EPA) has submitted an information collection request (ICR), 2020 Drinking Water Infrastructure Needs Survey and Assessment (EPA ICR Number 2616.01, OMB Control Number 2040–NEW) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a request to reinstate a previously discontinued collection. Public comments were previously requested via the **Federal Register** on February 5, 2020, during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given in this document, including the ICR's estimated burden and cost to the public. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before September 24, 2020.

ADDRESSES: Submit your comments to EPA, referencing Docket ID No. EPA–HQ–OW–2020–0017, online using *www.regulations.gov* (our preferred method), by email to *ow-docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200

Pennsylvania Ave. NW, Washington, DC 20460. EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection 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: Robert Barles, Drinking Water Protection Division, Office of Ground Water and Drinking Water, Environmental Protection Agency, telephone number: 202–564–3814; email address: *barles.robert@epa.gov*.

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets*.

Abstract: The purpose of this information collection is to identify the infrastructure needs of public water systems for the 20-year period from January 2020 through December 2039. EPA's Office of Ground Water and Drinking Water will collect these data to comply with Sections 1452(h) and 1452(i)(4) of the Safe Drinking Water Act (42 U.S.C. 300j–12). The Agency will use a questionnaire to collect capital investment need information from selected community water systems and not-for-profit non-community water systems. Participation in the survey is voluntary. The data from the questionnaires will provide EPA with new information from the field to assist in the 2020 update to the Agency's assessment of the nationwide infrastructure needs of public water systems. Also, as mandated by section 1452(a)(1)(D)(ii) of the Safe Drinking Water Act, EPA uses the results of the latest survey to allocate Drinking Water State Revolving Fund (DWSRF) monies to the states. Under the allotment formula, each state receives a grant of the annual DWSRF appropriation in proportion to the state's share of the total national need, with the proviso that each state receives at least one percent of the total funds available.

Form numbers: 6100–03.

Respondents/affected entities: Community water systems not-for-profit non-community water systems, and state agencies.

Respondent's obligation to respond: Voluntary.

Estimated number of respondents: 3,912 (total).

Frequency of response: One time.

Total estimated burden: 15,177 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $1,705,941 (per year), includes $0 annualized capital or operation and maintenance costs.

Changes in estimates: This is a new ICR. The estimated total public reporting burden over the entire four-year length of the 2020 DWINSA is over 8,000 hours higher compared with the ICR approved by OMB for the 2015 DWINSA survey (OMB control number 2040–0274). This burden increase is almost entirely a result of the 2020 Survey being the first effort to collect information on lead service line inventories for all system types across all states and territories as well as tribal water systems.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2020–18568 Filed 8–24–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2017–0751; FRL–10013–81]

Coumaphos; Revised Proposed Interim Registration Review Decision; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of and solicits public comment on EPA's revised proposed interim registration review decision for coumaphos.

DATES: Comments must be received on or before October 26, 2020.

ADDRESSES: Submit your comments, identified by the docket identification (ID) number for the specific pesticide of interest provided in the Table in Unit IV., using the *Federal eRulemaking Portal* at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Due to the public health concerns related to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: *For pesticide specific information, contact:* The Chemical Review Manager for the pesticide of interest identified in the Table in Unit IV.

For general information on the registration review program, contact: Melanie Biscoe, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (703) 305–7106; email address: *biscoe.melanie@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, farm worker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the pesticide specific contact person listed under **FOR FURTHER INFORMATION CONTACT**: *For pesticide specific information, contact:* The Chemical Review Manager for the pesticide of interest identified in the Table in Unit IV.

For general information on the registration review program, contact: Melanie Biscoe, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (703) 305–7106; email address: *biscoe.melanie@epa.gov.*

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

1. *Submitting CBI.* Do not submit this information to EPA through

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

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

II. Background

Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, the pesticide can perform its intended function without unreasonable adverse effects on human health or the environment. As part of the registration review process, the Agency has completed the revised proposed interim decisions for coumaphos listed in the Table in Unit IV. Through this program, EPA is ensuring that each pesticide's registration is based on current scientific and other knowledge, including its effects on human health and the environment.

III. Authority

EPA is conducting its registration review of coumaphos pursuant to section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Procedural Regulations for Registration Review at 40 CFR part 155, subpart C. Section 3(g) of FIFRA provides, among other things, that the registrations of pesticides are to be reviewed every 15 years. Under FIFRA, a pesticide product may be registered or remain registered only if it meets the statutory standard for registration given in FIFRA section 3(c)(5) (7 U.S.C. 136a(c)(5)). When used in accordance with widespread and commonly recognized practice, the pesticide product must perform its intended function without unreasonable adverse effects on the environment; that is, without any unreasonable risk to man or the environment, or a human dietary risk from residues that result from the use of a pesticide in or on food.

IV. What action is the Agency taking?

Pursuant to 40 CFR 155.58, this notice announces the availability of EPA's revised proposed interim registration review decisions for coumaphos. The revised proposed interim registration review decision is supported by rationale included in the docket established for each chemical.

TABLE—REGISTRATION REVIEW PROPOSED INTERIM DECISIONS BEING ISSUED

Registration review case name and No.	Docket ID No.	Chemical review manager and contact information
Coumaphos (Case0018)	EPA–HQ–OPP–2008–0023	Michelle Nolan, *nolan.michelle@epa.gov*, (703) 347–0258.

The registration review docket for a pesticide includes earlier documents related to the registration review case. For example, the review opened with a Preliminary Work Plan, for public comment. A Final Work Plan was placed in the docket following public comment on the Preliminary Work Plan.

The documents in the dockets describe EPA's rationales for conducting additional risk assessments for the registration review of coumaphos, as well as the Agency's subsequent risk findings and consideration of possible risk mitigation measures. This revised proposed interim registration review decision is supported by the rationales included in those documents. Following public comment, the Agency will issue an interim or final registration review decision for coumaphos.

The registration review final rule at 40 CFR 155.58(a) provides for a minimum 60-day public comment period on all proposed interim registration review decisions. This comment period is intended to provide an opportunity for public input and a mechanism for initiating any necessary amendments to the proposed interim decision. All comments should be submitted using the methods in **ADDRESSES** and must be received by EPA on or before the closing date. These comments will become part of the docket for coumaphos. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments.

The proposed interim registration review decision for coumaphos was posted to the docket in May 2018 and the public was invited to submit any comments or new information during the 60-day comment period. A comment extension request was submitted by Bayer Animal Health which resulted in a 30-day extension or 90-day total comment period. Comments from the 90-day comment period that were received were considered and affected the Agency's revised proposed interim decision. EPA addressed the comments or information received during the 90-day comment period for the proposed interim decision and is issuing a revised proposed interim decision for a 60-day comment period. Pursuant to 40 CFR 155.58(c), the registration review case docket for the chemicals listed in the Table will remain open until all actions required in the proposed interim decision have been completed.

Background on the registration review program is provided at: *http://www.epa.gov/pesticide-reevaluation.*

Authority: 7 U.S.C. 136 *et seq.*

Dated: August 14, 2020.

Mary Reaves,

Acting Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.

[FR Doc. 2020–18598 Filed 8–24–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[CERCLA–04–2020–2505; FRL–10012–64–Region 4]

Pilot Mountain Superfund Site; Notice of Settlement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed settlement.

SUMMARY: The United States Environmental Protection Agency (EPA) proposes to enter into a Settlement Agreement for Recovery of Past Response Costs with New River Tire Recycling, LLC, concerning the Pilot Mountain Superfund Site located in Pilot Mountain, North Carolina. The

settlement addresses recovery of CERCLA costs for a cleanup action performed by the EPA at the Site.

DATES: The Agency will consider public comments on the settlement until September 24, 2020. The Agency will consider all comments received and may modify or withdraw its consent to the proposed settlement if comments received disclose facts or considerations which indicate that the proposed settlement is inappropriate, improper, or inadequate.

ADDRESSES: Copies of the settlement are available from the Agency by contacting Ms. Paula V. Painter, Program Analyst, using the contact information provided in this notice. Comments may also be submitted by referencing the Site's name through one of the following methods: Internet: *https://www.epa.gov/aboutepa/about-epa-region-4-southeast#r4-public-notices;* Email: *Painter.Paula@epa.gov.*

FOR FURTHER INFORMATION CONTACT: Paula V. Painter at 404/562–8887.

Authority: 122(h) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

Dated: July 21, 2020.

Maurice Horsey,

Chief, Enforcement Branch, Superfund & Emergency Management Division.

[FR Doc. 2020–18386 Filed 8–24–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–10013–70–Region 4]

Order Denying Petition To Set Aside Consent Agreement and Proposed Final Order

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of order denying petition to set aside consent agreement and proposed final order.

SUMMARY: In accordance with the Code of Federal Regulations and the Clean Water Act (''CWA or ''Act''), notice is hereby given that an Order Denying Petition to Set Aside Consent Agreement and Proposed Final Order has been issued in the matter styled as *In the Matter of Jerry O'Bryan, Curdsville, Kentucky,* Docket No. CWA–04–2018–5501(b). This document serves to notify the public of the denial of the Petition to Set Aside Consent Agreement and Proposed Final Order filed in the matter and explain the reasons for such denial.

ADDRESSES: To access and review documents filed in the matter that is the subject of this document, please visit: *https://yosemite.epa.gov/oa/rhc/epaadmin.nsf/07a828025febe17885257562006fff58/4a9eaf5114545a51852584b700740a38!OpenDocument.*

FOR FURTHER INFORMATION CONTACT: Patricia Bullock, Regional Hearing Clerk, Environmental Protection Agency, Region 4, 61 Forsyth Street, Atlanta, Georgia 30303; telephone number: 404–562–9511; email address: *bullock.patricia@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Legal Authority

Section 404 of CWA, 33 U.S.C. 1344(f)(2), requires a permit for ''any discharge of dredged or fill material into navigable waters incidental to any activity having as its purpose bringing an area of the navigable waters into a use to which it was not previously subject, where the flow or circulation of navigable waters may be impaired or the reach of such waters be reduced. . . .'' Section 301(a) of the CWA, 33 U.S.C. 1311, provides that, ''the discharge of any pollutant into waters of the United States . . . except as in compliance with sections 301 . . . and 1344 shall be unlawful. Sections 309(g)(1) and (g)(2) of the CWA empower the Environmental Protection Agency (''EPA,'' ''Complainant'' or ''Agency'') to assess a Class 1 or Class 2 civil administrative penalty against any person found to have violated section 1311 . . . of the CWA or [who] has violated any permit limitation or condition implementing any such sections in a permit . . . issued under Section 1344.

Before issuing an order assessing a Class I civil penalty under Section 309(g) of the CWA, the EPA is required by the Act and ''Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits'' (Consolidated Rules) to provide public notice of and reasonable opportunity to comment on the proposed issuance of such order. (33 U.S.C. 1319(g)(4)(A); 40 CFR 22.45(b)).

Any person who comments on the proposed assessment of a Class I civil penalty under 33 U.S.C. 1319(g)(4)(B) is entitled to receive notice of any hearing held under this Section and at such hearing is entitled to a reasonable opportunity to be heard and to present evidence. (33 U.S.C. 1319(g)(4)(B); 40 CFR 22.45(c)). If no hearing is held before issuance of an order assessing a Class I civil penalty under 33 U.S.C. 1319(g)(4)(C) of the CWA, such as where the administrative penalty action in question is settled pursuant to a consent agreement and final order (CAFO), any person who commented on the proposed assessment may petition to set aside the order on the basis that material evidence was not considered and request a hearing be held on the penalty. (33 U.S.C. 1319(g)(4)(C); 40 CFR 22.45(c)(4)(ii)).

The CWA requires that if the evidence presented by the Petitioner in support of the petition is material and was not considered in the issuance of the order, the Administrator shall immediately set aside such order and provide a hearing in accordance with Section 309(g)(4)(C) of the CWA, 33 U.S.C. 1319(g)(4)(C). On the other hand, if the Administrator denies a hearing, the Administrator shall provide to the petitioner, and publish in the **Federal Register** notice of and reasons for such denial. *Id.*

Pursuant to Section 309 of the CWA, the authority to decide petitions by commenters to set aside final orders entered without a hearing and provide copies and/or notice of the decision has been delegated to Regional Administrators in administrative penalty actions brought by regional offices of EPA. (*See* EPA Administrator's Delegation of Authority 2–51). The Region 4 Administrator has delegated authority to decide such petitions to the Regional Judicial Officer. (*See* Region 4 Delegation of Authority 2–51, Class I Administrative Penalty Action). The Consolidated Rules require that where a commenter petitions to set aside a CAFO in an administrative penalty action brought by a regional office of the EPA, the Regional Administrator shall assign a Petition Officer to consider and rule on the petition. (40 CFR 22.45(c)(4)(iii)). Upon review of the petition and any response filed by the Complainant, the Petition Officer shall then make written findings as to: (A) The extent to which the petition states an issue relevant and material to the issuance of the consent agreement and proposed final order; (B) whether the complainant adequately considered and responded to the petition; and (C) whether resolution of the proceeding by the parties is appropriate without a hearing. (40 CFR 22.45(c)(4)(v)).

If the Petition Officer finds that a hearing is appropriate, the Presiding Officer shall order that the consent agreement and proposed final order be set aside and establish a schedule for a hearing. (40 CFR 22.45(c)(4)(vi)). Conversely, if the Petition Officer finds that resolution of the proceeding without a hearing is appropriate, the Petition Officer shall issue an order denying the petition and stating reasons

for the denial. (40 CFR 22.45(c)(4)(vii)). The Petition Officer shall then file the order with the Regional Hearing Clerk, serve copies of the order on the parties and the commenter, and provide public notice of the order. *Id.*

II. Procedural Background

On or about May 10, 2018, the Director of the Water Division of EPA Region 4 and Jerry O'Bryan (Respondent) executed an Administrative Compliance Order on Consent (AOC) in the matter styled, *In the Matter of Jerry O'Bryan Curdsville, Kentucky,* Docket No. CWA–04–2018–5755. The AOC pertained to discharge of dredged and/or fill material using earth moving equipment by Respondent that resulted in the conversion of wetlands to agricultural land in or around June 2016. Respondent's discharge activities impacted approximately 2.1 acres of wetlands adjacent to the Green River, a traditionally navigable water of the United States, and approximately 800 linear feet of an unnamed tributary to the Green River. During the discharge, Respondent did not have a permit under section 404 of the CWA, 33 U.S.C. 1344, that authorized Respondent to perform such activities. Section 301 of the CWA, 33 U.S.C. 1311, makes it unlawful for any person to discharge pollutants into waters of the United States without proper permit authorization, including Section 404 of the CWA. Accordingly, the AOC determined Respondent's activities of discharging pollutants into navigable waters without a permit violated Section 301 of the CWA, 33 U.S.C. 1311.

Under the authority of Section 309(a) of the CWA, 33 U.S.C. 1319(a), the EPA ordered, and Respondent agreed and consented to restore the impacted wetlands in accordance with a signed restoration plan prepared by the United States Department of Agriculture/Natural Resource Conservation Service on March 2, 2017. Respondent also agreed to comply with timelines concerning the construction start date, construction completion date, and inspection date of the restored site.

Thereafter, the EPA and Respondent agreed to resolve Respondent's liability for federal civil penalties associated with Respondent's unauthorized discharge of dredged and/or fill material in the proposed CAFO, titled Docket No.: CWA–04–2018–5501(b). The CAFO sought to simultaneously commence and conclude an administrative penalty action under section 309(g)(2)(A) of the CWA. Under the terms of the CAFO, Respondent admitted the jurisdictional allegations set forth in the CAFO, but neither admitted nor denied the factual allegations and alleged violations. Respondent waived his right to a hearing or to otherwise contest the CAFO, and agreed to pay a civil penalty in the amount of $3346 and perform a Supplemental Environmental Project (SEP) to resolve the alleged CWA Section 404 violations. The SEP entails the conversion of approximately 281.9 acres of farmland located adjacent to the Green River from conventional farming practices to a soil health management farming system.

On May 30, 2018, EPA provided public notice of its intent to file the proposed CAFO and accept public comments thereon. The EPA received six timely filled comment letters during the public comment period. All commenters opposed issuance of the proposed CAFO. The Community Against Pig Pollution and Disease, Inc. (CAPPAD or Petitioner) was one of six commenters. Complainant subsequently prepared a Summary of and Response to Public Comments (Response to Comments), which indicated the EPA would proceed with the proposed CAFO without amendment. The EPA mailed the Response to Comments together with a copy of the proposed CAFO to CAPPAD and other commenters on or about August 20, 2019. Complainant subsequently corrected a ministerial error in Paragraph 35 of the CAFO, and mailed replacement pages to CAPPAD and the other commenters on August 23, 2019. CAPPAD received the documents on August 27, 2019. CAPPAD timely filed a Petition seeking to set aside the proposed CAFO on or about September 17, 2019.

The EPA Region 4 Administrator received the Petition on September 24, 2019. Pursuant to 40 CFR 22.45(c)(4)(iii), Complainant considered the issues raised in the Petition and decided not to withdraw the CAFO. On October 24, 2019, the Region 4 Administrator assigned the undersigned as Petition Officer to preside over this matter. (40 CFR § 22.45 (c)(4)(iii)). The Region 4 Administrator directed Complainant to provide a copy of the CAFO and file a written response to the Petition with the Petition Officer within 30 days of the assignment. (40 CFR 22.45(c)(iv)).

Complainant filed its Response to the Petition to Set Aside Consent Agreement and Proposed Final Order (Response to Petition) on November 19, 2019, with the Regional Hearing Clerk and served copies on Respondent and Petitioner. Complainant's filing with the Regional Hearing Clerk was erroneous since 40 CFR 22.45(c)(4)(iv) states, ''A copy of the response shall be provided to the parties and to the commenter, but not to the Regional Hearing Clerk or Presiding Officer.'' The Regional Hearing Clerk accepted the Response to Petition, but did not forward the file to the Petition Officer. On December 3, 2019, the Petition Officer inquired by email whether Complainant filed a response to the Petition. Complainant realized the erroneous filing with the Regional Hearing Clerk and sought to correct the matter by filing a ''Memorandum In Support of Motion For Leave To File Response to Petition Under 40 CFR 22.45(c)(4)(iv).'' On December 9, 2019, the Petition Officer granted the motion finding that no harm resulted to Petitioner since the Complainant timely served the Response to Petition on the Petitioner and Respondent. Additionally, the Regional Hearing Clerk accepted and retained the file but did not forward the file to the Petition Officer.

III. Denial of Petitioner's Petition

On July 24, 2020, the undersigned filed an ''Order Denying the Petition to Set Aside Consent Agreement and Proposed Final Order'' (Order) with the Regional Hearing Clerk (RHC), who served copies of the Order and enclosures on the Parties. On July 28, 2020, the undersigned filed a Corrected Order with the RHC for the purpose of correcting the title on page 21 to read ''Petition Officer.'' The undersigned also corrected numbers for topical headings on pages 17 and 18 to state, ''5'' and ''6'', rather than ''6'' and ''7''. In this Order, the undersigned denied the Petition without need for a hearing on the basis that Petitioner had failed to present any relevant and material evidence that had not been adequately considered and addressed by Complainant.

The Petitioner raised several issues in its Comments and Petition regarding Respondent's animal feeding operations (AFOs) in Curdsville, Kentucky. The undersigned categorized these issues into six headings as addressed below. First, Petitioner argued Respondent owns and operates concentrated animal feeding operations (AFOs) in violation of environmental laws, and argued the Kentucky Department of Water (KDOW) refused to verify hog counts, and collect water and soil samples. Specifically, Petitioner argued Respondent owns and operates large concentrated AFOs that discharge into waters of the United States. Petitioner also argued Respondent's operations meet the definition of large concentrated AFOs as stated in the Kentucky Administrative Regulation (KAR) 401 KAR 5.002 and 40 CFR 122.23(b)(2). Petitioner asserted

Respondent's farms at Doby/Bumblebee, Iron Maiden and Hardy discharged *E. Coli* with readings in excess of 4,4870 CFU/100 ml per sample into the Green River, and such readings violate the Ambient Water Rule. Petitioner opined KDOW should rescind the Kentucky No Discharge Operating Permits (KNDOPs) initially issued Respondent, and replace these permits with Kentucky Pollutant Discharge Elimination System (KPDES) permits. Petitioner also asserted that it provided information concerning the number of hogs on Respondent's farms, readings from water samples, and other unlawful activities committed by Respondent to KDOW. However, Petitioner contends KDOW has refused to verify the number of hogs, collect its own samples, and otherwise enforce compliance with the CWA.

The undersigned determined that Complainant considered and addressed issues raised by Petitioner in its Response to Comments and Response to Petition. The undersigned found that issues raised regarding Respondent's AFOs at properties other than the Simpson McKay farm, and activities allegedly committed by Respondent in violation of Section 402 of the CWA are not relevant or material to allegations raised in the proposed CAFO. The undersigned further found that Complainant addressed Petitioner's claims that KDOW did not exercise proper oversight of Respondent's operations. For instance, Complainant explained that the Kentucky Department for Environmental Protection (KDEP) has authority to issue KNDOPs and KPDES permits, and described conditions appropriate for issuance of such permits. The undersigned concluded that Petitioner did not meet its burden of demonstrating that matters concerning Respondent's AFOs and KDOW's alleged lack of oversight of Respondent's operations are material and relevant evidence that Complainant had not considered in agreeing to the CAFO. Thus, this claim was denied.

Second, Petitioner argued in its Petition that Respondent's AFOs lack necessary wastewater treatment facilities. In both its Comments and Petition, Petitioner asserted Respondent added barns and hogs to his AFOs, exceeding what was authorized in initial permits issued by KDOW. Petitioner further asserted Respondent did not increase the volume of lagoons that would service the additional barns and hogs, resulting in Respondent spraying excess effluent. Petitioner stated in its Petition that Respondent does not have wastewater treatment plants for his large AFOs and described the sites as, ''a large hole in the ground, not lined, not regulated or tested, and [not having] ground water monitoring wells at five locations.'' (Petitioner's Petition, p. *2).* The undersigned found that Complainant considered and addressed this issue and related allegations. Complainant explained that KDEP has authority to administer the National Pollutant Discharge Elimination System program, and thus KDEP issues KNDOPs for nondischarging AFOs and issues KPDES permits for AFOs that discharge into waters of the United States.[1] Complainant referred issues raised by Petitioner and commenters to KDEP and reported action taken by this agency. (Response to Comments, p. 000132–000133). Additionally, Complainant argued in its Response to Petition that the lack of wastewater treatment facilities at Respondent's AFOs is not related to allegations set forth in the proposed CAFO, and therefore is not material or relevant evidence. The undersigned concluded this issue, which concerns Respondent's management of AFOs, did not constitute relevant and material evidence that Complainant had not considered in agreeing to the proposed CAFO. Thus, this claim was denied.

Third, Petitioner argued in its Comments and Response that Respondent constructed a dam on Hardy Farm that floods a landowner's adjacent property during heavy rainfall. Petitioner opined this construction was a clear violation of the CWA. Petitioner stated KDOW inspected the construction, and in the inspection report, merely suggested that Respondent obtain a stream construction permit. Dissatisfied with KDOW, Petitioner referred the matter to the U.S. Army Corps of Engineers (USACE). In the Petition, Petitioner referred to this construction as ''the Hardy Sow Farm Black Water illegal bypass'' and stated water samples collected in 2018 from the lagoon revealed *E. coli* counts greater than 173,300 C.F.U./100 ML sample and ammonia nitrogen concentration greater than 950 mg/L. See Petitioner's Comment, p. 000175–000176. In Complainant's Response to Comments and Response to Petition, Complainant explained that the proposed CAFO only resolves allegations against Respondent for the unauthorized discharge of dredged and/or fill material at the Simpson/McKay farm in or about June 2016 in violation of Section 404 of the CWA, 33 U.S.C. 1344. (Response to Comments, p. 000127). Complainant also explained the role of USACE as the lead enforcement agency for unpermitted discharges, and referred Petitioner's allegations to USACE. *Id.* In its Response to Petition, Complainant emphasized that allegations pertaining to Hardy Farm, which is not the Farm identified in the CAFO, are not relevant or material to allegations raised in the proposed CAFO. The undersigned determined, as argued by Complainant, that allegations raised concerning the dam at Hardy Farm does not constitute relevant and material evidence, and that Complainant thoroughly addressed allegations raised by Petitioner. The undersigned also determined that Petitioner did not offer any evidence that refutes, or casts doubt on evidence and assertions presented by Complainant. Therefore, this claim was denied.

Fourth, Petitioner argued Respondent's AFOs have adversely impacted the community. Specifically, Petitioner stated their property values have declined because of contaminated water and depleted air quality caused by Respondent's activities. Petitioner further stated that ''taxpayers have footed the bills for highway repair due to hog trucks wrecking and hog trucks spilling manure onto highways.'' (Petitioner's Petition, p. 000176). The undersigned found that the Petitioner had not demonstrated that the alleged adverse impact upon the community was caused or related to Respondent's unauthorized discharge of dredged and/or fill material at the Simpson/McKay Farm, as alleged in the proposed CAFO. Thus, this issue does not constitute relevant and material evidence. The undersigned also found that Complainant considered and responded to this issue. Therefore, this claim was denied.

Fifth, Petitioner recommended that several conditions be added to the proposed CAFO and that the penalty be enhanced to deter Respondent from engaging in similar behavior in the future. (Petitioner's Comments p. 000052). As an example, Petitioner recommended that EPA exercise oversight of Respondent's operations after the SEP is completed and that EPA conduct unannounced inspections and review permits issued by KDOW at five farms owned and operated by Respondent. The undersigned determined that Complainant adequately considered and responded to Petitioner's recommendations, and explained its actions were consistent with Agency policies, statutes and

[1] This authority is pursuant to National Pollutant Discharge Elimination System Memorandum of Agreement Between the Commonwealth of Kentucky and United States Environmental Protection Agency region 4 (March 10, 2008).

regulations. Specifically, Complainant explained that its actions were consistent with or mandated by the EPA Clean Water Act Section 404 Settlement Penalty Policy and EPA Supplemental Environmental Projects Policy. Complainant further explained that actions taken by EPA were in accordance with applicable regulations and statutes. The undersigned, therefore, denied Petitioner's recommendations to modify the proposed CAFO.

Sixth, Petitioner requested a hearing, arguing the proposed settlement and penalty are inadequate. At such hearing, Petitioner proposed presenting evidence of Respondent's prior infractions, Respondent's behavior as a habitual violator, and demonstrate that a severe penalty is warranted. The undersigned determined that the Consolidated Rules and Section 309(g)(4)(C) of the CWA do not provide for a hearing of this nature. Rather, evidence would be presented for the purpose of determining whether Complainant met its burden of proving that Respondent committed the violations as alleged in the CAFO and that the penalty is appropriate based on applicable law and policy. The undersigned noted that Petitioner did not offer material or relevant evidence, either documentary or testimonial, that it would present at such hearing. The undersigned further noted that Petitioner did not offer any evidence or arguments in its Comments or Petition that had not adequately been addressed by Complainant. For these reasons, the undersigned found that resolution of the proceeding by the Parties without a hearing would be appropriate.

The undersigned therefore issued the Order Denying Petition to Set Aside Consent Agreement and Proposed Final Order.

Dated: August 19, 2020.

Robin Allen,

Petition Officer, Region 4.

[FR Doc. 2020–18649 Filed 8–24–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2020–0052; FRL–10013–88]

Pesticide Product Registration; Receipt of Applications for New Uses (July 2020)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received applications to register new uses for pesticide products containing currently registered active ingredients. Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is hereby providing notice of receipt and opportunity to comment on these applications.

DATES: Comments must be received on or before September 24, 2020.

ADDRESSES: Submit your comments, identified by the docket identification (ID) number and the File Symbol of the EPA registration Number of interests as shown in the body of this document, by one of the following methods:

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

Due to the public health concerns related to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Anne Overstreet, Biopesticides and Pollution Prevention Division (BPPD) (7511P), main telephone number: (703) 305–7090, email address: *BPPDFRNotices@epa.gov;* Marietta Echeverria, Registration Division (RD) (7505P), main telephone number: (703) 305–7090, email address: *RDFRNotices@epa.gov.* The mailing address for each contact person is: Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code. The division to contact is listed at the end of each application summary.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

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

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

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

II. Registration Applications

EPA has received applications to register new uses for pesticide products containing currently registered active ingredients. Pursuant to the provisions of FIFRA section 3(c)(4) (7 U.S.C. 136a(c)(4)), EPA is hereby providing notice of receipt and opportunity to comment on these applications. Notice of receipt of these applications does not imply a decision by the Agency on these applications.

Notice of Receipts—New Uses

1. *EPA Registration Numbers:* 100–1478, 100–1476, 100–1471 and 100–1480. *Docket ID number:* EPA–HQ–OPP–2020–0066. *Applicant:* Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419. *Active ingredient:* Benzovindiflupyr. *Product type:* Fungicide. *Proposed Uses:* Blueberry, Lowbush and Ginseng. *Contact:* RD.

2. *EPA Registration Number:* 100–1479. *Docket ID number:* EPA–HQ–

OPP–2020–0066. *Applicant:* Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419. *Active ingredient:* Benzovindiflupyr. *Product type:* Fungicide. *Proposed Uses:* Ornamentals in residential landscapes; turf use sites in residential landscapes, athletic fields and around institutional, commercial, and industrial buildings. *Contact:* RD.

3. *EPA Registration Numbers:* 2217–2 and 2217–455. *Docket ID number:* EPA–HQ–OPP–2019–0233. *Applicant:* PBI/Gordon Corporation, P.O. Box 860350, Shawnee, KS 66286. *Active ingredient:* 2,4–D. *Product type:* Herbicide. *Proposed use:* Sesame seed. *Contact:* RD.

4. *EPA Registration Number:* 7969–433. *Docket ID number:* EPA–HQ–OPP–2020–0202. *Applicant:* BASF Corporation, 26 Davis Drive, Research Triangle Park, NC 27709. *Active ingredient:* Isoxaflutole. *Product type:* Herbicide. *Proposed use:* Cottonseed and cotton gin byproducts. *Contact:* RD.

5. *EPA Registration Number:* 91746–8. *Docket ID number:* EPA–HQ–OPP–2020–0383. *Applicant:* Belchim Crop Protection US Corporation, 2751 Centreville Road, Suite 100, Wilmington, Delaware 19808. *Active ingredient:* Pelargonic Acid. *Product type:* Biochemical Herbicide. *Proposed use:* Direct application to weeds in aquatic areas. *Contact:* BPPD.

Authority: 7 U.S.C. 136 *et seq.*

Dated: August 12, 2020.

Hamaad Syed,

Deputy Director, Information Technology and Resources Management Division, Office of Pesticide Programs.

[FR Doc. 2020–18600 Filed 8–24–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2018–0014; FRL–10013–65]

Cancellation Order for Certain Pesticide Registrations and Amendments To Terminate Uses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's order for the cancellations and amendments to terminate uses, voluntarily requested by the registrants and accepted by the Agency, pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). This cancellation order follows a February 4, 2020 **Federal Register** Notice of Receipt of Requests from the registrants listed in Table 3 of Unit II to voluntarily cancel and amend to terminate uses of these product registrations. In the February 4, 2020 notice, EPA indicated that it would issue an order implementing the cancellations and amendments to terminate uses, unless the Agency received substantive comments within the 180-day comment period that would merit its further review of these requests, or unless the registrants withdrew their requests. The Agency did not receive any comments on the notice. Further, the registrant for 1007–99, 1007–100 and 1007–1001 did withdraw their requests to cancel these product registrations; therefore, these product registrations have been removed from this notice. Accordingly, EPA hereby issues in this notice a cancellation order granting the requested cancellations and amendments to terminate uses. Any distribution, sale, or use of the products subject to this cancellation order is permitted only in accordance with the terms of this order, including any existing stocks provisions.

DATES: The cancellations and amendments are effective August 24, 2020.

FOR FURTHER INFORMATION CONTACT: Christopher Green, Information Technology and Resources Management Division (7502P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (703) 347–0367; email address: *green.christopher@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

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

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2018–0014, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805.

Due to the public health concerns related to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets.*

II. What action is the Agency taking?

This notice announces the cancellations and amendments to terminate uses, as requested by the registrants, of products registered under FIFRA section 3 (7 U.S.C. 136a). These registrations are listed in sequence by registration number in Tables 1, 1A and 2 of this unit.

TABLE 1—PRODUCT CANCELLATIONS

Registration No.	Company No.	Product name	Active ingredients
AL–040003	279	AIM EC Herbicide	Carfentrazone-ethyl.
AL–080002	82541	DuPont Direx 4L Herbicide	Diuron.
AL–080003	82541	DuPont Karmex XP (DF) Herbicide	Diuron.
AL–940001	5481	Orthene 75 S Soluble Powder	Acephate.

TABLE 1A—PRODUCT CANCELLATIONS

Registration No.	Company No.	Product name	Active ingredients
432–1360	432	Bayleton 50 Turf and Ornamental Fungicide in Water Soluble Packets.	Triadimefon.
432–1367	432	Bayleton 50 WDG Nursery and Greenhouse Systemic Fungicide	Triadimefon.
432–1445	432	Bayleton Flo Turf and Ornamental Fungicide	Triadimefon.
432–1446	432	Tartan Fungicide	Trifloxystrobin & Triadimefon.
432–1513	432	Armada 50 WDG	Triadimefon & Trifloxystrobin.

The registrant of the products listed in Table 1A, of Unit II, has requested the effective date of June 30, 2023, for the cancellations.

TABLE 2—PRODUCT REGISTRATION AMENDMENTS TO TERMINATE USES

Registration No.	Company No.	Product name	Active ingredient	Uses to be terminated
5481–197	5481	Technical Grade PCNB	Pentachloronitrobenzene ..	Beans, cotton, garlic, peanuts, peppers and tomatoes.
5481–8988	5481	Turfcide 10% Granular	Pentachloronitrobenzene ..	Beans, cotton, peanuts, peppers and additionally beans, peppers and tomatoes as vegetable bedding plants.
5481–8992	5481	Turfcide 4F	Pentachloronitrobenzene ..	Beans, cotton, garlic, peanuts, peppers, tomatoes and additionally peppers and tomatoes as vegetable bedding plants.

Table 3 of this unit includes the names and addresses of record for all registrants of the products in Tables 1, 1A and 2 of this unit, in sequence by EPA company number. This number corresponds to the first part of the EPA registration numbers of the products listed above.

TABLE 3—REGISTRANTS OF CANCELLED AND AMENDED PRODUCTS

EPA company No.	Company name and address
279	FMC Corporation, 2929 Walnut Street, Philadelphia, PA 19104.
432	Bayer Environmental Science, A Division of Bayer CropScience, LP, 5000 CentreGreen Way, Suite 400, Cary, NC 27513.
5481	AMVAC Chemical Corporation, 4695 MacArthur Court, Suite 1200, Newport Beach, CA 92660–1706.
82541	Catfish Farmers Registration Corporation, 1100 Highway 82 East, Suite 202, Indianola, MS 38751.

III. Summary of Public Comments Received and Agency Response to Comments

During the public comment period provided, EPA received no comments in response to the February 4, 2020 **Federal Register** notice announcing the Agency's receipt of the requests for voluntary cancellations and amendments to terminate uses of the products listed in Tables 1, 1A and 2 of Unit II.

IV. Cancellation Order

Pursuant to FIFRA section 6(f) (7 U.S.C. 136d(f)(1)), EPA hereby approves the requested cancellations and amendments to terminate uses identified in Tables 1, 1A and 2 of Unit II. Accordingly, the Agency hereby orders that the product registrations identified in Tables 1 and 2 of Unit II are canceled and amended to terminate the affected uses. The effective date of the cancellations that are subject of this notice is August 25, 2020. The effective date of the cancellations in Table 1A is June 30, 2023. Any distribution, sale, or use of existing stocks of the products identified in Tables 1, 1A and 2 of Unit II in a manner inconsistent with any of the provisions for disposition of existing stocks set forth in Unit VI will be a violation of FIFRA.

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

Section 6(f)(1) of FIFRA (7 U.S.C. 136d(f)(1)) provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled or amended to terminate one or more uses. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. Thereafter, following the public comment period, the EPA Administrator may approve such a request. The notice of receipt for this action was published for comment in the **Federal Register** of February 4, 2020 (85 FR 6166) (FRL–10004–11). The comment period closed on August 3, 2020.

VI. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products which are currently in the United States and which were packaged, labeled, and released for shipment prior to the effective date of the action. The existing stocks provision for the products subject to this order is as follows.

For Products 432–1360, 432–1367, 432–1445, 432–1446 & 432–1513

For the products 432–1360, 432–1367, 432–1445, 432–1446 & 432–1513 listed in Table 1A of Unit II, the registrant has requested the effective date of the cancellations to be June 30, 2023;

therefore, registrants will be permitted to sell and distribute existing stocks of these products until June 30, 2024. Thereafter, registrants will be prohibited from selling or distributing the products in Table 1A of Unit II, except for export consistent with FIFRA section 17 (7 U.S.C. 136o) or for proper disposal.

For all other voluntary cancellations, identified in Table 1 of Unit II, the registrants may continue to sell and distribute existing stocks of the products listed in Table 1 until August 24, 2021, which is 1 year after publication of this cancellation order in the **Federal Register**.

Thereafter, the registrants are prohibited from selling or distributing products listed in Table 1 of Unit II., except for export in accordance with FIFRA section 17 (7 U.S.C. 136o) or for proper disposal.

Now that EPA has approved product labels reflecting the requested amendments to terminate uses, registrants are permitted to sell or distribute the products listed in Table 2 of Unit II under the previously approved labeling until February 25, 2022, a period of 18 months after publication of the cancellation order in this **Federal Register**, unless other restrictions have been imposed. Thereafter, registrants will be prohibited from selling or distributing the products whose labels include the terminated uses identified in Table 2 of Unit II, except for export consistent with FIFRA section 17 or for proper disposal.

Persons other than the registrant may sell, distribute, or use existing stocks of the canceled products and products whose labels include the terminated uses until supplies are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the canceled products and terminated uses.

Authority: 7 U.S.C. 136 *et seq.*

Dated: August 18, 2020.

Delores Barber,

Director, Information Technology and Resources Management Division, Office of Pesticide Programs.

[FR Doc. 2020–18596 Filed 8–24–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–10013–64–OA]

Farm, Ranch, and Rural Communities Advisory Committee (FRRCC); Notice of Virtual Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Pursuant to the Federal Advisory Committee Act (FACA), the Environmental Protection Agency (EPA) is announcing a virtual, open, public meeting of the Farm, Ranch, and Rural Communities Advisory Committee (FRRCC) on September 10–11, 2020, with remote participation only. There will be no in-person gathering for this meeting.

DATES: This virtual public meeting will be held on Thursday, September 10, 2020, from 11:00 a.m. to approximately 5:00 p.m., and Friday, September 11, 2020, from 11:00 a.m. to approximately 5:00 p.m., Eastern Daylight Time. Members of the public seeking to view the meeting (but not provide oral comments) may register any time prior to the meeting. Members of the public seeking to make oral comments during the virtual meeting must register and contact the Designated Federal Officer directly by 12:00 p.m. Eastern Daylight Time on September 3, 2020 to be placed on a list of registered commenters and receive special instructions for participation.

ADDRESSES: To register and receive information on how to attend this virtual meeting, please visit: *https://www.epa.gov/faca/farm-ranch-and-rural-communities-federal-advisory-committee-frrcc-meeting-calendar.* Attendees must register online prior to the meeting to receive instructions for participation.

FOR FURTHER INFORMATION CONTACT: Hema Subramanian, Designated Federal Officer (DFO), at *FRRCC@epa.gov* or 202–564–7719. Please note that, due to Coronavirus (COVID–19), there are currently practical limitations on the ability of EPA personnel to collect and respond to mailed ''hard copy'' correspondence. General information regarding the FRRCC can be found on the EPA website at: *www.epa.gov/faca/frrcc.*

SUPPLEMENTARY INFORMATION:

I. General Information

The purpose of the FRRCC is to provide policy advice, information, and recommendations to the EPA Administrator on a range of environmental issues and policies that are of importance to agriculture and rural communities. This will be the first public meeting of the membership of the FRRCC which was newly appointed in June of 2020. Potentially interested entities may include: Farmers, ranchers, and rural communities and their allied industries; as well as the academic/research community who research environmental issues impacting agriculture; state, local, and tribal government agencies; and nongovernmental organizations.

II. How do I participate in the virtual public meeting?

A. Virtual Meeting

This meeting will be conducted as a virtual conference. You may attend by registering online before the meeting to receive information on how to participate. You may also submit written or oral comments for the committee by contacting the DFO directly per the processes outlined below.

B. Registration

Attendees should register via the link on this website prior to the meeting in order to receive information on how to participate in the virtual meeting: *https://www.epa.gov/faca/farm-ranch-and-rural-communities-federal-advisory-committee-frrcc-meeting-calendar.*

C. Procedures for Providing Public Comments

Oral Statements: In general, oral comments at this virtual conference will be limited to the Public Comments portions of the Meeting Agenda. Members of the public may provide oral comments limited to three minutes per individual or group, and submit further information in written comments. Persons interested in providing oral statements should register as attendees at the link provided above, and also contact the DFO directly at *FRRCC@epa.gov* by 12:00 p.m. Eastern Daylight Time on September 3, 2020 to be placed on the list of registered speakers and receive special instructions for participation. Oral commenters will be provided an opportunity to speak in the order in which their request was received by the DFO.

Written Statements: Persons interested in providing written statements pertaining to this committee meeting may email them to the DFO at *FRRCC@epa.gov* prior to 11:59 p.m. Eastern Daylight Time on September 11, 2020.

D. Availability of Meeting Materials

The Meeting Agenda and other materials for the virtual conference will be posted on the FRRCC website at *www.epa.gov/faca/frrcc.*

E. Accessibility

Persons with disabilities who wish to request reasonable accommodations to participate in this event may contact the DFO at *FRRCC@epa.gov* or 202–564–7719 by 12:00 p.m. Eastern Daylight Time on September 3, 2020. All final meeting materials will be posted to the FRRCC website in an accessible format following the meeting, as well as a written summary of this meeting.

Carrie Vicenta Meadows,

Agriculture Advisor to the Administrator.

[FR Doc. 2020–18398 Filed 8–24–20; 8:45 am]

BILLING CODE 6560–50–P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Senior Executive Service Performance Review Board—Appointment of Members

AGENCY: U.S. Equal Employment Opportunity Commission (EEOC).

ACTION: Notice.

SUMMARY: Notice is hereby given of the appointment of members to the Performance Review Board (PRB) of the EEOC.

FOR FURTHER INFORMATION CONTACT: Kevin L. Richardson, Chief Human Capital Officer, EEOC, 131 M Street NE, Washington, DC 20507, (202) 663–4306.

SUPPLEMENTARY INFORMATION: Publication of the PRB membership is required by 5 U.S.C. 4314(c)(4). The PRB reviews and evaluates the initial appraisal of a senior executive's performance by the supervisor, and makes recommendations to the Chair, EEOC, with respect to performance ratings, pay level adjustments, and performance awards.

The following are the names and titles of executives appointed to serve as members of the Senior Executive Service PRB. Designated members will serve a 12-month term, which begins on November 2, 2020.

PRB Chair:

Dr. Chris Haffer, Chief Data Officer, EEOC

Members:

Mr. Brett Brenner, Associate Director, Office of Congressional and Legislative Affairs, EEOC

Mr. Dexter Brooks, Associate Director, Federal Sector Programs, EEOC

Ms. Jennifer Goldstein, Associate General Counsel, Appellate Services, EEOC

Ms. Jamie Williamson, Director, Philadelphia District, EEOC

By the direction of the Commission.

Martin Ebel,

Chief Operating Officer.

[FR Doc. 2020–18657 Filed 8–24–20; 8:45 am]

BILLING CODE 6570–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to extend for three years, without revision, the Recordkeeping and Disclosure Requirements Associated with Regulation R.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829.

Office of Management and Budget (OMB) Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

A copy of the Paperwork Reduction Act (PRA) OMB submission, including the reporting form and instructions, supporting statement, and other documentation will be placed into OMB's public docket files. These documents also are available on the Federal Reserve Board's public website at *https://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears above.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the PRA to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the PRA Submission, supporting statements, and approved collection of information instrument(s) are placed into OMB's public docket files.

Final Approval Under OMB Delegated Authority of the Extension for Three Years, Without Revision, of the Following Information Collection

Report title: Recordkeeping and Disclosure Requirements Associated with Regulation R.

Agency form number: FR R.

OMB control number: 7100–0316.

Frequency: As needed.

Respondents: ''Banks,'' as defined in the Securities Exchange Act of 1934 (Exchange Act), that qualify for the exemptions from the Exchange Act definition of ''broker.''

Estimated number of respondents: Section 701, disclosures to customers: 1,500, disclosures to brokers: 1,500; section 723, recordkeeping: 75; section 741, disclosures to customers: 750.

Estimated average hours per response: Section 701, disclosures to customers: 0.08333 hours, disclosures to brokers: 0.25 hours; section 723, recordkeeping: 0.25 hours; section 741, disclosures to customers: 0.08333 hours.

Estimated annual burden hours: Section 701, disclosures to customers: 12,500 hours, disclosures to brokers: 375 hours; section 723, recordkeeping: 188 hours; section 741, disclosures to customers: 62,500 hours.

General description of report: The Board's Regulation R, 12 CFR part 218, implements certain exceptions for banks from the definition of ''broker'' under section 3(a)(4) of the Exchange Act. The Exchange Act defines ''banks'' to include banking institutions organized in the United States, including members of the Federal Reserve System, federal savings associations, and other commercial banks, savings associations, and non-depository trust companies that are organized under the laws of a state or the United States and subject to supervision and examination by state or federal authorities having supervision over banks and savings associations. Sections 701, 723, and 741 of Regulation R contain certain customer and counterparty disclosure requirements and certain transactional recordkeeping provisions for banks that utilize these exceptions.

Legal authorization and confidentiality: The FR R is authorized pursuant to sections 3(a)(4)(F) and 3(b) of the Exchange Act,[1] which, among other things, require the Board and the Securities and Exchange Commission (SEC) to jointly adopt rules to implement the bank exceptions to the

[1] 15 U.S.C. 78c(a)(4)(F) and 78c(b).

definition of ''broker'' under the Exchange Act.[2] Banks seeking the exception from the definition of ''broker'' under the Exchange Act must comply with the requirements of FR R. The obligation, therefore, is required to obtain a benefit.

Because these records and disclosures would be maintained at each banking organization, the Freedom of Information Act (''FOIA'') would only be implicated if the Board obtained such records as part of the examination or supervision of a banking organization. In the event the records are obtained by the Board as part of an examination or supervision of a financial institution, this information may be considered confidential pursuant to exemption 8 of the FOIA, which protects information contained in ''examination, operating, or condition reports'' obtained in the bank supervisory process.[3] In addition, the information may also be kept confidential under exemption 4 of the FOIA, which protects ''commercial or financial information obtained from a person [that is] privileged or confidential.''[4]

Current actions: On December 16, 2019, the Board published a notice in the **Federal Register** (84 FR 68454) requesting public comment for 60 days on the extension, without revision, of the FR R. The comment period for this notice expired on February 14, 2020. No comments were received.

Board of Governors of the Federal Reserve System, August 17, 2020.

Michele Taylor Fennell,

Assistant Secretary of the Board.

[FR Doc. 2020–18369 Filed 8–24–20; 8:45 am]

BILLING CODE 6210–01–P

[2] Additionally, the Board has the authority to require reports from state member banks (12 U.S.C. 248(a) and 324).

[3] 5 U.S.C. 552(b)(8).

[4] 5 U.S.C. 552(b)(4).

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0292; Docket No. 2020–0001; Sequence No. 2]

Information Collection; FFATA Subaward and Executive Compensation Reporting Requirements

AGENCY: Office of the Integrated Award Environment, General Services Administration (GSA).

ACTION: Notice of request for comments regarding an extension to an existing OMB information collection.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve a renewal of the currently approved information collection requirement regarding FFATA Subaward and Executive Compensation Reporting Requirements.

DATES: Submit comments on or before October 26, 2020.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to GSA via *http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching the OMB control number 3090–0292. Select the link ''Comment Now'' that corresponds with ''Information Collection 3090–0292, FFATA Subaward and Executive Compensation Reporting Requirements''. Follow the instructions provided on the screen. Please include your name, company name (if any), and ''Information Collection 3090–0292, FFATA Subaward and Executive Compensation Reporting Requirements'' on your attached document.

If your comment cannot be submitted using *regulations.gov,* call or email the points of contact in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

Instructions: Please submit comments only and cite Information Collection 3090–0292, FFATA Subaward and Executive Compensation Reporting Requirements, in all correspondence related to this collection. Comments received generally will be posted without change to *regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *regulations.gov,* approximately two-to-three days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: Nancy Goode, Director, Office of Stakeholder Engagement, Office of the Integrated Award Environment, GSA, at telephone number 703–605–2175; or via email at *nancy.goode@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

The Federal Funding Accountability and Transparency Act (Pub. L. 109–282, as amended by section 6202(a) of Pub. L. 110–252), known as FFATA or the Transparency Act requires information disclosure of entities receiving Federal financial assistance through Federal awards such as Federal contracts, sub-contracts, grants and sub-grants, FFATA 2(a),(2),(i),(ii). Beginning October 1, 2010, the currently approved Paperwork Reduction Act submission directed compliance with the Transparency Act to report prime and first-tier sub-award data. Specifically, Federal agencies and prime awardees of grants were to ensure disclosure of executive compensation of both prime and subawardees and sub-award data pursuant to the Transparency Act. This information collection requires reporting of only the information enumerated under the Transparency Act.

B. Annual Reporting Burden

Sub-award Responses: 107,614.

Hours per Response: 1.

Total Burden Hours: 107,614.

Executive Compensation Responses: 41,298.

Hours per Response: 1.

Total Burden Hours: 41,298.

Total Annual Burden Hours: 148,912.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary, whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW, Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control No. 3090–0292, FFATA Subaward and Executive Compensation Reporting Requirements, in all correspondence.

Beth Anne Killoran,

Chief Information Officer, General Services Administration.

[FR Doc. 2020–18613 Filed 8–24–20; 8:45 am]

BILLING CODE 6820–WY–P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0290; Docket No. 2019–0001; Sequence No. 15]

Submission for OMB Review; System for Award Management Registration Requirements for Financial Assistance Recipients

AGENCY: Office of Systems Management, General Services Administration (GSA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995, the Regulatory Secretariat Division has submitted to the Office of Management and Budget (OMB) a request to review and approve a renewal of a previously approved information collection requirement regarding the pre-award registration requirements for Prime Grant Recipients. The updated information collection title is based on the Office of Management and Budget's (OMB) proposed expansion of SAM registration requirements to include all entities that receive financial assistance.

DATES: Submit comments on or before September 24, 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.

FOR FURTHER INFORMATION CONTACT: Ms. Nancy Goode, Program Manager, IAE Outreach and Stakeholder Engagement Division, at telephone number 703–605–2175; or via email at *nancy.goode@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

This information collection requires information necessary for prime applicants and recipients, excepting individuals, of Federal financial assistance to register in the System for Award Management (SAM) and maintain an active SAM registration with current information at all times during which they have an active Federal award or an application or plan under consideration by an agency pursuant to 2CFR Subtitle A, Chapter I, and Part 25 (75 FR 5672). This facilitates prime awardee reporting of sub-award and executive compensation data pursuant to the Federal Funding Accountability and Transparency Act (Pub. L. 109–282, as amended by section 6202(a) of Pub. L. 110–252). This information collection requires that all prime financial assistance awardees, subject to reporting under the Transparency Act register and maintain their registration in SAM.

This information collection is being amended to meet a statutory requirement of the National Defense Authorization Act (NDAA) of FY 2013. The NDAA of 2013 requires that the Federal Awardee Performance and Integrity Information System (FAPIIS)(currently located in SAM) include information on a non-Federal entity's parent, subsidiary, or successor entities. Applicants will need to provide information in SAM on their immediate and highest level owner as well as predecessors that have been awarded a Federal contract, grant, or cooperative agreement within the last three years. Additionally, the information collection is being amended to increase transparency regarding Federal spending and to support implementation of the Digital Accountability and Transparency Act of 2014 (DATA ACT).

OMB proposes to expand the requirement to register in SAM beyond grants, cooperative agreements, and contracts, to entities that receive financial assistance such as loans, insurance, and direct appropriations. This information collection requirement (published in the **Federal Register** at 85 FR 49506 on August 13, 2020) is included in OMB's proposed revision to guidance in 2 CFR Subtitle A, Chapter I, and Parts 25, 170, and 200.

B. Annual Reporting Burden

Respondents: 172,084.
Responses per Respondent: 1.
Total Annual Responses: 172,084.
Hours per Response: 2.5.
Total Burden Hours: 430,210.

C. Public Comments

A 60-day notice published in the **Federal Register** at 85 FR 3690 on January 22, 2020. No comments were received.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB) at *GSARegSec@gsa.gov.* Please cite OMB Control No. 3090–0290, System for Award Management Registration Requirements for Financial Assistance Recipients, in all correspondence.

Beth Anne Killoran,
Deputy Chief Information Officer.

[FR Doc. 2020–18618 Filed 8–24–20; 8:45 am]

BILLING CODE 6820–WY–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[OMB #0970–0428]

Submission for OMB Review; Case Plan Requirement, Title IV–E of the Social Security Act

AGENCY: Administration on Children, Youth and Families, Administration for Children and Families, HHS.

ACTION: Request for public comment.

SUMMARY: The Administration on Children, Youth and Families (ACYF), Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS), is requesting a 3-year extension of the information collection—Case Plan Requirement, Title IV–E of the Social Security Act, (OMB #0970–0428, expiration 3/31/2021). ACF is reporting a change to the information collection—the burden estimates in the previously-approved request were based on the children in foster care as the respondent instead of the agency completing the case plan. The burden estimates, therefore, are adjusted accordingly.

DATES: *Comments due within 30 days of publication.* OMB must make a decision about the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

SUPPLEMENTARY INFORMATION:

Description: The case plan information collection is authorized in sections 422(b)(8)(A)(ii) and 471(a)(16), and defined in sections 475 and 475A of the Social Security Act (the Act). Statutory requirements in the Act mandate that states, territories, and tribes with an approved title IV–E plan develop a case plan and case review system for each child in the foster care system for whom the state, territory, or tribe receives title IV–E reimbursement of foster care maintenance payments.

The case review system assures that each child has a case plan designed to

achieve placement in a safe setting that is the least restrictive, most family-like setting available and in close proximity to the child's parental home, consistent with the best interest and special needs of the child. States, territories, and tribes meeting these requirements also partly comply with title IV–B, section 422(b), of the Act, which assures certain protections for children in foster care.

The case plan is a written document that provides a narrative description of the child-specific program of care. Federal regulations at 45 CFR 1356.21(g) and sections 475 and 475A of the Act delineate the specific information that must be addressed in the case plan. ACF does not specify a format for the case plan nor does ACF require submission of the document to the federal government. Case plan information is recorded in a format developed and maintained by the state, territorial, or tribal title IV–E agency.

Respondents: State, territorial, and tribal title IV–E agencies.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Total number of responses per respondent	Average burden hours per response	Total burden hours	Annual burden hours
Case Plan	64	26,427	4.8	8,118,374	2,706,125

Estimated Total Annual Burden Hours: 2,706,125.

Authority: 42 U.S.C. 622; 42 U.S.C. 671; 42 U.S.C. 675.

John M. Sweet Jr.,

ACF/OPRE Certifying Officer.

[FR Doc. 2020–18652 Filed 8–24–20; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2020–N–0908]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Submission of Petitions—Food Additive, Color Additive (Including Labeling), Submission of Information to a Master File in Support of Petitions; and Electronic Submission Using Food and Drug Administration Form 3503

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 24, 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 0910–0016. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Submission of Petitions: Food Additive, Color Additive (Including Labeling); Submission of Information to a Master File in Support of Petitions; Electronic Submission Using Form FDA 3503—21 CFR 70.25, 71.1, 171.1, 172, 173, 179, and 180

OMB Control Number 0910–0016—Revision

Section 409(a) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 348(a)) provides that a food additive shall be deemed to be unsafe, unless: (1) The additive and its use, or intended use, are in conformity with a regulation issued under section 409 that describes the condition(s) under which the additive may be safely used; (2) the additive and its use, or intended use, conform to the terms of an exemption for investigational use; or (3) a food contact notification submitted under section 409(h) of the FD&C Act is effective. Food additive petitions (FAPs) are submitted by individuals or companies to obtain approval of a new food additive or to amend the conditions of use permitted under an existing food additive regulation. Section 171.1 of FDA's regulations (21 CFR 171.1) specifies the information that a petitioner must submit to establish that the proposed use of a food additive is safe and to secure the publication of a food additive regulation describing the conditions under which the additive may be safely used. Parts 172, 173, 179, and 180 (21 CFR parts 172, 173, 179, and 180) contain labeling requirements for certain food additives to ensure their safe use.

Section 721(a) of the FD&C Act (21 U.S.C. 379e(a)) provides that a color additive shall be deemed to be unsafe unless the additive and its use are in conformity with a regulation that describes the condition(s) under which the additive may safely be used, or the additive and its use conform to the terms of an exemption for investigational use issued under section 721(f) of the FD&C Act. Color additive petitions (CAPs) are submitted by individuals or companies to obtain approval of a new color additive or a change in the conditions of use permitted for a color additive that is already approved. Section 71.1 of the Agency's regulations (21 CFR 71.1) specifies the information that a petitioner must submit to establish the safety of a color additive and to secure the issuance of a regulation permitting its use. FDA's color additive labeling requirements in § 70.25 (21 CFR 70.25) require that color additives that are to be used in food, drugs, devices, or cosmetics be labeled with sufficient information to ensure their safe use.

FDA scientific personnel reviews FAPs to ensure the safety of the intended use of the additive in or on food, or that may be present in food as a result of its use in articles that contact food. Likewise, FDA personnel review CAPs to ensure the safety of the color

additive prior to its use in food, drugs, cosmetics, or medical devices.

Respondents may transmit FAP or CAP regulatory submissions in electronic format or paper format to the Office of Food Additive Safety in the Center for Food Safety and Applied Nutrition (CFSAN) using Form FDA 3503. Form FDA 3503 helps the respondent organize their submission to focus on the information needed for FDA's safety review. Form FDA 3503 can also be used to organize information within a master file submitted in support of petitions according to the items listed on the form. Master files can be used as repositories for information that can be referenced in multiple submissions to the Agency, thus minimizing paperwork burden for food and color additive approvals. FDA estimates that the amount of time for respondents to complete Form FDA 3503 will continue to be 1 hour.

We are revising the information collection to reflect ongoing modernization efforts. We have augmented our FDA Unified Registration and Listing System (FURLS) with the CFSAN Online Submission Module (COSM). COSM provides a real-time user interface process we believe will assist respondents in preparing and making submissions to Offices in CFSAN. COSM is a web-based tool that supports electronic submissions, thereby eliminating the need for printing and mailing of paper submissions. COSM is available 24 hours a day and seven days a week. Information submitted to COSM is the same information respondents would submit to FURLS. Information about COSM, including user instruction, is available on the internet at: *https://www.fda.gov/food/registration-food-facilities-and-other-submissions/cfsan-online-submission-module-cosm.*

Description of Respondents: Respondents are businesses engaged in the manufacture or sale of food, food ingredients, color additives, or substances used in materials that come into contact with food.

In the **Federal Register** of March 17, 2020 (85 FR 15188), we published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR section; form	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours	Total operating and maintenance costs
CAP						
70.25, 71.1	2	1	2	1,337	2,674	$5,600
FAPs						
171.1	3	1	3	7,093	21,279	0
Form FDA 3503	6	1	6	1	6	0
Total					23,959	5,600

[1] There are no capital costs associated with this collection of information.

Our estimate of burden attributable to FAPs or CAPs is based on our experience with the information collection, which has not changed since our last review, and we therefore retain the currently approved burden. This estimate reflects the average number of petitions we have received annually over a period of 10 years. The attendant burden we estimate also reflects an industry average, although burden associated with individual petitions may vary depending on the complexity of the petition, and the amount and type of data needed for scientific analysis.

CAPs are subject to fees. The listing fee for a CAP ranges from $1,600 to $3,000, depending on the intended use of the color additive and the scope of the requested amendment. A complete schedule of fees is set forth in § 70.19. An average of one Category A and one Category B color additive petition is expected per year. The maximum CAP fee for a Category A petition is $2,600 and the maximum color additive petition fee for a Category B petition is $3,000. Because an average of 2 CAPs are expected per calendar year, the estimated total annual cost burden to petitioners for this startup cost would be less than or equal to $5,600 ((1 × $2,600) + (1 × $3,000) listing fees = $5,600). There are no capital costs associated with CAPs. The labeling requirements for food and color additives were designed to specify the minimum information needed for labeling in order that food and color manufacturers may comply with all applicable provisions of the FD&C Act and other specific labeling acts administered by FDA. Label information does not require any additional information gathering beyond what is already required to assure conformance with all specifications and limitations in any given food or color additive regulation. Label information does not have any specific recordkeeping requirements unique to preparing the label. Therefore, because labeling requirements under § 70.25 for a particular color additive involve information required as part of the CAP safety review process, the estimate for number of respondents is the same for §§ 70.25 and 71.1, and the burden hours for labeling are included in the estimate for § 71.1. Also, because labeling requirements under parts 172, 173, 179, and 180 for particular food additives involve information required as part of the FAP safety review process under § 171.1, the burden hours for labeling are included in the estimate for § 171.1.

Dated: August 17, 2020.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2020–18602 Filed 8–24–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2020–N–0026]

Issuance of Priority Review Voucher; Rare Pediatric Disease Product

AGENCY: Food and Drug Administration, Health and Human Service (HHS).

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the issuance of a priority review voucher to the sponsor of a rare pediatric disease product application. The Federal Food, Drug, and Cosmetic Act (FD&C Act), as amended by the Food and Drug Administration Safety and Innovation Act (FDASIA), authorizes FDA to award priority review vouchers to sponsors of approved rare pediatric disease product applications that meet certain criteria. FDA is required to publish notice of the award of the priority review voucher. FDA has determined that EVRYSDI (risdiplam), manufactured by Genentech Inc., meets the criteria for a priority review voucher.

FOR FURTHER INFORMATION CONTACT: Althea Cuff, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 301–796–4061, Fax: 301–796–9856, email: *althea.cuff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: FDA is announcing the issuance of a priority review voucher to the sponsor of an approved rare pediatric disease product application. Under section 529 of the FD&C Act (21 U.S.C. 360ff), which was added by FDASIA, FDA will award priority review vouchers to sponsors of approved rare pediatric disease product applications that meet certain criteria. FDA has determined that EVRYSDI (risdiplam), manufactured by Genentech Inc., meets the criteria for a priority review voucher. EVRYSDI (risdiplam) is indicated for the treatment of spinal muscular atrophy in pediatric and adult patients.

For further information about the Rare Pediatric Disease Priority Review Voucher Program and for a link to the full text of section 529 of the FD&C Act, go to *http://www.fda.gov/ForIndustry/DevelopingProductsforRareDiseasesConditions/RarePediatricDiseasePriorityVoucherProgram/default.htm.* For further information about EVRYSDI (risdiplam), go to the ''Drugs@FDA'' website at *http://www.accessdata.fda.gov/scripts/cder/daf/.*

Dated: August 20, 2020.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2020–18648 Filed 8–24–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Meeting of the Advisory Committee on Infant Mortality

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice announces that the Secretary's Advisory Committee on Infant Mortality (ACIM or Committee) has scheduled a public meeting. Information about ACIM and the agenda for this meeting can be found on the ACIM website at *https://www.hrsa.gov/advisory-committees/infant-mortality/index.html.*

DATES: September 23, 2020, 11 a.m.–6 p.m. Eastern Time (ET) and September 24, 2020, 11 a.m.–3:30 p.m. ET.

ADDRESSES: This meeting will be held via webinar.

- *The webinar link will be available at ACIM's website before the meeting: https://www.hrsa.gov/advisory-committees/infant-mortality/index.html.*
- *The conference call-in number will be available at ACIM's website before the meeting: https://www.hrsa.gov/advisory-committees/infant-mortality/index.html.*

FOR FURTHER INFORMATION CONTACT: David S. de la Cruz, Ph.D., MPH, Designated Federal Official, Maternal and Child Health Bureau (MCHB), HRSA, 5600 Fishers Lane, Room 18N25, Rockville, Maryland 20857; 301–443–0543; or *SACIM@hrsa.gov.*

SUPPLEMENTARY INFORMATION: The ACIM is authorized by section 222 of the Public Health Service Act (42 U.S.C. 217a), as amended. The Committee is governed by provisions of Public Law 92–463, as amended, (5 U.S.C. App. 2), which sets forth standards for the formation and use of Advisory Committees.

The ACIM advises the Secretary of HHS on department activities and programs directed at reducing infant mortality and improving the health status of pregnant women and infants. The ACIM represents a public-private partnership at the highest level to provide guidance and focus attention on the policies and resources required to address the reduction of infant mortality and the improvement of the health status of pregnant women and infants. With a focus on life course, the ACIM addresses disparities in maternal health to improve maternal health outcomes, including preventing and reducing maternal mortality and severe maternal morbidity. The ACIM provides advice on how best to coordinate a myriad of federal, state, local, and private programs and efforts that are designed to deal with the health and social problems impacting infant mortality and maternal health, including implementation of the Healthy Start program and maternal and infant health objectives from the National Health Promotion and Disease Prevention Objectives.

The agenda for the September 23–24, 2020, meeting is being finalized and may include the following: Updates from HRSA, MCHB, and other federal agencies, continued discussion of the impact of COVID–19 on infant and maternal health, and updates on priority topic areas for ACIM to address (equity, data, access, and quality of care). Agenda items are subject to change as priorities dictate. Refer to the ACIM website above for any updated information concerning the meeting.

Members of the public will have the opportunity to provide written or oral comments. Requests to submit a written statement or make oral comments to the ACIM should be sent to David S. de la Cruz, using the email address above at least 3 business days prior to the meeting. Public participants may submit written statements in advance of the scheduled meeting by emailing *SACIM@hrsa.gov.* Oral comments will be honored in the order they are requested and may be limited as time allows.

Individuals who plan to attend and need special assistance or another reasonable accommodation should notify David S. de la Cruz at the contact information listed above at least 10 business days prior to the meeting.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2020–18565 Filed 8–24–20; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Cancer Institute Clinical Trials and Translational Research Advisory Committee.

The meeting will be held as a virtual meeting and is open to the public.

Individuals who plan to view the virtual meeting and need special assistance or other reasonable accommodations to view the meeting, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: National Cancer Institute Clinical Trials and Translational Research Advisory Committee—Translational Research Strategy Subcommittee (TRSS).

Date: October 5, 2020.

Time: 1:00 p.m. to 2:30 p.m.

Agenda: NCI CTAC Radiation Oncology Working Group Report Discussion.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Rockville, MD 20850 (Virtual Meeting).

Access to Meeting: https://nci.rev.vbrick.com/#/webcasts/ctacmeetings.

Contact Person: Peter Ujhazy, MD, Ph.D., Deputy Associate Director, Translational Research Program, Division of Cancer Treatment and Diagnosis, National Institutes of Health, National Cancer Institute, 9609 Medical Center Drive, Room 3W106, Rockville, MD 20850, 240–276–5681, *ujhazyp@mail.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *http://deainfo.nci.nih.gov/advisory/ctac/ctac.htm,* where an agenda and any additional information for the meeting will be posted when available.

(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 20, 2020.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–18675 Filed 8–24–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Center for Scientific Review Advisory Council.

This meeting will be open to the public and held by videoconference. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Center for Scientific Review Advisory Council.

Date: September 21, 2020.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: Provide advice to the Director, Center for Scientific Review (CSR), on matters related to planning, execution, conduct, support, review, evaluation, and receipt and referral of grant applications at CSR.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Bruce Reed, Ph.D., Deputy Director, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–9159, *reedbr@mail.nih.gov*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person. Any member of the public may submit written comments no later than 15 days after the meeting.

URL for virtual access: *https://videocast.nih.gov.* Information is also available on the Institute's/Center's home page: *https://public.csr.nih.gov/AboutCSR/Organization/CSRAdvisoryCouncil,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: August 19, 2020.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–18571 Filed 8–24–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–PWRO–TUSK–30346; PPPWTUSK00, PPMPSPD1Z.YM0000]

Tule Springs Fossil Beds National Monument Advisory Council Notice of Public Meeting

AGENCY: National Park Service, Interior.

ACTION: Meeting notice.

SUMMARY: In accordance with the Federal Advisory Committee Act of 1972, the National Park Service is hereby giving notice that the Tule Springs Fossil Beds National Monument Advisory Council (Council) will meet as indicated below.

DATES: The meeting will be held on Monday, September 14, 2020, at 5:00 p.m. until 7:00 p.m. (PACIFIC). A teleconference may substitute for an in-person meeting if public health restrictions are in effect.

ADDRESSES: The meeting will be held at Springs Preserve, Preserve Partnership Room, S. Valley View Boulevard, Las Vegas, Nevada 89107.

FOR FURTHER INFORMATION CONTACT: Further information concerning the meeting may be obtained from Christie Vanover, Public Affairs Officer, Lake Mead National Recreation Area, 601, Nevada Way, Boulder City, Nevada 89005, via telephone at (702) 293–8691, or email at *christie_vanover@nps.gov.*

SUPPLEMENTARY INFORMATION: The Council was established pursuant to Section 3092(a)(6) of Public Law 113–291 and in accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. Appendix 1–16). The purpose of the Council is to advise the Secretary of the Interior with respect to the preparation and implementation of the management plan.

Purpose of the Meeting: The Council agenda will include:

1. Introduction of New Superintendent
2. Superintendent Update:
   - Final Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Report
   - Update on General Management Plan Pre-Planning
   - Update on Tufa Trail
3. Resource Management Update
4. Discussion of Council Priorities
5. Public Comments

A teleconference may substitute for an in-person meeting if public health restrictions are in effect. In the event of a switch to a teleconference, notification and access information will be posted by September 9, 2020, to the Council's website at *https://www.nps.gov/tusk/index.htm.*

The meeting is open to the public. Interested persons may make oral or written presentations to the Council during the business meeting or file written statements. Such requests should be made to the Acting Superintendent prior to the meeting. Members of the public may submit written comments by mailing them to Christie Vanover, Public Affairs Officer, Lake Mead National Recreation Area, 601 Nevada Way, Boulder City, NV 89005, or by email *christie_vanover@nps.gov.* All written comments will be provided to members of the Council.

Due to time constraints during the meeting, the Council is not able to read written public comments submitted into the record. Individuals requesting to make oral comments at the public Council meeting should be made to the Superintendent prior to the meeting. Depending on the number of people who wish to speak and the time available, the time for individual comments may be limited.

Public Disclosure of Comments: Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 5 U.S.C. Appendix 2.

Alma Ripps,

Chief, Office of Policy.

[FR Doc. 2020–18665 Filed 8–24–20; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–627–629 and 731–TA–1458–1461 (Final)]

Utility Scale Wind Towers From Canada, Indonesia, Korea, and Vietnam

Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that an industry in the United States is materially injured by reason of imports of utility scale wind towers from Canada, Indonesia, Korea, and Vietnam, provided for in subheadings 7308.20.00 and 8502.31.00 of the Harmonized Tariff Schedule of the United States, that have been found by the U.S. Department of Commerce (''Commerce'') to be sold in the United States at less than fair value (''LTFV''), and to be subsidized by the governments of Canada, Indonesia, and Vietnam.[2]

Background

The Commission instituted these investigations effective July 9, 2019, following receipt of petitions filed with the Commission and Commerce by Arcosa Wind Towers Inc., Dallas, Texas; and Broadwind Towers Inc., Manitowoc, Wisconsin. The final phase of the investigations was scheduled by the Commission following notification of preliminary determinations by Commerce that imports of utility scale wind towers from Canada, Indonesia, and Vietnam were subsidized within the meaning of section 703(b) of the Act (19 U.S.C. 1671b(b)) and that imports of utility scale wind towers from Canada, Indonesia, Korea, and Vietnam were sold at LTFV within the meaning of 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the final phase of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on March 20, 2020 (85 FR 16127). In light of the restrictions on access to the Commission building due to the COVID–19 pandemic, and in accordance with 19 U.S.C. 1677c(a)(1), the Commission conducted its hearing on June 25, 2020 by video conference as set forth in procedures provided to the parties. All persons who requested the opportunity were permitted to participate.

The Commission made these determinations pursuant to §§ 705(b) and 735(b) of the Act (19 U.S.C. 1671d(b) and 19 U.S.C. 1673d(b)). It completed and filed its determinations in these investigations on August 19, 2020. The views of the Commission are contained in USITC Publication 5101 (August 2020), entitled *Utility Scale Wind Towers from Canada, Indonesia, Korea, and Vietnam: Investigation Nos. 701–TA–627–629 and 731–TA–1458–1461 (Final).*

By order of the Commission.

Issued: August 19, 2020.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2020–18579 Filed 8–24–20; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] The Commission also finds that imports subject to Commerce's affirmative critical circumstances determination are not likely to undermine seriously the remedial effect of the countervailing duty order on utility scale wind towers from Indonesia and the antidumping duty orders on utility scale wind towers from Korea and Vietnam.

DEPARTMENT OF JUSTICE

[OMB Number 1121–0360]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Generic Clearance for Cognitive, Pilot, and Field Studies for Office of Juvenile Justice and Delinquency Prevention Data Collection Activities

AGENCY: Office of Justice Programs.

ACTION: 60-Day notice of information collection under review.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention (OJJDP) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted for 60 days until October 26, 2020.

ADDRESSES: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact: Brecht Donoghue, Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice, 810 Seventh Street NW, Washington, DC 20531 or *brecht.donoghue@usdoj.gov.*

SUPPLEMENTARY INFORMATION: This process is conducted in accordance with 5 CFR 1320.10. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Extension.

2. *The Title of the Form/Collection:* Generic clearance for cognitive, pilot, and field studies for Office of Juvenile Justice and Delinquency Prevention data collection activities.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number is CJ–14, Office of Juvenile Justice and Delinquency Prevention, United States Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* The proposed information collection activity will enable OJJDP to develop, test, and improve its survey and data collection instruments and methodologies. OJJDP will engage in cognitive, pilot, and field test activities to inform its data collection efforts and to minimize respondent burden associated with each new or modified data collection. OJJDP anticipates using a variety of procedures including, but not limited to, tests of various types of survey and data collection operations, focus groups, cognitive laboratory activities, pilot testing, field testing, exploratory interviews, experiments with questionnaire design, and usability testing of electronic data collection instruments.

Following standard Office of Management and Budget (OMB) requirements, OJJDP will submit an individual request to OMB for every group of data collection activities undertaken under this generic clearance. OJJDP will provide OMB with a copy of the individual instruments or questionnaires (if one is used), as well as other materials describing the project. Currently, OJJDP anticipates the need to conduct testing and development work that will include the collection of information from law enforcement agencies, child welfare agencies, courts, probation supervision offices, and the state agencies, local governments, non-profit organizations, and for-profit organizations that operate juvenile residential placement facilities.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that approximately 2,500 respondents will be involved in the anticipated cognitive, pilot, and field testing work over the 3-year clearance period. Specific estimates for the average response time are not known for development work covered under a generic clearance. Estimates of overall burden are included in item 6 below.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden for identified and future projects covered under this generic clearance over the 3-year clearance period is approximately 5,000 hours.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: August 19, 2020.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2020–18547 Filed 8–24–20; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Administrator of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing provided such request is filed in writing with the Administrator, Office of Trade Adjustment Assistance, at the address shown below, no later than September 4, 2020.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Administrator, Office of Trade Adjustment Assistance, at the address shown below, not later than September 4, 2020.

The petitions filed in this case are available for inspection at the Office of the Administrator, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room N–5428, 200 Constitution Avenue NW, Washington, DC 20210.

Signed at Washington, DC, this 10th day of August 2020.

Hope D. Kinglock,

Certifying Officer, Office of Trade Adjustment Assistance.

Appendix

91 TAA PETITIONS INSTITUTED BETWEEN 7/1/20 AND 7/31/20

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
96025	Elli Mess Kountry Café (Company)	Moultrie, GA	07/01/20	07/01/20
96026	Ponderay Newsprint Company (Union)	Usk, WA	07/01/20	06/29/20
96027	Web.com (Workers)	Drums, PA	07/01/20	07/01/20
96028	AIG Employee Services, Inc (State/One-Stop)	New York, NY	07/02/20	07/01/20
96029	The Boeing Company Seal Beach (Workers)	Seal Beach, CA	07/02/20	07/01/20
96030	FTE Automotive USA Inc. (Valeo) (State/One-Stop)	Auburn Hills, MI	07/02/20	07/01/20
96031	Beyondsoft workers on site at HP Inc (State/One-Stop)	Boise, ID	07/02/20	07/01/20

91 TAA PETITIONS INSTITUTED BETWEEN 7/1/20 AND 7/31/20—Continued

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
96032	IDL Technidege (Stanley Black & Decker) (Company)	Kenilworth, NJ	07/02/20	07/01/20
96033	Safran Cabin (State/One-Stop)	Marysville, WA	07/02/20	07/01/20
96034	Selmet, Inc. (State/One-Stop)	Albany, OR	07/02/20	07/01/20
96035	Starmark Cabinetry (State/One-Stop)	Sioux Falls, SD	07/02/20	07/01/20
96036	Treasury Wine Estates, Americas Company (Workers)	Napa, CA	07/02/20	07/01/20
96037	Rolls-Royce Crosspointe (State/One-Stop)	Prince George, VA	07/06/20	07/02/20
96038	Arcelormittal Indiana Harbor (State/One-Stop)	East Chicago, IN	07/07/20	07/07/20
96039	ITT—Connect & Control Technologies—BIW Connector Systems (Company).	Santa Rosa, CA	07/07/20	07/06/20
96040	Meggitt-Oregon, Inc. (State/One-Stop)	McMinnville, OR	07/07/20	07/06/20
96041	Advance Auto Business Support, LLC (AABS) (State/One-Stop)	Roanoke, VA	07/08/20	07/07/20
96042	Chick Master Incubator Company (State/One-Stop)	Medina, OH	07/08/20	07/07/20
96043	GKN Aerospace (State/One-Stop)	Wellington, KS	07/08/20	07/07/20
96044	PCC Schlosser (PCC Structurals) (State/One-Stop)	Redmond, OR	07/08/20	07/07/20
96045	Triumph Aerostructures (State/One-Stop)	Grand Prairie, TX	07/08/20	07/07/20
96046	Triumph Aerostructures, Vought Aircraft Division (State/One-Stop).	Red Oak, TX	07/08/20	07/07/20
96047	Bates Rubber LLC (Company)	Lobelville, TN	07/09/20	07/08/20
96048	Vallourec Star (State/One-Stop)	Youngstown, OH	07/09/20	07/08/20
96049	AK Coal Resources (State/One-Stop)	Friedens, PA	07/10/20	07/09/20
96050	AHI Small Business Facility Services (Workers)	Conway, AR	07/10/20	07/09/20
96051	GHD Services Inc., Finance Department (State/One-Stop)	Niagara Falls, NY	07/13/20	07/10/20
96052	Hoya Optical Labs (State/One-Stop)	Plymouth, IN	07/14/20	07/13/20
96053	Trane Technologies (Union)	LaCrosse, WI	07/14/20	07/13/20
96054	Constellium Rolled Products Ravenswood LLC (Union)	Ravenswood, WV	07/15/20	07/13/20
96055	Paccar Winch (Workers)	Broken Arrow, OK	07/15/20	07/14/20
96056	Spirit Aerosystems (McAlester) (Union)	McAlester, OK	07/15/20	07/13/20
96057	The Boeing Company (State/One-Stop)	Saint Louis, MO	07/15/20	07/14/20
96058	Wool Felt Products dba Collegiate Pacific (State/One-Stop)	Roanoke, VA	07/15/20	07/14/20
96059	Arauco North America, Inc. (State/One-Stop)	Albany, OR	07/16/20	07/15/20
96060	Dal Title Corporation/Dal Title Distribution (State/One-Stop)	Dallas, TX	07/16/20	07/15/20
96061	Daramic, LLC (State/One-Stop)	Corydon, IN	07/16/20	07/15/20
96062	Horizon Terra, Inc. dba idX Louisville (State/One-Stop)	Jeffersonville, IN	07/16/20	07/15/20
96063	Kaiser Aluminum (Union)	Spokane Valley, WA	07/16/20	07/08/20
96064	Textron Aviation Inc. (State/One-Stop)	Wichita, KS	07/16/20	07/15/20
96065	NTT Data Services LLC (State/One-Stop)	Lincoln, NE	07/17/20	07/16/20
96066	Akebono Brake Corporation (Akebono) Clarksville Plant) (State/One-Stop).	Clarksville, TN	07/20/20	07/17/20
96067	Bed Bath & Beyond, Inc. (State/One-Stop)	Providence, RI	07/20/20	07/17/20
96068	Halliburton (State/One-Stop)	Duncan, OK	07/20/20	07/17/20
96069	NTT Security (Workers)	Omaha, NE	07/20/20	07/18/20
96070	Pier 1 Imports, Inc. (State/One-Stop)	Warwick, RI	07/20/20	07/17/20
96071	BAE Systems (Union)	Fort Wayne, IN	07/21/20	07/20/20
96072	Phelps Dodge Industries, Inc. dba Freeport-McMoRan Copper Products (State/One-Stop).	Norwich, CT	07/21/20	07/21/20
96073	SeAH Steel USA (State/One-Stop)	Houston, TX	07/21/20	07/20/20
96074	Saulsbury Industries, Inc. (State/One-Stop)	Henderson, TX	07/22/20	07/21/20
96075	Southern Finishing Company (State/One-Stop)	Martinsville, VA	07/22/20	07/21/20
96076	Watlow Electric Manufacturing Company (Company)	Richmond, IL	07/22/20	07/21/20
96077	Asarco (Union)	Hayden, AZ	07/23/20	07/22/20
96078	Cadence Aerospace—Precision Machine Works (Union)	Tacoma/Everett, WA	07/23/20	07/14/20
96079	Cambria (State/One-Stop)	Belle Plaine, MN	07/23/20	07/22/20
96080	Hemlock Semiconductor (State/One-Stop)	Hemlock, MI	07/23/20	07/22/20
96081	Overhead Door (State/One-Stop)	Marion, OH	07/23/20	07/22/20
96082	SEG Automotive North America LLC (Workers)	Novi, MI	07/23/20	07/22/20
96083	Sekisui Aerospace, Inc. (State/One-Stop)	Renton/Sumner/Auburn, WA	07/23/20	07/22/20
96084	Vibracoustic North America LP (State/One-Stop)	Ligonier, IN	07/23/20	07/22/20
96085	Gitman and Company, IAG (Company)	New York, NY	07/24/20	07/23/20
96086	Huntington Alloys Corporation (Union)	Huntington, WV	07/24/20	07/23/20
96087	IQVIA, Inc. (State/One-Stop)	Durham, NC	07/24/20	07/22/20
96088	Kerotest (Union)	Pittsburg, PA	07/24/20	07/22/20
96089	LMI Aerospace (State/One-Stop)	Fredonia, KS	07/24/20	07/23/20
96090	NortonLifelock, Inc. (Broadcom, Inc.) (State/One-Stop)	Springfield, OR	07/24/20	07/23/20
96091	Somerset Operating Company—Heorot Power (Workers)	Barker, NY	07/24/20	07/23/20
96092	Advanced Assembly LLC (State/One-Stop)	Columbia City, IN	07/27/20	07/24/20
96093	Autoneum North America Inc. (State/One-Stop)	Jeffersonville, IN	07/27/20	07/27/20
96094	BASF Erie (Workers)	Erie, PA	07/27/20	07/23/20
96095	HF Rubber Machinery, Inc. (State/One-Stop)	Topeka, KS	07/27/20	07/24/20
96096	Keihin IPT Manufacturing, LLC (State/One-Stop)	Greenfield, IN	07/27/20	07/24/20
96097	Pacific Paper (Workers)	Memphis, TN	07/27/20	07/24/20
96098	Press Kogyo (P.K. USA) (State/One-Stop)	Shelbyville, IN	07/27/20	07/24/20

91 TAA PETITIONS INSTITUTED BETWEEN 7/1/20 AND 7/31/20—Continued

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
96099	SLD of the Adidas Group—Reebok (State/One-Stop)	Indianapolis, IN	07/27/20	07/24/20
96100	Verso Wisconsin River (Union)	Wisconsin Rapids, WI	07/27/20	07/24/20
96101	Simmons Pet Foods (State/One-Stop)	Pennsauken, NJ	07/28/20	07/27/20
96102	Sonic (Workers)	Memphis, TN	07/28/20	07/24/20
96103	State Street Corporation (State/One-Stop)	Boston, MA	07/28/20	07/27/20
96104	Titan Wheel Corporation of Virginia (State/One-Stop)	Saltville, VA	07/28/20	07/27/20
96105	Ulterra (State/One-Stop)	Williston, ND	07/28/20	07/27/20
96106	Veritas Technologies LLC (Workers)	Lake Mary, FL	07/28/20	07/27/20
96107	Whelen Engineering (State/One-Stop)	Charlestown, NH	07/28/20	07/27/20
96108	Cargill Cocoa and Chocolate (Workers)	Hazle Township, PA	07/29/20	07/28/20
96109	KRA International (State/One-Stop)	Mishawaka, IN	07/29/20	07/28/20
96110	TIMET, A PCC Company (Union)	Henderson, NV	07/29/20	07/21/20
96111	Associated Spring (Company)	Corry, PA	07/30/20	07/29/20
96112	Columbus-Mckinnon Corporation (State/One-Stop)	Damascus, VA	07/30/20	07/29/20
96113	McNeilus Truck and Manufacturing (State/One-Stop)	Dodge Center, MN	07/30/20	07/29/20
96114	Pal American Security (Company)	Evansville, IN	07/30/20	07/29/20
96115	A&H Sportswear Company Inc. (Company)	Stockertown, PA	07/31/20	07/30/20

[FR Doc. 2020–18663 Filed 8–24–20; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Trade Adjustment Assistance

In accordance with the Section 223 (19 U.S.C. 2273) of the Trade Act of 1974 (19 U.S.C. 2271, *et seq.*) (''Act''), as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance under Chapter 2 of the Act (''TAA'') for workers by (TA–W) number issued during the period of *July 1, 2020 through July 31, 2020.* (This Notice primarily follows the language of the Trade Act. In some places however, changes such as the inclusion of subheadings, a reorganization of language, or ''and,'' ''or,'' or other words are added for clarification.)

Section 222(a)—Workers of a Primary Firm

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for TAA, the group eligibility requirements under Section 222(a) of the Act (19 U.S.C. 2272(a)) must be met, as follows:

(1) The first criterion (set forth in Section 222(a)(1) of the Act, 19 U.S.C. 2272(a)(1)) is that a significant number or proportion of the workers in such workers' firm (or ''such firm'') have become totally or partially separated, or are threatened to become totally or partially separated; AND (2(A) or 2(B) below)

(2) The second criterion (set forth in Section 222(a)(2) of the Act, 19 U.S.C. 2272(a)(2)) may be satisfied by either (A) the Increased Imports Path, or (B) the Shift in Production or Services to a Foreign Country Path/Acquisition of Articles or Services from a Foreign Country Path, as follows:

(A) Increased Imports Path:

(i) The sales or production, or both, of such firm, have decreased absolutely; AND (ii and iii below)

(ii) (I) imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased; OR

(II)(aa) imports of articles like or directly competitive with articles into which one or more component parts produced by such firm are directly incorporated, have increased; OR

(II)(bb) imports of articles like or directly competitive with articles which are produced directly using the services supplied by such firm, have increased; OR

(III) imports of articles directly incorporating one or more component parts produced outside the United States that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased; AND

(iii) the increase in imports described in clause (ii) contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm; OR

(B) Shift in Production or Services to a Foreign Country Path OR Acquisition of Articles or Services from a Foreign Country Path:

(i)(I) there has been a shift by such workers' firm to a foreign country in the production of articles or the supply of services like or directly competitive with articles which are produced or services which are supplied by such firm; OR

(II) such workers' firm has acquired from a foreign country articles or services that are like or directly competitive with articles which are produced or services which are supplied by such firm; AND

(ii) the shift described in clause (i)(I) or the acquisition of articles or services described in clause (i)(II) contributed importantly to such workers' separation or threat of separation.

Section 222(b)—Adversely Affected Secondary Workers

In order for an affirmative determination to be made for adversely affected secondary workers of a firm and a certification issued regarding eligibility to apply for TAA, the group eligibility requirements of Section 222(b) of the Act (19 U.S.C. 2272(b)) must be met, as follows:

(1) a significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated; AND

(2) the workers' firm is a supplier or downstream producer to a firm that employed a group of workers who received a certification of eligibility under Section 222(a) of the Act (19 U.S.C. 2272(a)), and such supply or production is related to the article or service that was the basis for such certification (as defined in subsection 222(c)(3) and (4) of the Act (19 U.S.C. 2272(c)(3) and (4)); AND

(3) either—

(A) the workers' firm is a supplier and the component parts it supplied to the

firm described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; OR

(B) a loss of business by the workers' firm with the firm described in paragraph (2) contributed importantly to the workers' separation or threat of separation determined under paragraph (1).

Section 222(e)—Firms identified by the International Trade Commission

In order for an affirmative determination to be made for adversely affected workers in firms identified by the International Trade Commission and a certification issued regarding eligibility to apply for TAA, the group eligibility requirements of Section 222(e) of the Act (19 U.S.C. 2272(e)) must be met, by following criteria (1), (2), and (3) as follows:

(1) the workers' firm is publicly identified by name by the International Trade Commission as a member of a domestic industry in an investigation resulting in—

(A) an affirmative determination of serious injury or threat thereof under section 202(b)(1) of the Act (19 U.S.C. 2252(b)(1)); OR

(B) an affirmative determination of market disruption or threat thereof under section 421(b)(1) of the Act (19 U.S.C. 2436(b)(1)); OR

(C) an affirmative final determination of material injury or threat thereof under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A)); AND

(2) the petition is filed during the 1-year period beginning on the date on which—

(A) a summary of the report submitted to the President by the International Trade Commission under section 202(f)(1) of the Trade Act (19 U.S.C. 2252(f)(1)) with respect to the affirmative determination described in paragraph (1)(A) is published in the **Federal Register** under section 202(f)(3) (19 U.S.C. 2252(f)(3)); OR

(B) notice of an affirmative determination described in subparagraph (B) or (C) of paragraph (1) is published in the **Federal Register**; AND

(3) the workers have become totally or partially separated from the workers' firm within—

(A) the 1-year period described in paragraph (2); OR

(B) notwithstanding section 223(b) of the Act (19 U.S.C. 2273(b)), the 1-year period preceding the 1-year period described in paragraph (2).

Affirmative Determinations for Trade Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (Increased Imports Path) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
95,265	United States Steel Corporation, East Chicago Tin Division	East Chicago, IN	October 8, 2018.
95,309	Kolberg-Pioneer Inc., Astec Industries Inc	Yankton, SD	October 21, 2018.
95,390	AK Steel Corporation, Butler Works, AK Steel Holding Corporation, Unlimited Staffing.	Lyndora, PA	November 19, 2018.
95,394	Tamco, CMC Steel Fabricators Inc	Rancho Cucamonga, CA	November 19, 2018.
95,419	Twin City Die Castings Company, Express Employment Professionals.	Watertown, SD	November 22, 2018.
95,631	JW Aluminum Company	St. Louis, MO	January 30, 2019.
95,772	Component Bar Products, LLC	O'Fallon, MO	March 4, 2019.
95,826	Wexco Corporation, W–E Investments Corporation	Lynchburg, VA	March 18, 2019.
95,848	FTS International Services, LLC	Hobbs, NM	March 24, 2019.
95,925	Alcoa Intalco Works, Homeward Designs, WESCO Integrated Supply, etc.	Ferndale, WA	May 11, 2019.
95,945	Freeport-McMoRan Chino Mines Company, Freeport-McMoRan Chino, Chino Acquisitions, James Hamilton, etc.	Vanadium, NM	May 28, 2019.

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (Shift in Production or Services to a Foreign Country Path or Acquisition of Articles or Services from a Foreign Country Path) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
95,414	Hillphoenix Specialty Products, Data Entry/Programming and Bill of Materials, Dover, QPS Employment, TEEMA.	Centerville, IA	November 22, 2018.
95,414A	Hillphoenix Specialty Products, Data Entry/Programming Dept., Dover Corp., QPS Employment Group, TEEMA.	Keosauqua, IA	November 22, 2018.
95,430	Icebreaker, Product Design & Development Team, Division of VF Outdoor, LLC.	Portland, OR	November 26, 2018.
95,455	RS Distribution Inc., Rochdale Spears US Holdings Inc., LW Capital Investments, Express Services.	Hickory, NC	December 5, 2018.
95,491	Marc Fisher Footwear, Moda LLC	Greenwich, CT	December 17, 2018.
95,513	ITT Industries Holdings, Inc., IT, ITT, Kelly Services, ISSI Technology Professionals, Execu-Sys, etc.	Seneca Falls, NY	December 23, 2018.
95,637	Carl Zeiss Vision, Inc., Carl Zeiss International GmbH	Clackamas, OR	February 3, 2019.
95,740	Aalfs Manufacturing, Inc., Distribution Center, Ropa Siete Leguas	Mena, AR	February 26, 2019.
95,749	Aptar, AptarGroup, Alternative Employment, Inc	Torrington, CT	February 28, 2019.
95,749A	Aptar, AptarGroup, Nesco Resources, Ajulia Executive Search, Adecco, Aerotek, etc.	Stratford, CT	February 28, 2019.
95,822	Ricoh USA, Inc., Operational Accounting Division, Ricoh Americas Holdings, Inc.	Houston, TX	March 17, 2019.

TA–W No.	Subject firm	Location	Impact date
95,923	Eaton Corporation, Vehicle Group, Barpellam, Hunter International Recruiting, Manpower, etc.	Kings Mountain, NC	May 14, 2019.
95,933	Umicore Autocat USA, Inc., Aerotek, Trinity Employment Specialists	Catoosa, OK	May 21, 2019.
95,937	Panasonic Solar North America (PSNA), Panasonic North America, Imagine Staffing.	Buffalo, NY	March 13, 2019.
95,939	DXC Technology, Virtual Private Cloud (VPC) Offering, Cloud & Platform Services (CPS), etc.	Tysons, VA	May 27, 2019.
95,969	Piramal Glass USA, Inc., Glass Manufacturing Division, Piramal Glass Private Limited, Manpower.	Park Hills, MO	June 5, 2019.
95,970	Pittsburgh Glass Works, LLC, Vitro SAB de C.V., Action Staffing, Inc., Abbco Service Corporation.	Evansville, IN	June 5, 2019.
95,980	Tektronix, Inc., Vanderhouwen & Associates, Creative Financial Staffing, etc.	Beaverton, OR	June 10, 2019.
96,006	Bed Bath & Beyond Inc., Contact Center	Layton, UT	June 19, 2019.
96,012	TE Connectivity, Automotive Division, Kelly Services	Greensboro, NC	June 23, 2019.
96,012A	TE Connectivity, Automotive Division, Kelly Services	Winston Salem, NC	June 23, 2019.
96,028	AIG Employee Services, Inc., Corporate Planning—New York, American International Group, Inc.	New York, NY	July 1, 2019.

The following certifications have been issued. The requirements of Section 222(b) (supplier to a firm whose workers are certified eligible to apply for TAA) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
95,433	Maverick Tube Corporation, Tenaris Hickman, Tenaris S.A	Blytheville, AR	November 27, 2018.
95,936	Center Industries Corporation, Center Industries Company, Inc	Wichita, KS	May 12, 2019.
95,947	Standard Locknut LLC, Industrial Group Intermediary Holdings LLC, Aerotek, etc.	Westfield, IN	May 28, 2019.
96,022	Exacta Aerospace, PCC Aerostructures Division, Aerotek, Summit Employment, Expleo.	Wichita, KS	June 29, 2019.

The following certifications have been issued. The requirements of Section 222(e) (firms identified by the International Trade Commission) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
95,583	Metal Box International, LLC, Industrial Staffing	Franklin Park, IL	January 23, 2019.
95,938	The Corsi Group, Inc., Corsi Cabinet Company, Inc., Greenfield Cabinetry, LLC.	Indianapolis, IN	April 17, 2019.
95,944	Crystal Cabinet Works, Inc	Princeton, MN	April 17, 2019.
95,951	MasterBrand Cabinets, Inc., Fortune Brands Home & Security, Inc., Cognizant, TEKsystems.	Jasper, IN	April 17, 2019.
95,951A	MasterBrand Cabinets, Inc., Fortune Brands Home & Security, Inc	Ferdinand, IN	April 17, 2019.
95,952	MasterBrand Cabinets, Inc., Fortune Brands Home & Security, Inc., Express Employment Professionals.	Grants Pass, OR	April 17, 2019.
95,957	Woodcraft Industries, Inc., North American Cabinet, Quanex Building Products, Doherty, Pro Staff.	St. Cloud, MN	April 17, 2019.
95,957A	Woodcraft Industries, Inc., North American Cabinet Components Division, Quanex Building Products Corp.	Foreston, MN	April 17, 2019.
95,968	Norcraft Companies LP, MasterBrand Cabinets, Inc., Fortune Brands Home & Security, Inc., Manpower.	Lynchburg, VA	September 25, 2020.
95,979	Canyon Creek Cabinet Company, Sumitomo Forestry America, Inc., Terra Services, Inc.	Monroe, WA	April 17, 2019.
95,987	MasterBrand Cabinets, Inc., Fortune Brands Home & Security, Inc., Aerotek, Kelly Services, StaffQuick.	Arthur, IL	April 17, 2019.
96,035	Starmark Cabinetry, Norcraft Companies LP, MasterBrand Cabinets, Fortune Brands Home & Security.	Sioux Falls, SD	April 17, 2019.

Negative Determinations for Worker Adjustment Assistance

In the following cases, the investigation revealed that the eligibility criteria for TAA have not been met for the reasons specified.

The investigation revealed that the requirements of Trade Act section 222 (a)(1) and (b)(1) (significant worker total/partial separation or threat of total/partial separation), or (e) (firms identified by the International Trade Commission), have not been met.

TA–W No.	Subject firm	Location	Impact date
95,124	Liberty Mutual Group Inc., Global Risk Solutions Claims Licensing Group, LMHC Massachusetts Holdings.	Portland, OR.	
95,545	United States Steel Corporation, Edgar Thomson Plant	Braddock, PA.	

The investigation revealed that the criteria under paragraphs (a)(2)(A)(i) (decline in sales or production, or both), or (a)(2)(B) (shift in production or services to a foreign country or acquisition of articles or services from a foreign country), (b)(2) (supplier to a firm whose workers are certified eligible to apply for TAA or downstream producer to a firm whose workers are certified eligible to apply for TAA), and (e) (International Trade Commission) of section 222 have not been met.

TA–W No.	Subject firm	Location	Impact date
95,741	Detroit Diesel Remanufacturing LLC, Detroit Diesel Corporation, Daimler Trucks North America LLC, Arnold Group.	Emporia, KS.	
95,759	Sterlingwear of Boston, Inc	Boston, MA.	
95,890	Plycem USA LLC dba Allura, Elementia, S.A.B. de C.V., Kelly Services, Manpower.	Terre Haute, IN.	
95,893	Utility Trailer Manufacturing Company	Glade Spring, VA.	
95,893A	Utility Trailer Manufacturing Company, Express Employment Professionals, Hometown Employment.	Paragould, AR.	

The investigation revealed that the criteria under paragraphs (a)(2)(A) (increased imports), (a)(2)(B) (shift in production or services to a foreign country or acquisition of articles or services from a foreign country), (b)(2) (supplier to a firm whose workers are certified eligible to apply for TAA or downstream producer to a firm whose workers are certified eligible to apply for TAA), and (e) (International Trade Commission) of section 222 have not been met.

TA–W No.	Subject firm	Location	Impact date
94,920	DXC MS LLC, DXC Technology Company, Molina Medicaid Solutions.	Glen Allen, VA.	
94,920A	DXC MS LLC, DXC Technology Company, Molina Medicaid Solutions.	Herndon, VA.	
95,130	Intellectual Property Services Inc., E-commerce Fraud Prevention Team, Volts Workforce Solutions.	Erie, PA.	
95,285	DEE Inc., Doherty Staffing Solutions	Crookston, MN.	
95,468	Grace Bio-Labs, Inc	Bend, OR.	
95,481	Petrobras America Inc., Petrobras International Braspetro B.V., StaffMark.	Houston, TX.	
95,498	Golden Island Jerky Company, Tyson Foods Inc., ProWorks Staffing, Resource Employment Solutions, etc.	Rancho Cucamonga, CA.	
95,546	XPO Logistics, Manpower	Hazelwood, MO.	
95,562	Pier 1 Imports (U.S.) Inc., Pier 1 Imports Inc	Jefferson City, MO.	
95,578	EnTech Plastics Inc., Adecco Employment Services, Office Service, etc.	Corry, PA.	
95,599	Pier 1 Imports (U.S.) Inc., Pier 1 Imports Inc	St. Louis, MO.	
95,676	The Western Kentucky Coal Company, LLC, Genesis Mine, Murray Energy Corporation.	Centertown, KY.	
95,796	Tyson Shared Services Inc., Information Technology/Information Systems Division, Tyson Foods Inc.	Springdale, AR.	
95,803	Crown Cork & Seal USA, Inc., North America Food Division, Manpower Staffing.	Omaha, NE.	
95,852	Coastal Drilling Land Company LLC	Corpus Christi, TX.	
95,862	Pier 1 Imports (U.S.) Inc., Pier 1 Imports Inc	Branson, MO.	
95,880	iQor Global Services LLC, iQor US Inc., SMX Staffing	Memphis, TN.	

Determinations Terminating Investigations of Petitions for Trade Adjustment Assistance

After notice of the petitions was published in the **Federal Register** and on the Department's website, as required by Section 221 of the Act (19 U.S.C. 2271), the Department initiated investigations of these petitions.

The following determinations terminating investigations were issued in cases where the petition regarding the investigation has been deemed invalid.

TA–W No.	Subject firm	Location	Impact date
95,735	IBM Global Business Services	Oakwood, OH.	

TA–W No.	Subject firm	Location	Impact date
95,959	Mid Continent Cabinetry, Norcraft Companies LP, MasterBrand Cabinets, Fortune Brands Home & Security.	Cottonwood, MN.	
95,971	WhiteFront Cafe, Grandma's Place LLC	Barberton, OH.	

The following determinations terminating investigations were issued because the worker group on whose behalf the petition was filed is covered under an existing certification.

TA–W No.	Subject firm	Location	Impact date
95,264	Ocwen Financial Corporation, Cendant, PHH Mortgage Corporation ..	Addison, TX.	
95,774	Powerex, Inc	Youngwood, PA.	
95,881	MKEC, Spirit Aerosystems Inc	Wichita, KS.	
95,889	Workforce Logiq, Spirit Aerosystems Inc	Wichita, KS.	
95,959A	Masterbrand Cabinets, Inc., Fortune Brands Home & Security, Inc	Jasper, IN.	
95,975	Securitas USA, Kimberly-Clark Corporation, Personal Care Division ..	Conway, AR.	
95,987A	MasterBrand Cabinets, Inc., Fortune Brands Home & Security, Inc	Jasper, IN.	
96,020	Abbco Service Corporation, Pittsburgh Glass Works, LLC	Evansville, IN.	
96,050	AHI Small Business Facility Services, Kimberly-Clark Corporation, Personal Care Division.	Conway, AR.	

The following determinations terminating investigations were issued because the petitioning group of workers is covered by an earlier petition that is the subject of an ongoing investigation for which a determination has not yet been issued.

TA–W No.	Subject firm	Location	Impact date
95,941	Halliburton Energy Services	Duncan, OK.	

I hereby certify that the aforementioned determinations were issued during the period of *July 1, 2020 through July 31, 2020.* These determinations are available on the Department's website *https://www.doleta.gov/tradeact/petitioners/taa_search_form.cfm* under the searchable listing determinations or by calling the Office of Trade Adjustment Assistance toll free at 888–365–6822.

Signed at Washington DC, this 10th day of August 2020.

Hope D. Kinglock,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2020–18662 Filed 8–24–20; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Post-Initial Determinations Regarding Eligibility To Apply for Trade Adjustment Assistance

In accordance with Sections 223 and 284 (19 U.S.C. 2273 and 2395) of the Trade Act of 1974 (19 U.S.C. 2271, *et seq.*) (''Act''), as amended, the Department of Labor herein presents Notice of Affirmative Determinations Regarding Application for Reconsideration, summaries of Negative Determinations Regarding Applications for Reconsideration, summaries of Revised Certifications of Eligibility, summaries of Revised Determinations (after Affirmative Determination Regarding Application for Reconsideration), summaries of Negative Determinations (after Affirmative Determination Regarding Application for Reconsideration), summaries of Revised Determinations (on remand from the Court of International Trade), and summaries of Negative Determinations (on remand from the Court of International Trade) regarding eligibility to apply for trade adjustment assistance under Chapter 2 of the Act (''TAA'') for workers by (TA–W) number issued during the period of *July 1, 2020 through July 31, 2020.* Post-initial determinations are issued after a petition has been certified or denied. A post-initial determination may revise a certification, or modify or affirm a negative determination.

Affirmative Determinations Regarding Applications for Reconsideration

The following Applications for Reconsideration have been received and granted. See 29 CFR 90.18(d). The group of workers or other persons showing an interest in the proceedings may provide written submissions to show why the determination under reconsideration should or should not be modified. The submissions must be sent no later than ten days after publication in **Federal Register** to the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room N–5428, 200 Constitution Avenue NW, Washington, DC 20210. See 29 CFR 90.18(f).

TA–W No.	Subject firm	Location
95,251	Daimler Trucks North America	Cleveland, NC.
95,580	Philadelphia Energy Solutions Refining and Marketing LLC	Philadelphia, PA.

Negative Determinations Regarding Application for Reconsideration

The following determinations regarding applications for reconsideration have been received and denied. The determination complained of was not erroneous; there was not a mistake in the determination of facts previously considered; and in the opinion of the certifying officer, there was not a misinterpretation of facts or of the law justifying reconsideration of the determination. A Negative Determination Regarding Application for Reconsideration is a final determination for purposes of judicial review pursuant to section 284 of the Act (19 U.S.C. 2395) and 29 CFR 90.19(a). *See* 29 CFR 90.18(e).

TA–W No.	Subject firm	Location
95,777B	Cardone Industries, Inc	Arlington, TX.

Notice of Revised Certifications of Eligibility

Revised certifications of eligibility have been issued with respect to cases where affirmative determinations and certificates of eligibility were issued initially, but a minor error was discovered after the certification was issued. The revised certifications are issued pursuant to the Secretary's authority under section 223 of the Act and 29 CFR 90.16. Revised Certifications of Eligibility are final determinations for purposes of judicial review pursuant to section 284 of the Act (19 U.S.C. 2395) and 29 CFR 90.19(a).

Revised Certifications of Eligibility

The following revised certifications of eligibility to apply for TAA have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination, and the reason(s) for the determination.

The following revisions have been issued.

TA–W No.	Subject firm	Location	Impact date	Reason(s)
93,737	Ocwen Financial Corporation	Addison, TX	4/17/2017	Wages Reported Under Different FEIN Number.
94,053	MasterBrand Cabinets, Inc	Auburn, AL	8/8/2017	Worker Group Clarification.
94,053A	Norcraft Companies L.P	Lynchburg, VA	8/8/2017	Worker Group Clarification.
94,934	Kimberly-Clark Corporation	Conway, AR	6/24/2018	Worker Group Clarification.
95,556	Spirit AeroSystems Inc	Wichita, KS	1/10/2019	Worker Group Clarification.

Revised Determinations (After Affirmative Determination Regarding Application for Reconsideration)

The following revised determinations on reconsideration, certifying eligibility to apply for TAA, have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following revised determinations on reconsideration, certifying eligibility to apply for TAA, have been issued. The requirements of Section 222(b) (supplier to a firm whose workers are certified eligible to apply for TAA) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
94,906	General Motors Milford Proving Ground	Milford, MI	6/16/2018

I hereby certify that the aforementioned determinations were issued during the period of *July 1, 2020 through July 31, 2020.* These determinations are available on the Department's website *https://www.doleta.gov/tradeact/petitioners/taa_search_form.cfm* under the searchable listing determinations or by calling the Office of Trade Adjustment Assistance toll free at 888–365–6822.

Signed at Washington, DC, this 10th day of August 2020.

Hope D. Kinglock,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2020–18664 Filed 8–24–20; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Wage and Hour Division

Agency Information Collection Activities; Comment Request; Information Collections: Davis-Bacon Certified Payroll

AGENCY: Wage and Hour Division, Department of Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is soliciting comments concerning a proposed extension of the information collection request (ICR) titled, ''Davis-Bacon Certified Payroll.'' This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. A copy of the proposed information request can be obtained by contacting the office listed below in the **FOR FURTHER INFORMATION CONTACT** section of this Notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before October 26, 2020.

ADDRESSES: You may submit comments identified by Control Number 1235–0008, by either one of the following

methods: *Email: WHDPRAComments@dol.gov; Mail, Hand Delivery, Courier:* Division of Regulations, Legislation, and Interpretation, Wage and Hour, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue NW, Washington, DC 20210.

Instructions: Please submit one copy of your comments by only one method. All submissions received must include the agency name and Control Number identified above for this information collection. Because we continue to experience delays in receiving mail in the Washington, DC area, commenters are strongly encouraged to transmit their comments electronically via email or to submit them by mail early. Comments, including any personal information provided, become a matter of public record. They will also be summarized and/or included in the request for Office of Management and Budget (OMB) approval of the information collection request.

FOR FURTHER INFORMATION CONTACT: Robert Waterman, Division of Regulations, Legislation, and Interpretation, Wage and Hour Division, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue NW, Washington, DC 20210; telephone: (202) 693–0406 (this is not a toll-free number). Copies of this notice may be obtained in alternative formats (Large Print, Braille, Audio Tape, or Disc), upon request, by calling (202) 693–0023 (not a toll-free number). TTY/TTD callers may dial toll-free (877) 889–5627 to obtain information or request materials in alternative formats.

SUPPLEMENTARY INFORMATION:

I. Background

The Davis-Bacon and related Acts (DBRA) require the application of Davis-Bacon labor standards to federal and federally assisted construction. The Copeland Act (40 U.S.C. 3145) requires the Secretary of Labor to prescribe reasonable regulations for contractors and subcontractors engaged in construction work subject to Davis-Bacon labor standards. While the federal contracting or assistance-administering agencies have a primary responsibility for enforcement of Davis-Bacon labor standards, Reorganization Plan Number 14 of 1950 assigns to the Secretary of Labor responsibility for developing government-wide policies, interpretations and procedures to be observed by the contracting and assisting agencies, in order to assure coordination of administration and consistency of DBRA enforcement.

The Copeland Act provision cited above specifically requires the regulations to ''include a provision that each contractor and subcontractor each week must furnish a statement on the wages paid each employee during the prior week.'' This requirement is implemented by 29 CFR 3.3 and 3.4 and the standard Davis-Bacon contract clauses set forth at 29 CFR 5.5. Regulations 29 CFR 5.5(a)(3)(ii)(A) requires contractors to submit weekly a copy of all payrolls to the federal agency contracting for or financing the construction project. If the agency is not a party to the contract, the contractor will submit the payrolls to the applicant, sponsor, or owner, as the case may be, for transmission to the contracting agency. This same section requires that the payrolls submitted shall set out accurately and completely the information required to be maintained under 29 CFR 5.5(a)(3)(i), except that full social security numbers and home addresses shall not be included on weekly transmittals, and instead, the payrolls shall only need to include an individually identifying number for each employee (*e.g.,* the last four digits of the employee's social security number). The required weekly payroll information may be submitted in any form desired. Optional Form WH–347 is available for this purpose from the Wage and Hour Division website at *https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/wh347.pdf.*

The regulations at 29 CFR 3.3(b) require each contractor to furnish weekly a signed ''Statement of Compliance'' accompanying the payroll indicating the payrolls are correct and complete and that each laborer or mechanic has been paid not less than the proper Davis-Bacon Act prevailing wage rate for the work performed. The weekly submission of a properly executed certification, with the prescribed language set forth on page 2 of Optional Form WH–347, satisfies the requirement for submission of the required ''Statement of Compliance''. Id. at §§ 3.3(b), 3.4(b), and 5.5(a)(3)(ii)(B). Regulations 29 CFR 3.4(b) and 5.5(a)(3)(i) require contractors to maintain these records for three years after completion of the work.

II. Review Focus

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Enhance the quality, utility, and clarity of the information to be collected;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

III. Current Actions

The Department of Labor seeks an approval for the extension of this information collection in order to ensure effective administration of the Davis-Bacon Act.

Type of Review: Extension.

Agency: Wage and Hour Division.

Title: Davis-Bacon Certified Payroll.

OMB Control Number: 1235–0008.

Affected Public: Business or other for-profit, Not-for-profit institutions, Federal, State, Local, or Tribal Government.

Total Respondents: 86,898.

Total Annual Responses: 7,994,616.

Estimated Total Burden Hours: 7,461,642.

Estimated Time per Response: Varies with type of request (1.25–20 minutes).

Frequency: On occasion.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operation/maintenance): $1,063,373.

Dated: August 19, 2020.

Amy DeBisschop,

Director, Division of Regulations, Legislation, and Interpretation.

[FR Doc. 2020–18588 Filed 8–24–20; 8:45 am]

BILLING CODE 4510–27–P

MILLENNIUM CHALLENGE CORPORATION

[MCC FR 20–04]

Notice of Entering Into a Compact With the Government of Burkina Faso

AGENCY: Millennium Challenge Corporation.

ACTION: Notice.

SUMMARY: In accordance with Section 610(b)(3) of the Millennium Challenge Act of 2003, as amended, and the heading ''Millennium Challenge Corporation'' of the Department of State, Foreign Operations, and Related

Programs Appropriations Act, 2020, the Millennium Challenge Corporation (MCC) is publishing a summary of the Millennium Challenge Compact (Compact) between the United States of America, acting through MCC, and the Government of Burkina Faso, acting through the Ministry of Economy, Finance and Development. Representatives of MCC and Burkina Faso signed the Compact on August 13, 2020. The complete text of the Compact has been posted at: *https://assets.mcc.gov/content/uploads/compact-burkina-faso-ii.pdf.*

Dated: August 19, 2020.

Jeanne M. Hauch,

VP/General Counsel and Corporate Secretary.

Summary of Burkina Faso Compact

Overview of MCC Burkina Faso Compact

MCC's five-year, $450,000,000 Compact with the Government of Burkina Faso (the ''Government'') is aimed at addressing Burkina Faso's key binding constraint to economic growth: The high cost of, and low quality and low access to, electricity. The Compact will address this constraint through three projects: The Strengthening Electricity Sector Effectiveness Project, the Cost-Effective and Reliable Electricity Supply Project, and the Grid Development and Access Project. Collectively, these projects will address the poor condition of energy infrastructure in the country, insufficient generation capacity, and an over-reliance on thermal energy. The Government will also contribute approximately $50,000,000 to support the Compact program.

Burkina Faso is a landlocked country in West Africa with a population of 18.6 million. It faces significant development challenges, as indicated by its ranking of 182 (out of 189 countries) in the United Nations Development Program 2019 Human Development Index, and 43.7 percent of its population is considered poor. However, Burkina Faso also has one of Africa's fastest growing economies, with a gross domestic product growth rate of six percent in 2019. Burkina Faso's challenge is how to sustain this growth rate. Burkina Faso is focusing on investments needed to sustain and broaden this growth over the long-term and has prioritized the electricity sector.

Project Summaries

The Compact is comprised of three projects:

- The Strengthening Electricity Sector Effectiveness Project aims to improve and strengthen the legal, regulatory, and institutional framework of Burkina Faso's electricity sector by supporting priority sector reforms and capacity-building for key actors in the sector, including the national utility, regulator, and Ministry of Energy. This project is expected to result in improved planning and operational efficiency, and increased investment by the private sector, all of which will translate into improved quality and supply of electricity, as well as lowering the cost of service.
- The Cost-Effective and Reliable Electricity Supply Project aims to increase the supply of electricity and the reliability of the network, at a lower cost for the national utility, through the production and storage of solar energy and increased imports. This project will improve electricity supply infrastructure through the introduction of batteries for energy storage, and improvements to electricity dispatch centers. These activities are expected to result in the increased availability of more affordable electricity through the production and storage of solar electricity and increased imports, which in turn will improve electricity network reliability by reducing outages and other breakdowns. Improved reliability and increased supply from cheaper sources will make electricity more cost-effective by lowering costs for both the national utility as well as its customers.
- The Grid Development and Access Project aims to reduce outages and increase the availability and consumption of electricity for grid-connected end users by (i) updating the transmission and distribution network, and (ii) increasing access and targeting productive use of electricity. This project is expected to result in extending the reach and capacity of the network and improving the access of customers covered, allowing the national utility to reduce losses and outages caused by system failures and lack of redundancy, as well as to increase coverage, access, and consumption of end users.

Compact Budget

Table 1 presents the Compact budget and sets forth both the MCC funding allocation by Compact components and the Government's expected $50 million contribution toward the objectives of the Compact.

TABLE 1—BURKINA FASO COMPACT BUDGET

Component	Amount
1. Strengthening Electricity Sector Effectiveness Project	$46,920,170
1.1 Development of Institutional and Regulatory Framework Activity	4,797,000
1.2 Support in the Development of Independent Power Producers Activity	2,691,000
1.3 Strengthening of Institutional Organization and Capacity Activity	37,881,090
1.4 Project Management Activity	1,551,080
2. Cost-Effective and Reliable Electricity Supply Project	99,534,417
2.1 Facilitating Low-Cost Supply Activity	16,124,097
2.2 Improving the Reliability of Supply Activity	62,542,144
2.3 Improving Regional Connectivity Activity	15,568,176
2.4 Project Management and Oversight Activity	5,300,000
3. Grid Development and Access Project	210,678,788
3.1 Expanding and Improving the Ouagadougou Grid Activity	77,583,226
3.2 Expanding and Improving the Bobo-Dioulasso Grid Activity	86,969,651
3.3 Improving Access and Productive Use Activity	9,701,911
3.4 Project Management and Oversight Activity	36,424,000
4. Monitoring and Evaluation	11,992,899
5. Program Administration	80,873,726
Total MCC Funding	450,000,000
Total Compact Program Funding:	
Total MCC Funding	450,000,000
Government of Burkina Faso Contribution	50,110,795

TABLE 1—BURKINA FASO COMPACT BUDGET—Continued

Component	Amount
Total Compact	500,110,795

[FR Doc. 2020–18583 Filed 8–24–20; 8:45 am]

BILLING CODE 9211–03–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (20–068)]

NASA Advisory Council; Science Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the Science Committee of the NASA Advisory Council (NAC). This Committee reports to the NAC. The meeting will be held for the purpose of soliciting, from the scientific community and other persons, scientific and technical information relevant to program planning.

DATES: Thursday, September 10, 2020, 1:00 p.m.–5:00 p.m., Eastern Time.

FOR FURTHER INFORMATION CONTACT: Ms. KarShelia Henderson, Science Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358–2355, fax (202) 358–2779, or *khenderson@nasa.gov.*

SUPPLEMENTARY INFORMATION: This meeting will be open to the public telephonically and by WebEx only. You must use a touch-tone phone to participate in this meeting. Any interested person may dial the toll free number 1–888–469–3144 or toll number 1–517–308–9289, passcode 8932597, followed by the # sign, to participate in this meeting by telephone. The WebEx link is *https://nasaenterprise.webex.com;* the meeting number is 199 497 6344 and the password is SC@Sept2020 (case sensitive). The agenda for the meeting includes the following topics:

—Science Mission Directorate (SMD) Missions, Programs and Activities

It is imperative that the meeting be held on these dates due to the scheduling priorities of the key participants.

Patricia Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2020–18646 Filed 8–24–20; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request; Additional Reporting Requirements for Mathematical Sciences Research Institutes

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: Additional Reporting Requirements for Mathematical Sciences Research Institutes.

OMB Number: 3145–NEW.

Type of Request: Establishment of a new information collection.

Type of Request: Intent to seek approval to establish an information collection.

Proposed Project: Use of the Information: Mathematical Sciences Research Institutes are national resources that aim to advance research in the mathematical sciences through programs supporting discovery and dissemination of knowledge in mathematics and statistics and enhancing connections to related fields in which the mathematical sciences can play important roles. Institute activities help focus the attention of some of the best mathematical minds on problems of particular importance and timeliness. Institutes are also community resources that involve a broad segment of U.S.-based mathematical sciences researchers in their activities. The goals of the Mathematical Sciences Research Institutes program include advancing research in the mathematical sciences, increasing the impact of the mathematical sciences in other disciplines, and expanding the talent base engaged in mathematical research in the United States. The data collection on participants information at each of the currently supported institutes for this request includes: Participant identifications, contact information, affiliations, demographic information, institute programs participated, durations, and NSF support received.

Respondents: Respondents are PIs of current Mathematical Sciences Research Institutes program awards.

Estimated Number of Annual Respondents: 6–7 individuals.

Burden on the Public: 175 hours.

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 20, 2020.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2020–18623 Filed 8–24–20; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meeting; National Science Board

SUMMARY: The National Science Board's Committee on National Science and Engineering Policy (SEP), pursuant to NSF regulations, the National Science Foundation Act, as amended, and the Government in the Sunshine Act, hereby gives notice of the scheduling of a teleconference for the transaction of National Science Board business, as follows.

DATES: Friday, August 28, 2020 at 3–3:30 p.m. EDT.

PLACE: This meeting will be held by videoconference through the National Science Foundation. A toll-free dial-in number will be available for the public. Contact the Board Office 24 hours before the teleconference to request the public dial-in number at *nationalsciencebrd@nsf.gov.*

STATUS: Open.

MATTERS TO BE CONSIDERED: Chair's opening remarks; discussion of the narrative outlines for the SEI 2022 thematic report on the S&E workforce.

CONTACT PERSON FOR MORE INFORMATION: Point of contact for this meeting is: Chris Blair, *cblair@nsf.gov,* 703–292–7000. To listen to this teleconference, members of the public must send an email to *nationalsciencebrd@nsf.gov* at least 24 hours prior to the teleconference. The National Science Board Office will send requesters a toll-free dial-in number. Meeting information and updates (time, place, subject matter or status of meeting) may be found at *http://www.nsf.gov/nsb/meetings/notices.jsp#sunshine.* Please refer to the National Science Board website *www.nsf.gov/nsb* for additional information.

Chris Blair,

Executive Assistant to the National Science Board Office.

[FR Doc. 2020–18691 Filed 8–21–20; 11:15 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Virtual Workshop on Software in the Era of Extreme Heterogeneity

AGENCY: Networking and Information Technology Research and Development (NITRD) National Coordination Office, National Science Foundation.

ACTION: Notice of virtual workshop.

SUMMARY: The workshop on ''Software in the Era of Extreme Heterogeneity'' will explore challenges and opportunities brought on by extreme heterogeneity of emerging and future computational platforms and how software and community must evolve to respond to the challenges being placed on high-end computing software development and sustainment.

DATES: September 22—24, 2020.

ADDRESSES: The workshop on ''Software in the Era of Extreme Heterogeneity'' will be held virtually.

Instructions: Participation is by invitation only; limited number of virtual seats are available to observers. These virtual seats require registration and are available on a first come, first served basis. The registration link will be published on the workshop website the week before the event. For more information on the agenda, registration, and remote participation, please see the workshop website: *https://www.nitrd.gov/nitrdgroups/index.php?title=Software-Extreme-Heterogeneity.*

FOR FURTHER INFORMATION CONTACT: Jake Fries at *jake.fries@nitrd.gov* and Ji Lee at *lee@nitrd.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: *Overview.* This notice is issued on behalf of the NITRD National Coordination Office. The agencies of NITRD High End Computing and Software Productivity, Stainability, and Quality Interagency Working Groups are jointly conducting a workshop focused on the software challenges of extreme heterogeneity. Experts from government, academia, and the private industry will discuss the software development and sustainment challenges and opportunities in extreme heterogeneity, including how productivity can be augmented in the emerging heterogeneous computing environment, workforce requirement needed to support and develop software, reducing human challenges of software development, evolution, and porting. The workshop will be held virtually on September 22–24, 2020 from 11 a.m. (ET) to 4:10 p.m. (ET).

Goal. Experts from government, academia, and the private industry will discuss the software challenges and opportunities brought on by extreme heterogeneity, facilitate information sharing and collaboration, and identify research needs.

Rationale. The state of high-end computing technology is rapidly changing due to the need to introduce a variety of unfamiliar hardware solutions to increase performance. This increasing hardware heterogeneity is exacerbated by memory, interconnect, and file I/O performance lagging behind computational capabilities leading to substantial demands on the programming environment to keep pace. The software challenges for the emerging and future computational platforms are substantial.

Reference Materials

- *Future Computing Community of Interest Meeting of August 5–6, 2019, https://www.nitrd.gov/pubs/FutureComputing-COI-MeetingReadout-2019.pdf*
- *National Strategic Computing Initiative Update: Pioneering the Future of Computing, https://www.nitrd.gov/pubs/National-Strategic-Computing-Initiative-Update-2019.pdf*
- *2018 Report of DOE's workshop on Extreme Heterogeneity, https://www.osti.gov/servlets/purl/1473756*

Authority: 42 U.S.C. 1861.

Submitted by the National Science Foundation in support of the Networking and Information Technology Research and Development National Coordination Office on August 17, 2020.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2020–18289 Filed 8–24–20; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2020–0187]

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 28, 2020, to August 10, 2020. The last biweekly notice was published on August 11, 2020.

DATES: Comments must be filed by September 24, 2020. A request for a hearing or petitions for leave to intervene must be filed by October 26, 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–2020–187. 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: Janet Burkhardt, Office of Nuclear Reactor Regulation, telephone: 301–415–1384, email: *Janet.Burkhardt@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–2020–0187, 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–2020–0187.
- *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–2020–0187, facility name, unit number(s), docket number(s), application date, and subject, in your comment submission.

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

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

II. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Proposed No Significant Hazards Consideration Determination

For the facility-specific amendment requests shown below, the Commission finds that the licensee's analyses provided, consistent with title 10 of the *Code of Federal Regulations* (10 CFR) section 50.91, is sufficient to support the proposed determination that these amendment requests involve NSHC. Under the Commission's regulations in 10 CFR 50.92, operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves NSHC. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. If the Commission takes action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. If the Commission makes a final NSHC determination, any hearing will take place after issuance. The Commission expects that the need to take action on an amendment before 60 days have elapsed will occur very infrequently.

A. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in

accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's website at *https://www.nrc.gov/reading-rm/doc-collections/cfr/.* If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d) the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions which the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document.

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to establish when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission no later than 60 days from the date of publication of this notice. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions set forth in this section, except that under 10 CFR 2.309(h)(2) a State, local governmental body, or Federally-recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. Alternatively, a State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a hearing is granted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC website at *https://www.nrc.gov/site-help/e-submittals.html.* Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate).

Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals/getting-started.html.* Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public website at *https://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click ''cancel'' when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

The table below provides the plant name, docket number, date of application, ADAMS accession number, and location in the application of the licensee's proposed NSHC determination. For further details with respect to these license amendment applications, see the application for amendment which is available for public inspection in ADAMS. For additional direction on accessing information related to this document, see the ''Obtaining Information and Submitting Comments'' section of this document.

Arizona Public Service Company, et al; Palo Verde Nuclear Generating Station,Units 1, 2, and 3; Maricopa County, AZ

Docket Nos.	50–528, 50–529, 50–530.
Application Date	July 1, 2020.
ADAMS Accession No. of Application	ML20183A460.
Location in Application of NSHC	Pages 2 and 3 of the Enclosure.
Brief Description of Amendments	The proposed amendment would revise Technical Specifications (TSs) in accordance with Technical Specifications Task Force (TSTF) Traveler TSTF–563, Revision 0, ''Revise Instrument Testing Definitions to Incorporate the Surveillance Frequency Control Program,'' dated May 10, 2017 (ADAMS Accession No. ML17130A819). TSTF–563 revises the TS definitions of Channel Calibration and Channel Functional Test, which currently permit performance by any series of sequential, overlapping, or total channel steps, to allow the required frequency for testing the components or devices in each step to be determined in accordance with the TS Surveillance Frequency Control Program. The NRC issued a final safety evaluation approving TSTF–563, Revision 0, on December 4, 2018 (ADAMS Accession No. ML18333A144).
Proposed Determination	NSHC.

Name of Attorney for Licensee, Mailing Address	Michael G. Green, Associate General Counsel, Nuclear and Environmental Pinnacle West Capital Corporation, P.O. Box 52034, MS 7602, Phoenix, AZ 85072–2034.
NRC Project Manager, Telephone Number	Siva Lingam, 301–415–1564.

DTE Electric Company; Fermi, Unit 2; Monroe County, MI

Docket No.	50–341.
Application Date	June 5, 2020.
ADAMS Accession No. of Application	ML20157A169.
Location in Application of NSHC	Pages 2 and 3 of Enclosure 1.
Brief Description of Amendments	The proposed amendment would revise the Technical Specifications to adopt Technical Specifications Task Force (TSTF) Traveler TSTF–563, ''Revise Instrument Testing Definitions to Incorporate the Surveillance Frequency Control Program''.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Jon P. Christinidis, DTE Energy, Expert Attorney—Regulatory, 688 WCB, One Energy Plaza, Detroit, MI 48226.
NRC Project Manager, Telephone Number	Surinder Arora, 301–415–1421.

Duke Energy Progress, LLC; Shearon Harris Nuclear Power Plant, Unit 1; Brunswick County, NC

Docket No.	50–400.
Application Date	March 12, 2020.
ADAMS Accession No. of Application	ML20072M618.
Location in Application of NSHC	Pages 12–15 of Enclosure 1.
Brief Description of Amendments	The proposed amendment would revise Technical Specification (TS) 3.3.3.6, ''Accident Monitoring Instrumentation,'' to revise the allowed outage times for inoperable post-accident monitoring (PAM) instrumentation, eliminate the shutdown requirement for inoperable PAM instruments when the minimum required channels are operable, and add a provision that allows a separate action entry for each instrument function. The proposed amendment would also revise TS 3.9.2, ''Instrumentation,'' to remove the audible indication requirement in Mode 6, as well as relocate the requirements for electrical equipment protective devices in TS 3.8.4.1, ''Containment Penetration Conductor Overcurrent Protective Devices,'' and TS 3.8.4.2, ''Motor-Operated Valves Thermal Overload Protection,'' from the TSs to a licensee-controlled procedure.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	David Cummings, Associate General Counsel, Mail Code DEC45, 550 South Tryon Street, Charlotte NC 28202.
NRC Project Manager, Telephone Number	Michael Mahoney, 301–415–3867.

Duke Energy Progress, LLC; Shearon Harris Nuclear Power Plant, Unit 1; Brunswick County, NC

Docket No.	50–400.
Application Date	May 12, 2020
ADAMS Accession No. of Application	ML20134H888.
Location in Application of NSHC	Pages 14–16 of Enclosure 1.
Brief Description of Amendments	The proposed amendment would revise Technical Specification (TS) 3/4.4.9, ''Pressure/Temperature Limits—Reactor Coolant System,'' to reflect an update to the pressure and temperature limit curves in Figures 3.4–2 (Reactor Coolant System Cooldown Limitations) and 3.4–3 (Reactor Coolant System Heatup Limitations). The proposed amendment would also reflect that TS Figures 3.4–2 and 3.4–3 will be applicable until 55 effective full power years (EFPY) and would revise TS Figure 3.4–4 (Maximum Allowed Power Operated Relief Valve Setpoint for the Low Temperature Overpressure Protection System) to reflect that the setpoint values are based on 55 EFPY reactor vessel data.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	David Cummings, Associate General Counsel, Mail Code DEC45, 550 South Tryon Street, Charlotte NC 28202.
NRC Project Manager, Telephone Number	Michael Mahoney, 301–415–3867.

Energy Harbor Nuclear Corp. and Energy Harbor Nuclear Generation LLC; Beaver Valley Power Station, Units 1 and 2; Beaver County, PA

Docket Nos.	50–334, 50–412.
Application Date	July 10, 2020.
ADAMS Accession No. of Application	ML20192A210.
Location in Application of NSHC	Pages 3–5 of the Enclosure.

Brief Description of Amendments	The proposed amendments would add a new Technical Specification 3.6.9, ''Containment Sump,'' and add an action to address the condition of the containment sump made inoperable due to containment accident generated and transported debris exceeding the analyzed limits. The action would provide time to correct or evaluate the condition in lieu of an immediate plant shutdown.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Rick Giannantonio, General Counsel, Energy Harbor Corp., 168 E. Market Street, Akron, OH 44308–2014.
NRC Project Manager, Telephone Number	Jennifer Tobin, 301–415–2328.

Energy Harbor Nuclear Corp. and Energy Harbor Nuclear Generation LLC; Beaver Valley Power Station, Units 1 and 2; Beaver County, PA

Docket Nos.	50–334, 50–412.
Application Date	July 13, 2020.
ADAMS Accession No. of Application	ML20195A845.
Location in Application of NSHC	Pages 5 and 6 of the Enclosure.
Brief Description of Amendments	The proposed amendments would delete Conditions B and C of the Beaver Valley, Units 1 and 2, Renewed Facility Operating Licenses related to irradiated fuel management plan funding.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Rick Giannantonio, General Counsel, Energy Harbor Corp., 168 E. Market Street, Akron, OH 44308–2014.
NRC Project Manager, Telephone Number	Jennifer Tobin, 301–415–2328.

Entergy Nuclear Operations, Inc.; Indian Point Nuclear Generating Station, Unit 1; Westchester County, NY

Docket No.	50–003.
Application Date	June 30, 2020.
ADAMS Accession No. of Application	ML20182A679.
Location in Application of NSHC	Pages 24–26 of the Enclosure.
Brief Description of Amendments	The proposed amendment would revise the Indian Point (IP) Unit 1 Provisional Operating License and Technical Specifications in Appendix A to reflect the current conditions at IP Unit 1 and the permanent cessation of power operations at IP Unit 2 and to denote that certain IP Unit 1 systems also support IP Unit 3.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Bill Glew, Associate General Counsel, Entergy Services, Inc., 639 Loyola Avenue, 22nd Floor, New Orleans, LA 70113.
NRC Project Manager, Telephone Number	Richard Guzman, 301–415–1030.

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	ML20182A198.
Location in Application of NSHC	Pages 9 and 10 of Attachment 1.
Brief Description of Amendments.	The proposed amendment would modify the containment venting flow path in Surveillance Requirement 3.6.1.3.1 of Technical Specification 3.6.1.3, ''Primary Containment Isolation Valves (PCIVs)''.
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.

Tennessee Valley Authority; Sequoyah Nuclear Plant, Units 1 and 2; Hamilton County, TN, Tennessee Valley Authority; Watts Bar Nuclear Plant, Units 1 and 2; Rhea County, TN

Docket Nos.	50–327, 50–328, 50–390, 50–391.
Application Date	June 16, 2020.
ADAMS Accession No. of Application	ML20169A503.
Location in Application of NSHC	Pages E2–E4 of the Enclosure.
Brief Description of Amendments	The proposed amendments would revise the Technical Specifications (TSs) to adopt Technical Specification Task Force (TSTF) Traveler TSTF–569, Revision 2, ''Revise Response Time Testing Definition'' (ADAMS Accession No. ML19176A034).
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; Watts Bar Nuclear Plant, Unit 1; Rhea County, TN

Docket No.	50–390.
Application Date	June 22, 2020.

ADAMS Accession No. of Application	ML20174A546.
Location in Application of NSHC	Pages E5–E7 of the Enclosure.
Brief Description of Amendments	The proposed amendment would revise Watts Bar Nuclear Plant, Unit 1 Technical Specification 3.3.3, ''Post Accident Monitoring (PAM) Instrumentation,'' Table 3.3.3–1, to delete the term ''plasma'' from the footnotes in the PAM instrumentation table.
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	Kimberly Green, 301–415–1627.

III. Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed NSHC determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action, see (1) the application for amendment; (2) the amendment; and (3) the Commission's related letter, Safety Evaluation, and/or Environmental Assessment as indicated. All of these items can be accessed as described in the ''Obtaining Information and Submitting Comments'' section of this document.

Arizona Public Service Company, et al; Palo Verde Nuclear Generating Station, Units 1, 2, and 3; Maricopa County, AZ

Date Issued	July 31, 2020.
ADAMS Accession No.	ML20163A037.
Amendment Nos.	213 (Unit 1), 213 (Unit 2), and 213 (Unit 3).
Brief Description of Amendments	The amendments revised certain emergency response organization (ERO) positions in the Palo Verde Nuclear Generating Station (Palo Verde) Emergency Plan. Specifically, the amendments revised certain ERO positions in accordance with the guidance specified in the ''Alternative Guidance for Licensee Emergency Response Organizations,'' finalized in a letter from the NRC to the Nuclear Energy Institute, dated June 12, 2018 (ADAMS Accession No. ML18022A352). The amendments also relocated the non-minimum staff ERO personnel from the Palo Verde Emergency Plan to emergency preparedness implementing procedures. The amendments were reviewed considering the requirements of 10 CFR 50.47, ''Emergency plans,'' paragraph (b) and Appendix E to 10 CFR Part 50, ''Emergency Planning and Preparedness for Production and Utilization Facilities,'' and the applicable emergency preparedness NRC guidance documents. These requirements and guidance documents establish emergency planning standards that require (1) adequate staffing; (2) satisfactory performance of key functional areas and critical tasks; and (3) timely augmentation of the response capability.
Docket Nos.	50–528, 50–529, 50–530.

Dominion Nuclear Connecticut, Inc.; Millstone Power Station, Unit 2; New London County, WI

Date Issued	August 7, 2020.
ADAMS Accession No.	ML20191A004.
Amendment No.	340.
Brief Description of Amendments	The amendment revised the technical specifications by reducing the reactor coolant system and secondary side specific activity by 50 percent.
Docket No.	50–336.

Exelon Generation Company, LLC; Braidwood Station, Units 1 and 2; Will County, IL; Exelon Generation Company, LLC; Byron Station, Units 1 and 2, Ogle County, IL; Exelon Generation Company, LLC, Clinton Power Station, Unit 1, DeWitt County, IL; Exelon Generation Company, LLC; Dresden Nuclear Power Station, Units 1, 2, and 3; Grundy County, IL; Exelon Generation Company, LLC, LaSalle County Station, Units 1 and 2; LaSalle County, IL; Exelon Generation Company, LLC; Quad Cities Nuclear Power Station, Units 1 and 2; Rock Island County, IL

Date Issued	July 31, 2020.

ADAMS Accession No.	ML20153A804.
Amendment Nos.	Braidwood Unit 1 (213), Unit 2 (213); Byron Unit 1 (217), Unit 2 (217); Clinton Unit 1 (234); Dresden Unit 1 (49), Unit 2 (271), Unit 3 (264); LaSalle Unit 1 (246), Unit 2 (232); and Quad Cities Unit 1 (284), Unit 2 (280).
Brief Description of Amendments	The amendments revised the emergency plan for each site by changing emergency action level RA3 to remove specific references to radiation monitoring instrumentation.
Docket Nos.	50–456, 50–457, 72–73, 50–454, 50–455, 72–68, 50–461, 72–1046, 50–010, 50–237, 50–249, 72–37, 50–373, 50–374, 72–70, 50–254, 50–265, and 72–53.

Exelon Generation Company, LLC; Limerick Generating Station, Units 1 and 2; Montgomery County, PA

Date Issued	August 7, 2020.
ADAMS Accession No.	ML20160A459.
Amendment Nos.	248 (Unit 1) and 210 (Unit 2).
Brief Description of Amendments	The amendments revised Technical Specification Surveillance Requirement 4.0.5, ''Inservice Inspection and Inservice Testing Program,'' in accordance with the implementation of a previously approved amendment dated July 31, 2018 (ADAMS Accession No. ML18165A162), to adopt 10 CFR 50.69, ''Risk-Informed Categorization and Treatment of Structures, Systems and Components for Nuclear Power Reactors''.
Docket Nos.	50–352, 50–353

Indiana Michigan Power Company; Donald C. Cook Nuclear Plant, Units 1 and 2; Berrien County, MI

Date Issued	August 7, 2020.
ADAMS Accession No.	ML20037A656.
Amendment Nos.	352 (Unit 1) and 333 (Unit 2).
Brief Description of Amendments	The amendments revised the Donald C. Cook Nuclear Plant, Unit 1 and 2, technical specifications to adopt Technical Specifications Task Force (TSTF) Traveler TSTF–569, ''Revise Response Time Testing''.
Docket Nos.	50–315, 50–316.

NextEra Energy Duane Arnold, LLC; Duane Arnold Energy Center; Linn County, IA

Date Issued	July 30, 2020.
ADAMS Accession No.	ML20184A003.
Amendment No.	312.
Brief Description of Amendments	The amendment deleted License Condition 2.C.(3), ''Fire Protection Program,'' which requires that the licensee implement and maintain a fire protection program that complies with the requirements of 10 CFR 50.48, paragraphs (a) and (c).
Docket No.	50–331.

PSEG Nuclear LLC; Salem Nuclear Generating Station, Units 1 and 2; Salem County, NJ

Date Issued	August 6, 2020.
ADAMS Accession No.	ML20191A203.
Amendment Nos.	335 (Unit 1) and 316 (Unit 2).
Brief Description of Amendments	The amendments revised Technical Specification (TS) ¾.3.1, ''Reactor Trip System Instrumentation,'' Limiting Condition for Operation 3.3.1.1, by modifying the applicable modes and required actions, and TS Table 4.3–1, ''Reactor Trip System Instrumentation Surveillance Requirements,'' to align the surveillance requirements.
Docket Nos.	50–272, 50–311.

Virginia Electric and Power Company, Dominion Nuclear Company; North Anna Power Station, Units 1 and 2; Louisa County, VA

Date Issued	January 17, 2020.
ADAMS Accession No.	ML19319A583.
Amendment Nos.	285 (Unit 1) and 268 (Unit 2).
Brief Description of Amendments	The amendments revised the emergency diesel generator maximum voltage Surveillance Requirement.
Docket Nos.	50–338, 50–339.

Virginia Electric and Power Company; Surry Power Station, Units 1 and 2; Surry County, VA

Date Issued	May 19, 2020.
ADAMS Accession No.	ML20085G964.
Amendment Nos.	298 (Unit 1) and 298 (Unit 2).
Brief Description of Amendments	The amendments revised the Surry, Units 1 and 2, Technical Specification Table 3.7–1, ''Reactor Trip Instrument Operating Conditions,'' to provide a completion time of 24 hours to restore an inoperable reactor trip breaker to operable status.

Docket Nos.	50–280, 50–281.

Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Final Determination of No Significant Hazards Consideration and Opportunity for a Hearing (Exigent Public Announcement or Emergency Circumstances)

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 for the amendment 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.

Because of exigent or emergency circumstances associated with the date the amendment was needed, there was not time for the Commission to publish, for public comment before issuance, its usual notice of consideration of issuance of amendment, proposed NSHC determination, and opportunity for a hearing.

For exigent circumstances, the Commission has either issued a **Federal Register** notice providing opportunity for public comment or has used local media to provide notice to the public in the area surrounding a licensee's facility of the licensee's application and of the Commission's proposed determination of NSHC. The Commission has provided a reasonable opportunity for the public to comment, using its best efforts to make available to the public means of communication for the public to respond quickly, and in the case of telephone comments, the comments have been recorded or transcribed as appropriate and the licensee has been informed of the public comments.

In circumstances where failure to act in a timely way would have resulted, for example, in derating or shutdown of a nuclear power plant or in prevention of either resumption of operation or of increase in power output up to the plant's licensed power level, the Commission may not have had an opportunity to provide for public comment on its NSHC determination. In such case, the license amendment has been issued without opportunity for comment. If there has been some time for public comment but less than 30 days, the Commission may provide an opportunity for public comment. If comments have been requested, it is so stated. In either event, the State has been consulted by telephone whenever possible.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that NSHC is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves NSHC. The basis for this determination is contained in the documents related to this action. Accordingly, the amendments have been issued and made effective 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 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the application for amendment, (2) the amendment to Facility Operating License or Combined License, as applicable, 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.

Virginia Electric and Power Company; Surry Power Station, Units 1 and 2; Surry County, VA

Date of Amendment	May 7, 2020.
Brief Description of Amendment	The amendments revised the Surry, Units 1 and 2, Technical Specification 6.4.Q.4.b to add a note to permit a one-time deferral of the Surry, Unit 2 Steam Generator ''B'' inspection from the spring 2020 refueling outage (RFO) (2R29) to the fall 2021 RFO (2R30).
ADAMS Accession No	ML20115E237.
Amendment Nos.	299 (Unit 1) and 299 (Unit 2).
Public Comments Requested as to Proposed NSHC (Yes/No)	Yes.
Docket Nos	50–280, 50–281.

Previously Published Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices either because time did not allow the Commission to wait for this biweekly notice or because the action involved exigent circumstances. They are repeated here because the biweekly notice lists all amendments issued or proposed to be issued involving no significant hazards consideration.

For details, including the applicable notice period, see the individual notice in the **Federal Register** on the day and page cited.

Union Electric Company; Callaway Plant, Unit 1; Callaway County, MO

Application Date	June 26, 2020.

ADAMS Accession No.	ML20178A668.
Brief Description of Amendment	Due to the COVID–19 public health emergency, the proposed one-time amendment would revise Technical Specification 5.5.9, ''Steam Generator (SG) Program,'' to defer the SG tube inspection currently scheduled during Refueling Outage (RFO) 24, in the fall of 2020, to RFO 25, scheduled for the spring of 2022.
Date & Cite of **Federal Register** Individual Notice	July 24, 2020 (85 FR 44936).
Expiration Dates for Public Comments & Hearing Requests	August 24, 2020 (public comments); September 22, 2020 (hearing requests).
Docket No.	50–483.

Dated: August 13, 2020.

For the Nuclear Regulatory Commission.

Gregory F. Suber,

Deputy Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2020–18120 Filed 8–24–20; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2019–0234]

Information Collection: NRC Form 536, ''Operator Licensing Examination Data''

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of submission to the Office of Management and Budget; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has recently submitted a request for renewal of an existing collection of information to the Office of Management and Budget (OMB) for review. The information collection is entitled, NRC Form 536, ''Operator Licensing Examination Data.''

DATES: Submit comments by September 24, 2020. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *https://www.reginfo.gov/public/do/PRAMain*. Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: David Cullison, NRC Clearance Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2019–0234 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

• *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2019–0234. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID NRC–2019–0234 on this website.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html*. To begin the search, select ''*Begin Web-based ADAMS Search*.'' For problems with ADAMS, please contact the NRC's Public Document Room reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov*. The supporting statement and NRC Form 536, ''Operator Licensing Examination Data,'' are available in ADAMS under Accession Nos. ML20140A316 and ML20008D415, respectively.

• *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov*.

B. Submitting Comments

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at *https://www.regulations.gov* and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

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

II. Background

Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC recently submitted a request for renewal of an existing collection of information to OMB for review entitled, NRC Form 536, ''Operator Licensing Examination Data.'' The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The NRC published a **Federal Register** notice with a 60-day comment period on this information collection on April 9, 2020 (85 FR 19965).

1. *The title of the information collection:* NRC Form 536, ''Operator Licensing Examination Data.''
2. *OMB approval number:* 3150–0131.
3. *Type of submission:* Extension.
4. *The form number if applicable:* 536.
5. *How often the collection is required or requested:* Annually.
6. *Who will be required or asked to respond:* (a) All holders of operating licenses for nuclear power reactors under the provision of title 10 of the *Code of Federal Regulations* (10 CFR) part 50, ''Domestic Licensing of Production and Utilization Facilities,'' except those that have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel, (b) All holders of, or applicants for, a limited work authorization, early site permit, or combined licenses issued under 10 CFR part 52, ''Licenses, Certifications and Approval for Nuclear Power Plants.''

7. *The estimated number of annual responses:* 60.

8. *The estimated number of annual respondents:* 60.

9. *An estimate of the total number of hours needed annually to comply with the information collection requirement or request:* 45.

10. *Abstract:* The NRC is requesting renewal of its clearance to annually request all commercial power reactor licensees and applicants for an operating license to voluntarily send to the NRC: (1) Their projected number of candidates for initial operator licensing examinations; (2) the estimated dates of the examinations, and (3) if the examinations will be facility developed or NRC developed. This information is used to plan budgets and resources in regard to operator examination scheduling in order to meet the needs of the nuclear power industry.

Dated: August 19, 2020.

For the Nuclear Regulatory Commission.

David C. Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2020–18569 Filed 8–24–20; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–266; NRC–2020–0191]

NextEra Energy Point Beach, LLC, Point Beach Nuclear Plant, Unit 1

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment application; opportunity to comment, request a hearing, and petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment to Renewed Facility Operating License No. DPR–24, issued to NextEra Energy Point Beach, LLC, for operation of the Point Beach Nuclear Plant, Unit 1. The proposed amendment would modify renewed facility operating license condition 4.I, ''Containment Building Construction Truss,'' by extending elements of the license condition on a one-time basis for another 18 months to the spring of 2022. The one-time extension is requested due to unforeseen issues as a result of the Coronavirus Disease 2019 public health emergency.

DATES: Submit comments by September 24, 2020. Requests for a hearing or petition for leave to intervene must be filed by October 26, 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–2020–0191. 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: Booma Venkataraman, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2934, email: *Booma.Venkataraman@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2020–0191 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–2020–0191.
- *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, 301–4154737, or by email to *pdr.resource@nrc.gov.* The ''License Amendment Request (LAR) 293, One-Time Extension of Renewed Facility Operating License Condition 4.I, Containment Building Construction Truss,'' dated August 13, 2020, is available in ADAMS under Accession No. ML20226A313.

B. Submitting Comments

Please include Docket ID NRC–2020–0191 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. Introduction

The NRC is considering issuance of an amendment to Renewed Facility Operating License No. DPR–24, issued to NextEra Energy Point Beach, LLC, for operation of the Point Beach Nuclear Plant, Unit 1, located in Manitowoc County, Wisconsin.

The proposed amendment would modify renewed facility operating license condition 4.I, ''Containment Building Construction Truss,'' by extending elements of the license condition on a one-time basis for another 18 months to the spring of 2022. The one-time extension is requested due to unforeseen issues as a result of the Coronavirus Disease 2019 public health emergency.

Before any issuance of the proposed license amendment, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended (the Act), and NRC's regulations.

The NRC has made a proposed determination that the license amendment request involves no significant hazards consideration. Under the NRC's regulations in § 50.92 of title 10 of the *Code of Federal Regulations* (10 CFR), this means that 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. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant

hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The probability of an accident previously evaluated is not changed. The containment structures and the containment spray piping and ventilation ducts attached to the construction truss are accident mitigation equipment. They are not accident initiators.

The calculations prepared for the amendment that was reviewed and approved by Reference 6.1 [of the license amendment request] are not affected by the requested deferral of the elements noted in Attachment 3 of this Enclosure [to the license amendment request]. As described in Enclosure 5 of Reference 6.4 [to the license amendment request], the Unit 1 truss structure, in the current condition, remains operable but nonconforming to the original design code of record for the design basis event or accident. The affected Structures, Systems, and Components (SSCs) are passive and there is no adverse effect on accident mitigation strategies.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

This request does not install any new or different type of equipment in the plant. The proposed change does not create any new failure modes for existing equipment or any new limiting single failures.

Evaluations performed in support of operability under the original design basis conclude the construction truss, equipment supported by the truss, and containment liners remain capable of withstanding design basis seismic and thermal events and remain capable of performing their designated design functions. Additionally, the proposed change does not involve a change in the methods governing normal plant operation, and all safety functions will continue to perform as previously assumed in the accident analyses. Thus, the proposed change does not adversely affect the design function or operation of any structures, systems and components important to safety.

There are no new accidents identified associated with acceptance of the final modified configuration of Unit 1 or in the current configuration.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The containment structures and liner, construction truss, and equipment supported by the truss remain fully capable of performing their specified design functions as concluded by supporting the operability evaluations for the original design basis.

The proposed change does not affect the margin of safety associated with confidence in the ability of the fission product barriers (*i.e.,* fuel cladding, reactor coolant system pressure boundary, and containment structure) to limit the level of radiation dose to the public. The proposed change does not alter any safety analyses assumptions, safety limits, limiting safety system settings, or methods of operating the plant. The changes do not adversely impact the reliability of equipment credited in the safety analyses. The proposed change does not adversely affect systems that respond to safely shutdown the plant and to maintain the plant in a safe shutdown condition.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the license amendment request involves a no significant hazards consideration.

The NRC is seeking public comments on this proposed determination that the license amendment request involves no significant hazards consideration. 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 notice period if the Commission concludes the amendment involves no significant hazards consideration. 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 no significant hazards consideration determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

III. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's website at *https://www.nrc.gov/reading-rm/doc-collections/cfr/.* If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d) the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions which the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present

evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document.

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to establish when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission no later than 60 days from the date of publication of this notice. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions set forth in this section, except that under 10 CFR 2.309(h)(2) a State, local governmental body, or Federally-recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. Alternatively, a State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a hearing is granted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

IV. 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.

For further details with respect to this action, see the application for license amendment dated August 13, 2020.

Attorney for licensee: Debbie Hendell, Managing Attorney, Nuclear Florida Power & Light Company, Mail Stop: LAW/JB, 700 Universe Boulevard, Juno Beach, FL 33408.

NRC Branch Chief: Nancy L. Salgado.

Dated: August 19, 2020.

For the Nuclear Regulatory Commission.

Booma Venkataraman,

Project Manager, Plant Licensing Branch III, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2020–18585 Filed 8–24–20; 8:45 am]

BILLING CODE 7590–01–P

PEACE CORPS

Information Collection Request; Submission for OMB Review

AGENCY: Peace Corps.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Peace Corps will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval. The purpose of this notice is to allow 60 days for public comment in the **Federal Register** preceding submission to OMB. We are conducting this process in accordance with the Paperwork Reduction Act of 1995.

DATES: Submit comments on or before October 26, 2020.

ADDRESSES: Comments should be addressed toVirginia Burke, FOIA/Privacy Act Officer. Virginia Burke can be contacted by email at *pcfr@peacecorps.gov.* Email comments must be made in text and not in attachments.

FOR FURTHER INFORMATION CONTACT: Virginia Burke at the Peace Corps' address above.

SUPPLEMENTARY INFORMATION:

Title: Durable Medical Equipment (DME) (PC–2161).

OMB Control Number: 0420–0559.

Type of Request: New information collection.

Affected Public: Individuals.

Respondents Obligation to Reply: Voluntary.

Respondents: Potential and current volunteers.

Burdent to the Public:

a. *Estimated number of respondents (applicants/physicians):* 77/77.

b. *Estimated average burden per response:* 15 minutes/10 minutes.

c. *Frequency of response:* One Time.

d. *Annual reporting burden:* 19 hours/13 hours.

General Description of Collection: Durable Medical Equipment (DME) is any equipment that provides therapeutic benefits to a patient in need because of certain medical conditions and/or illness. They consist of items that are primarily and customarily used to serve a medical purpose; are not useful to a person in the absence of illness or injury; are ordered or prescribed by a physician; are reusable; can stand repeated use, and are appropriate for use in the home. Other devices covered in this guidance include prosthetic equipment (cardiac pacemakers), hearing aids, orthotic items (artificial devices such as braces and splints), and prostheses (artificial body parts). The information collected will assist in the determination of Peace Corps eligibility. If eligible, it will assist with ongoing care during service. All applicants to the Peace Corps must have a medical clearance that will determine their ability to serve in a particular country.

Request for Comment: Peace Corps invites comments on whether the proposed collections of information are necessary for proper performance of the functions of the Peace Corps, including whether the information will have practical use; the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the information to be collected; and, ways to minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

This notice is issued in Washington, DC, on August 19, 2020.

Virginia Burke,

FOIA/Privacy Act Officer, Management.

[FR Doc. 2020–18577 Filed 8–24–20; 8:45 am]

BILLING CODE 6051–01–P

PEACE CORPS

Information Collection Request; Submission for OMB Review

AGENCY: Peace Corps.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Peace Corps will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval. The purpose of this notice is to allow 60 days for public comment in the **Federal Register** preceding submission to OMB. We are conducting this process in accordance with the Paperwork Reduction Act of 1995.

DATES: Submit comments on or before October 26, 2020.

ADDRESSES: Comments should be addressed to Virginia Burke, FOIA/Privacy Act Officer. Virginia Burke can

be contacted by email at *pcfr@peacecorps.gov*. Email comments must be made in text and not in attachments.

FOR FURTHER INFORMATION CONTACT: Virginia Burke at the Peace Corps address above.

SUPPLEMENTARY INFORMATION:

Title: Individual Specific Medical Evaluation Forms (15).

OMB Control Number: 0420–0550.

Type of Request: Revision/New.

Affected Public: Individuals/Physicians.

Respondents Obligation to Reply: Voluntary.

Respondents: Potential and current volunteers.

Burden to the Public:

- Asthma Evaluation Form (PC–262–2)

(a) Estimated number of Applicants/physicians.	800/800.
(b) Frequency of response.	one time.
(c) Estimated average burden per response.	75 minutes/30 minutes.
(d) Estimated total reporting burden.	1,000 hours/400 hours.
(e) Estimated annual cost to respondents.	$23,240/$38,740.

General Description of Collection: When an Applicant reports on the Health History Form (PC–1789) any history of asthma, he or she will be provided an Asthma Evaluation Form for the treating physician to complete. The Asthma Evaluation Form asks for the physician to document the Applicant's condition of asthma, including any asthma symptoms, triggers, treatments, or limitations or restrictions due to the condition. This form will be used as the basis for an individualized determination as to whether the Applicant will, with reasonable accommodation, be able to perform the essential functions of a Peace Corps Volunteer and complete a tour of service without unreasonable disruption due to health problems. This form will also be used to determine the type of accommodation that may be needed, such as placement of the Applicant within reasonable proximity to a hospital in case treatment is needed for a severe asthma attack.

- Diabetes Diagnosis Form (PC–262–3)

(a) Estimated number of Applicants/physicians.	37/37.
(b) Frequency of response.	one time.
(c) Estimated average burden per response.	75 minutes/30 minutes.
(d) Estimated total reporting burden.	46 hours/19 hours.
(e) Estimated annual cost to respondents.	$1,069/$1,840.15.

General Description of Collection: When an Applicant reports the condition of diabetes Type 1 on the Health History Form (PC–1789), the Applicant will be provided a Diabetes Diagnosis Form for the treating physician to complete. In certain cases, the Applicant may also be asked to have the treating physician complete a Diabetes Diagnosis Form if the Applicant reports the condition of diabetes Type 2 on the Health History Form. The Diabetes Diagnosis Form asks the physician to document the diabetes diagnosis, etiology, possible complications, and treatment. This form will be used as the basis for an individualized determination as to whether the Applicant will, with reasonable accommodation, be able to perform the essential functions of a Peace Corps Volunteer assignment and complete a tour of service without unreasonable disruption due to health problems. This form will also be used to determine the type of accommodation that may be needed, such as placement of an Applicant who requires the use of insulin in order to ensure that adequate insulin storage facilities are available at the Applicant's site.

- Transfer of Care—Request for Information Form (PC–262–13)

(a) Estimated number of Applicants/physicians.	3,100/3,100.
(b) Frequency of response.	one time.
(c) Estimated average burden per response.	75 minutes/30 minutes.
(d) Estimated total reporting burden.	3,875 hours/1,550 hours.
(e) Estimated annual cost to respondents.	$90,055/$150,117.5.

General Description of Collection: When an Applicant reports on the Health History Form (PC–1789) a medical condition of significant severity (other than one covered by another form), he or she may be provided the Transfer of Care—Request for Information Form for the treating physician to complete. The Transfer of Care—Request for Information Form may also be provided to an Applicant whose responses on the Health History Form indicate that the Applicant may have an unstable medical condition that requires ongoing treatment. The Transfer of Care—Request for Information Form asks the physician to document the diagnosis, current treatment, physical limitations and the likelihood of significant progression of the condition over the next three years. This form will be used as the basis for an individualized determination as to whether the Applicant will, with reasonable accommodation, be able to perform the essential functions of a Peace Corps Volunteer assignment and complete a tour of service without unreasonable disruption due to health problems. This form will also be used to determine the type of accommodation (*e.g.,* avoidance of high altitudes or proximity to a hospital) that may be needed to manage the Applicant's medical condition.

- Mental Health Current Evaluation and Treatment Summary Form (PC–262–14)

(a) Estimated number of Applicants/professional.	2,500/2,500.
(b) Frequency of response.	one time.
(c) Estimated average burden per response.	105 minutes/60 minutes.
(d) Estimated total reporting burden.	4,375 hours/2,500 hours.
(e) Estimated annual cost to respondents.	$101,675/$24,212.5.

General Description of Collection: The Mental Health Current Evaluation and Treatment Form will be used when an Applicant reports on the Health History Form (PC–1789) a history of certain serious mental health conditions, such as bipolar disorder, schizophrenia, mental health hospitalization, attempted suicide or cutting, or treatments or medications related to these conditions. In these cases, an Applicant will be provided a Mental Health Current Evaluation and Treatment Summary Form for a licensed mental health counselor, psychiatrist or psychologist to complete. The Mental Health Current Evaluation and Treatment Summary Form asks the counselor, psychiatrist or psychologist to document the dates and frequency of therapy sessions, clinical diagnoses, symptoms, course of treatment, psychotropic medications, mental health history, level of functioning, prognosis, risk of exacerbation or recurrence while overseas, recommendations for follow up and any concerns that would prevent the Applicant from completing 27 months of service without unreasonable disruption. A current mental health evaluation might be needed if information on the condition is outdated or previous reports on the condition do not provide enough information to adequately assess the current status of the condition. This form will be used as the basis for an individualized determination as to

whether the Applicant will, with reasonable accommodation, be able to perform the essential functions of a Peace Corps Volunteer and complete a tour of service without unreasonable disruption due to health problems. This form will also be used to determine the type of accommodation that may be needed, such as placement of the Applicant in a country with appropriate mental health support.

- Functional Abilities Evaluation Form (PC–262–15)

(a) Estimated number of Applicants/professional.	90/90.
(b) Frequency of response.	one time.
(c) Estimated average burden per response.	90 minutes/45 minutes.
(d) Estimated total reporting burden.	135/67.5 hours.
(e) Estimated annual cost to respondents.	$3,137.40/$6,537.37.

General Description of Collection: When an Applicant reports on the Health History Form (PC–1789) a functional ability limitation, he or she will then be provided this form to determine the type of accommodation and/or placement program support (*e.g.,* proximity to program site, support support devices) that may be needed to manage the Applicant's medical condition. This form will be used as the basis for an individualized determination as to whether the Applicant will, with reasonable accommodation, be able to perform the essential functions of a Peace Corps Volunteer assignment and complete a tour of service without unreasonable disruption due to health problems.

- Eating Disorder Treatment Summary Form (PC–262–8)

(a) Estimated number of Applicants/physicians.	110/110.
(b) Frequency of response.	one time.
(c) Estimated average burden per response.	105 minutes/60 minutes.
(d) Estimated total reporting burden.	193 hours/110 hours.
(e) Estimated annual cost to respondents.	$4,485.32/$10,653.5.

General Description of Collection: The Eating Disorder Treatment Summary will be used when an Applicant reports a past or current eating disorder diagnosis in the Health History Form (PC–1789). In these cases the Applicant is provided an Eating Disorder Treatment Summary Form for a mental health specialist, preferably with eating disorder training, to complete. The Eating Disorder Treatment Summary Form asks the mental health specialist to document the dates and frequency of therapy sessions, clinical diagnoses, presenting problems and precipitating factors, symptoms, Applicant's weight over the past three years, relevant family history, course of treatment, psychotropic medications, mental health history inclusive of eating disorder behaviors, level of functioning, prognosis, risk of recurrence in a stressful overseas environment, recommendations for follow up, and any concerns that would prevent the Applicant from completing 27 months of service without unreasonable disruption due to the diagnosis. This form will be used as the basis for an individualized determination as to whether the Applicant will, with reasonable accommodation, be able to perform the essential functions of a Peace Corps Volunteer assignment and complete a tour of service without unreasonable disruption due to health problems. This form will also be used to determine the type of accommodation that may be needed, such as placement of the Applicant in a country with appropriate mental health support.

- Substance-Related and Addictive Disorders Current Evaluation Form (PC–262–6)

(a) Estimated number of Applicants/specialist.	90/90.
(b) Frequency of response.	one time.
(c) Estimated average burden per response.	165 minutes/60 minutes.
(d) Estimated total reporting burden.	248 hours/90 hours.
(e) Estimated annual cost to respondents.	$5,763.52/$8,716.5.

General Description of Collection: The Substance-Related and Addictive Disorders Current Evaluation Form is used when an Applicant reports in the Health History Form (PC–1789) a history of substance abuse (*i.e.,* alcohol or drug related problems such as blackouts, daily or heavy drinking patterns or the misuse of illegal or prescription drugs) and that this substance abuse affects the Applicant's daily living or that the Applicant has ongoing symptoms of substance abuse. In these cases, the Applicant is provided an Substance-Related and Addictive Disorders Current Evaluation Form for a substance abuse specialist to complete. The Substance-Related and Addictive Disorders Current Evaluation Form asks the substance abuse specialist to document the history of alcohol/substance abuse, dates and frequency of any therapy sessions, which alcohol/substance abuse assessment tools were administered, mental health diagnoses, psychotropic medications, self harm behavior, current clinical assessment of alcohol/substance use, clinical observations, risk of recurrence in a stressful overseas environment, recommendations for follow up, and any concerns that would prevent the Applicant from completing a tour of service without unreasonable disruption due to the diagnosis. This form will be used as the basis for an individualized determination as to whether the Applicant will, with reasonable accommodation, be able to perform the essential functions of a Peace Corps Volunteer and complete a tour of service without unreasonable disruption due to health problems. This form will also be used to determine the type of accommodation that may be needed, such as placement of the Applicant in a country with appropriate sobriety support or counseling support.

- Mammogram Waiver Form (PC–355–2)

(a) Estimated number of Applicants/physicians.	190.
(b) Frequency of response.	one time.
(c) Estimated average burden per response.	105 minutes.
(d) Estimated total reporting burden.	333.
(e) Estimated annual cost to respondents.	$7,738.92.

General Description of Collection: The Mammogram Waiver Form is used for all Applicants who have female breasts and will be 50 years of age or older during service who wish to waive routine mammogram screening during service. If an Applicant waives routine mammogram screening during service, the Applicant's physician is asked to complete this form in order to make a general assessment of the Applicant's statistical breast cancer risk and discussed the results with the Applicant including the potential adverse health consequence of foregoing screening mammography. It is anticipated that this part of the form will be completed when the Applicant goes to a physician for the required physical examination.

- Cervical Cancer Screening Form (PC–262–11)

(a) Estimated number of Applicants.	4,600/4,600.
(b) Frequency of response.	one time.

(c) Estimated average burden per response.	40 minutes/30 minutes.
(d) Estimated total reporting burden.	3,067 hours/2,300 hours.
(e) Estimated annual cost to respondents.	$71,277.08/ $22,275.5.

General Description of Collection: The Cervical Cancer Screening Form is used with all Applicants with a cervix. Prior to medical clearance, female Applicants are required to submit a current cervical cancer screening examination and Pap cytology report based the American Society for Colploscopy and Cervical Pathology (ASCCP) screening time-line for their age and Pap history. This form assists the Peace Corps in determining whether an Applicant with mildly abnormal Pap history will need to be placed in a country with appropriate support.

• Colon Cancer Screening Form

(a) Estimated number of Applicants.	450.
(b) Frequency of response.	one time.
(c) Estimated average burden per response.	60–165 minutes.
(d) Estimated total reporting burden.	450–1,238 hours.
(e) Estimated annual cost to respondents.	$10,458.

General Description of Collection: The Colon Cancer Screening Form is used with all Applicants who are 50 years of age or older to provide the Peace Corps with the results of the Applicant's latest colon cancer screening. Any testing deemed appropriate by the American Cancer Society is accepted. The Peace Corps uses the information in the Colon Cancer Screening Form to determine if the Applicant currently has colon cancer. Additional instructions are included pertaining to abnormal test results. It is anticipated that this part of the form will be completed when the Applicant goes to a physician for the required physical examination.

• Electrocardiogram (ECG/EKG) Form (PC–262–7)

(a) Estimated number of Applicants/physicians.	476/467.
(b) Frequency of response.	one time.
(c) Estimated average burden per response.	25 minutes/15 minutes.
(d) Estimated total reporting burden.	198 hours/119 hours.
(e) Estimated annual cost to respondents.	$4,601.52/ $11,525.15.

General Description of Collection: The Electrocardiogram (ECG/EKG) Form is used with all Applicants who are 50 years of age or older to provide the Peace Corps with the results of an electrocardiogram. The Peace Corps uses the information in the electrocardiogram to assess whether the Applicant has any cardiac abnormalities that might affect the Applicant's service. Additional instructions are included pertaining to abnormal test results. The electrocardiogram is performed as part of the Applicant's physical examination.

• Reactive Tuberculin Test Evaluation Form (PC–262–12)

(a) Estimated number of Applicants/physicians.	109/109.
(b) Frequency of response.	one time.
(c) Estimated average burden per response.	75–105 minutes/30 minutes.
(d) Estimated total reporting burden.	136–191 hours/55 hours.
(e) Estimated annual cost to respondents.	$3,160.64–$4,438.84/ $5,326.75.

General Description of Collection: The Reactive Tuberculin Test Evaluation Form is used when an Applicant reports a history of treatment for active tuberculosis or a history of a positive tuberculosis (TB) test on their Health History Form (PC–1789) or if a positive TB test result is noted as a component of the Applicant's physical examination findings. In these cases, the Applicant is provided a Reactive Tuberculin Test Evaluation Form for the treating physician to complete. The treating physician is asked to document the type and date of a current TB test, TB test history, diagnostic tests if indicated, treatment history, risk assessment for developing active TB, current TB symptoms, and recommendations for further evaluation and treatment. In the case of a positive result on the TB test, a chest x-ray may be required, along with treatment for latent TB.

• Insulin Dependent Supplemental Documentation Form (PC–262–10)

(a) Estimated number of Applicants/physicians.	9/9.
(b) Frequency of response.	one time.
(c) Estimated average burden per response.	70 minutes/60 minutes.
(d) Estimated total reporting burden.	11 hours/9 hours.
(e) Estimated annual cost to respondents.	$255.64/$871.65.

General Description of Collection: The Insulin Dependent Supplemental Documentation Form is used with Applicants who have reported on the Health History Form (PC–1789) that they have insulin dependent diabetes. In these cases, the Applicant is provided an Insulin Dependent Supplemental Documentation Form for the treating physician to complete. The Insulin Dependent Supplemental Documentation Form asks the treating physician to document that he or she has discussed with the Applicant medication (insulin) management, including whether an insulin pump is required, as well as the care and maintenance of all required diabetes related monitors and equipment. This form assists the Peace Corps in determining whether the Applicant will be in need of insulin storage while in service and, if so, will assist the Peace Corps in determining an appropriate placement for the Applicant.

• Prescription for Eyeglasses Form (PC–OMS–116)

(a) Estimated number of Applicants/physicians.	3,750/3,750.
(b) Frequency of response.	one time.
(c) Estimated average burden per response.	60 minutes/15 minutes.
(d) Estimated total reporting burden.	3,750 hours/938 hours.
(e) Estimated annual cost to respondents.	$8,7150/$90,845.30.

General Description of Collection: The Prescription for Eyeglasses Form is used with Applicants who have reported on the Health History Form (PC–1789) that they use corrective lenses or otherwise have uncorrected vision that is worse than 20/40. In these cases, Applicants are provided a Prescription for Eyeglasses Form for their prescriber to indicate eyeglasses frame measurements, lens instructions, type of lens, gross vision and any special instructions. This form is used in order to enable the Peace Corps to obtain replacement eyeglasses for a Volunteer during service.

• Required Peace Corps Immunizations Form

(a) Estimated number of Applicants/physicians.	5,100.
(b) Frequency of response.	one time.
(c) Estimated average burden per response.	60 minutes.
(d) Estimated total reporting burden.	5,100 hours.
(e) Estimated annual cost to respondents.	$11,8524.

General Description of Collection: The Required Peace Corps Immunizations

Form is used to informed Applicants of the specific vaccines and/or documented proof of immunity required for medical clearance for the specific country of service. The form advises the Applicant that all other Center for Disease Control (CDC) recommended vaccinations will be administered after arrival in-country. This form assists the Peace Corps with establishing a baseline of the Applicants immunization history and prepare for any additional vaccines recommended for country of service. It is anticipated that this part of the form will be completed when the Applicant goes to a physician for the required physical examination.

Request for Comment: The Peace Corps invites comments on whether the proposed collections of information are necessary for proper performance of the functions of the Peace Corps, including whether the information will have practical use; the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the information to be collected; and, ways to minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

This notice is issued in Washington, DC, on August 19, 2020.

Virginia Burke,

FOIA/Privacy Act Specialist, Management.

[FR Doc. 2020–18575 Filed 8–24–20; 8:45 am]

BILLING CODE 6051–01–P

PEACE CORPS

Information Collection Request; Submission for OMB Review

AGENCY: Peace Corps.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Peace Corps will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval. The purpose of this notice is to allow 60 days for public comment in the **Federal Register** preceding submission to OMB. We are conducting this process in accordance with the Paperwork Reduction Act of 1995.

DATES: Submit comments on or before October 26, 2020.

ADDRESSES: Comments should be addressed toVirginia Burke, FOIA/Privacy Act Officer. Virginia Burke can be contacted by email at *pcfr@peacecorps.gov.* Email comments must be made in text and not in attachments.

FOR FURTHER INFORMATION CONTACT: Virginia Burke at the Peace Corps address above.

SUPPLEMENTARY INFORMATION:

Title: Report of Dental Examination (PC–1790).

OMB Control Number: 0420–0546.

Type of Request: Revision.

Affected Public: Individuals/Physicians.

Respondents Obligation to Reply: Voluntary.

Respondents: Potential and current volunteers.

Burden to the Public:

a. *Estimated number of respondents (applicants/dentists):* 7,000/7,000.

b. *Estimated average burden per response (applicants/dentists):* 90 minutes/45 minutes.

c. *Frequency of response:* One time.

d. *Annual reporting burden (applicants/dentists):* 10,500/5,250.

General Description of Collection: The Peace Corps Office of Medical Services is responsible for the collection of Applicant dental information, using the Report of Dental Exam ''Dental Exam'' form. The Dental Exam form is completed by the Applicant's examining dentist. The results of the examinations are used to ensure that Applicants for Volunteer service will, with reasonable accommodation, be able to serve in the Peace Corps without jeopardizing their health.

Request for Comment: Peace Corps invites comments on whether the proposed collections of information are necessary for proper performance of the functions of the Peace Corps, including whether the information will have practical use; the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the information to be collected; and, ways to minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

This notice is issued in Washington, DC, on August 19, 2020.

Virginia Burke,

FOIA/Privacy Act Officer, Management.

[FR Doc. 2020–18576 Filed 8–24–20; 8:45 am]

BILLING CODE 6051–01–P

PEACE CORPS

Information Collection Request; Submission for OMB Review

AGENCY: Peace Corps.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Peace Corps will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval. The purpose of this notice is to allow 60 days for public comment in the **Federal Register** preceding submission to OMB. We are conducting this process in accordance with the Paperwork Reduction Act of 1995.

DATES: Submit comments on or before October 26, 2020.

ADDRESSES: Comments should be addressed to Virginia Burke, FOIA/Privacy Act Officer. Virginia Burke can be contacted by email at *pcfr@peacecorps.gov*. Email comments must be made in text and not in attachments.

FOR FURTHER INFORMATION CONTACT: Virginia Burke at the Peace Corps address above.

SUPPLEMENTARY INFORMATION:

Title: Health History Form (PC–1789).

OMB Control Number: 0420–0510.

Type of Request: Revison.

Affected Public: Individuals.

Respondents Obligation to Reply: Voluntary.

Respondents: Potential and current Volunteers.

Burden to the Public:

a. *Estimated number of respondents (applicants/physicians):* 13,350.

b. *Estimated average burden per response:* 45 minutes.

c. *Frequency of response:* One Time.

d. *Annual reporting burden:* 10,013.

General Description of Collection: The information collected is required for consideration for Peace Corps Volunteer service. The information in the Health History Form, will be used by the Peace Corps Office of Medical Services to determine whether an Applicant will, with reasonable accommodation, be able to perform the essential functions of a Peace Corps Volunteer and complete a tour of service without undue disruption due to health problems and, if so, to establish the level of medical and programmatic support, if any, that may be required to reasonably accommodate the Applicant.

Request for Comment: Peace Corps invites comments on whether the proposed collections of information are necessary for proper performance of the functions of the Peace Corps, including whether the information will have practical use; the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the information to be collected; and, ways to minimize

the burden of the collection of information on those who are to respond, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

This notice is issued in Washington, DC, on August 19, 2020.

Virginia Burke,

FOIA/Privacy Act Officer, Management.

[FR Doc. 2020–18573 Filed 8–24–20; 8:45 am]

BILLING CODE 6051–01–P

PEACE CORPS

Information Collection Request; Submission for OMB Review

AGENCY: Peace Corps.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Peace Corps will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval. The purpose of this notice is to allow 60 days for public comment in the **Federal Register** preceding submission to OMB. We are conducting this process in accordance with the Paperwork Reduction Act of 1995.

DATES: Submit comments on or before October 26, 2020.

ADDRESSES: Comments should be addressed to Virginia Burke, FOIA/Privacy Act Officer. Virginia Burke can be contacted by email at *pcfr@peacecorps.gov*. Email comments must be made in text and not in attachments.

FOR FURTHER INFORMATION CONTACT: Virginia Burke at the Peace Corps address above.

SUPPLEMENTARY INFORMATION:

Title: Peace Corps Report of Physical Examination (PC–1790S).

OMB Control Number: 0420–0549.

Type of Request: Revision.

Affected Public: Individuals/Physicians.

Respondents Obligation to Reply: Voluntary.

Respondents: Potential and current volunteers.

Burden to the Public:

a. *Estimated number of respondents:* 5,100/5100.

b. *Estimated average burden per response:* 90 minutes/45.

c. *Frequency of response:* One time.

d. *Annual reporting burden:* 7,650 hours/3,825.

General Description of Collection: The information in this form will be used by the Peace Corps Office of Medical Services to determine whether an Applicant will, with reasonable accommodation, be able to perform the essential functions of a Peace Corps Volunteer assignment and complete a tour of service without unreasonable disruption due to health problems and, if so, to establish the level of medical and other support, if any, that may be required to reasonably accommodate the Applicant. The information in this form is also used as a baseline assessment for the Peace Corps Medical Officers overseas who are responsible for the Volunteer's medical care. Finally, the Peace Corps may use the information in this form as a point of reference in the event that, after completion of the Applicant's service as a Volunteer, he or she makes a worker's compensation claim under the Federal Employee Compensation Act (FECA).

Request for Comment: Peace Corps invites comments on whether the proposed collections of information are necessary for proper performance of the functions of the Peace Corps, including whether the information will have practical use; the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the information to be collected; and, ways to minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

This notice is issued in Washington, DC, on August 19, 2020.

Virginia Burke,

FOIA/Privacy Act Officer, Management.

[FR Doc. 2020–18574 Filed 8–24–20; 8:45 am]

BILLING CODE 6051–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89616; File No. SR–FICC–2020–010]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Notice of Filing of Proposed Rule Change To Describe Key Components of the Mortgage-Backed Securities Division Stress Testing Program

August 19, 2020.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 11, 2020, Fixed Income Clearing Corporation (''FICC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the clearing agency. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of a proposal to amend the FICC Mortgage-Backed Securities Division (''MBSD'') Clearing Rules (''MBSD Rules'') [3] to include a new section that would describe the key components of MBSD's stress testing program. This section would also disclose FICC's proposal to (1) utilize vendor-supplied historical risk factor [4] time series data (''Historical Data'') and vendor-supplied security-level risk sensitivity [5] data (''Security-Level Data'') [6] in the stress testing

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Capitalized terms used herein and not otherwise defined shall have the meanings assigned to such terms in the MBSD Rules, *available at www.dtcc.com/legal/rules-and-procedures.aspx.*

[4] Generally, the term ''risk factor'' (or ''risk driver'') means an attribute, characteristic, variable or other concrete determinant that influences the risk profile of a system, entity, or financial asset. Risk factors may be causes of risk or merely correlated with risk.

[5] The term ''sensitivity'' means the percentage value change of a security given each risk factor change.

[6] FICC would receive the following data from the vendor: Interest rate (including 11 tenors) measures the sensitivity of a price change to changes in interest rates; convexity measures the degree of curvature in the price/yield relationship of key interest rates (convexity would not be utilized in the scenarios selection process; it would only be utilized in the stress profit and loss calculation); mortgage option adjusted spread is the yield spread that is added to a benchmark yield curve to discount a TBA's cash flows to match its market price, which takes into account a credit premium and the option-like feature of mortgage-backed-securities due to prepayment; interest rate volatility reflects the implied volatility observed from the swaption market to estimate fluctuations in interest rates; and mortgage basis captures the basis risk between the prevailing mortgage rate and a blended U.S. Treasury rate, which impacts borrowers' refinance incentives and the model prepayment assumptions. The Historical Data would include (1) interest rate, (2) mortgage option adjusted spread, (3) interest rate volatility, and (4) mortgage basis. The Security-Level Data would include (1) sensitivity to interest rates, (2) convexity, (3) sensitivity to mortgage option adjusted spread, (4) sensitivity to interest rate volatility, and (5) sensitivity to mortgage basis. FICC does not believe that its current engagement of the vendor would present a conflict of interest because the vendor is not an existing Clearing Member nor are any of the vendor's affiliates existing Clearing Members. To the extent that the vendor or any of its affiliates applies to become a Clearing Member, FICC will negotiate an appropriate information barrier with the applicant in an effort to prevent a conflict of interest from arising. An affiliate of the vendor currently provides an existing service to FICC; however, this arrangement does not present a

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program[7] and (2) implement a back-up calculation that MBSD would utilize in the event that the vendor fails to provide such data to MBSD.[8] The proposed changes are further described below.[9]

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the clearing agency included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The clearing agency has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

FICC is proposing to include a new section in the MBSD Rules that would describe the key components of MBSD's stress testing program. This section would also include FICC's proposal to (1) utilize Historical Data and Security-Level Data in the stress testing program, and (2) implement a back-up calculation that MBSD would utilize in the event that the vendor fails to provide such data to MBSD. The proposed changes are further described below.

A. Background

MBSD provides trade comparison, netting, risk management, settlement, and central counterparty services for the U.S. mortgage-backed securities market. FICC manages its credit exposures to its Clearing Members by collecting an appropriate amount of margin (referred to in the MBSD Rules as Required Fund Deposit) from each Clearing Member.[10] The aggregate of all Clearing Members' margin amounts (together with certain other deposits required under the MBSD Rules) constitutes MBSD's Clearing Fund, which FICC would access should a Clearing Member default with insufficient margin to satisfy any FICC losses caused by the liquidation of the defaulting member's portfolio.[11]

In contrast to FICC's margin methodologies, which are designed to limit FICC's credit exposures under normal market conditions, FICC conducts daily stress testing that is designed to (1) test the sufficiency of the Clearing Fund against FICC's potential losses assuming the default of a Clearing Member with the largest credit exposure and its entire affiliated family (that are also Clearing Members) (''Affiliated Family'') under extreme but plausible market conditions, and (2) identify both (x) Clearing Members who may pose a greater market risk under certain market conditions, and (y) potential weaknesses in FICC's margin methodologies. As a result, stress testing is an essential component of FICC's risk management because FICC uses it to test the sufficiency of its prefunded financial resources.

FICC's stress testing program is described in the *Clearing Agency Stress Testing Framework (Market Risk)*[12] (the ''Framework''), which is maintained in compliance with Rule 17Ad–22(e)(4)(i), and (iii) through (vii), under the Act.[13] The Framework describes (1) the sources of the total prefunded financial resources, (2) the key components of the stress testing program, (3) the stress testing governance and execution processes, and (4) the model validation practices.[14] The Framework is a rule, though it is a standalone document that has been filed confidentially with the Commission, and it applies to FICC and its affiliates, The Depository Trust Company and National Securities Clearing Corporation.[15]

B. Proposal To Include a New Section in the MBSD Rules That Describes the Key Components of MBSD's Stress Testing Program

FICC is proposing to include a new section in the MBSD Rules that would describe MBSD's stress testing program. FICC is proposing this change because the new section would add transparency to MBSD's stress testing program given that the Framework is a confidential document. The new section would describe the three key components of MBSD's stress testing program, which are as follows:[16]

(i) *Risk Identification.* FICC identifies the principal credit/market risk drivers that are representative and specific to each Clearing Member's clearing portfolio to determine risk exposures by analyzing the securities and risk exposures in such Members' clearing portfolios to identify representative principal market risk drivers and to capture the risk sensitivity of such clearing portfolios under stressed market conditions.

(ii) *Scenario Development.* FICC constructs comprehensive and relevant sets of extreme but plausible historical and hypothetical stress scenarios for the identified risk drivers. Historical scenarios are based on stressed market conditions that occurred on specific dates in the past. Hypothetical stress scenarios are based on theoretical market conditions that may not actually have occurred but could conceivably occur. FICC applies the historical and hypothetical scenarios to Clearing Members' portfolio positions.

(iii) *Risk Measurement and Aggregation.* FICC calculates risk metrics for each Clearing Member's actual portfolio to estimate the profits and losses in connection with such Clearing Member's close out under the chosen stress scenarios.

C. Proposal To Utilize Vendor-Supplied Data in MBSD's Stress Testing Program

In connection with FICC's stress testing program, FICC is proposing to use vendor-supplied data in MBSD's Scenario Development process, and Risk Measurement and Aggregation process.

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conflict of interest because the existing agreement between FICC and the vendor, and the existing agreement between FICC and the vendor's affiliate, each contains provisions that limit the sharing of confidential information.

[7] FICC currently utilizes the Historical Data and Security-Level Data in MBSD's value-at-risk (''VaR'') model, which calculates the VaR Charge component in each Clearing Member's margin (referred to in the MBSD Rules as Required Fund Deposit). *See* MBSD Rule 1, Definitions—VaR Charge, *supra* note 3. FICC is proposing to use this same data set in MBSD's stress testing program.

[8] FICC's proposal to (1) include the Historical Data and Security-Level Data in MBSD's stress testing program and (2) implement a back-up calculation in the event that the vendor fails to provide such data is described in an advance notice filing that FICC filed with the Commission. *See* Securities Exchange Act Release No. 88382 (March 13, 2020), 85 FR 15830 (March 19, 2020) (SR–FICC–2020–801).

[9] On January 21, 2020, FICC filed this proposed rule change as an advance notice with the Commission pursuant to Section 806(e)(1) of Title VIII of the Dodd-Frank Wall Street Reform and Consumer Protection Act entitled the Payment, Clearing, and Settlement Supervision Act of 2010, 12 U.S.C. 5465(e)(1), and Rule 19b–4(n)(1)(i) under the Act, 17 CFR 240.19b–4(n)(1)(i) (the ''Advance Notice Filing''). *See* Release No. 88266 (February 24, 2020), 85 FR 11413 (February 27, 2020) (SR–FICC–2020–801). The Commission issued a notice of no objection to the Advance Notice Filing on March 13, 2020. *See* Release No. 88382 (March 13, 2020), 85 FR 15830 (March 19, 2020) (SR–FICC–2020–801). A copy of the Advance Notice Filing and the Commission's notice of no objection are *available at http://www.dtcc.com/legal/sec-rule-filings.aspx.*

[10] *See* MBSD Rule 4, *supra* note 3.

[11] *Id.*

[12] *See* Securities Exchange Act Release No. 82368 (December 19, 2017), 82 FR 61082 (December 26, 2017) (SR–FICC–2017–009; SR–DTC–2017–005; SR–NSCC–2017–006) (''Framework Approval Order'').

[13] *See* 17 CFR 240.17Ad–22(e)(4)(i), and (iii) through (vii).

[14] *See* Framework Approval Order, *supra* note 12.

[15] The term ''rule'' refers to the ''rules of a self-regulatory organization'' as defined in Section 3(a)(28) of the Act. *See* 15 U.S.C. 78c(a)(28).

[16] *Id.*

(1) Proposal To Use Historical Data in the Scenario Development Process

As described in Section B. above, the *Scenario Development* process is a key component of MBSD's stress testing program and it involves FICC's construction of comprehensive and relevant sets of extreme but plausible historical and hypothetical stress scenarios for identified risk drivers.[17] In its development of historical stress scenarios, FICC is proposing to examine Historical Data to identify the largest historical changes of risk factors that influence the pricing of mortgage-backed securities. FICC would obtain the Historical Data from a vendor.

FICC is proposing to use Historical Data because it believes that this data would better explain the market price changes of TBA transactions cleared by MBSD.[18] In addition, FICC believes that the data would (1) identify stress risk exposures under broader and more varied market conditions and (2) provide MBSD with an enhanced capability to design more transparent scenarios. Because Clearing Members typically use risk factor analysis for their own risk and financial reporting, such Members would have comparable data and analysis to stress test their portfolios. Thus, Clearing Members would be able to simulate their stressed portfolios to a closer degree.

As noted above, FICC's use of Historical Data in connection with the development of MBSD's historical stress scenarios would be disclosed in the proposed new section of the MBSD Rules that describes the stress testing program.

(2) Proposal To Use Historical Data and Security-Level Data in the Risk Measurement and Aggregation Component

As described in section B. above, the *Risk Measurement and Aggregation* process calculates risk metrics for each Clearing Member's actual portfolio to estimate the profits and losses in connection with such Clearing Member's close out under chosen stress scenarios. In connection with this calculation, FICC is proposing to use a financial profit-and-loss calculation that leverages the Historical Data and the Security-Level Data. The Security-Level Data is generated using the vendor's suite of security valuation models that includes an agency mortgage prepayment model and interest rate term structure model.[19] FICC believes that the vendor's approach generates more stable and robust Security-Level Data. Because the stress profits and losses calculation would include Security-Level Data, FICC believes that the calculated results would be improved and would reflect results that are closer to actual price changes for TBA securities during larger market moves which are typical of stress testing scenarios.

FICC's use of Historical Data and Security-Level Data would be disclosed in the proposed new section of the MBSD Rules which describes the stress testing program.

D. Proposal To Include a Back-Up Calculation in the MBSD Rules

FICC is proposing to implement a back-up calculation that it would use in the event the vendor fails to provide data to FICC.[20] Specifically, if the vendor fails to provide any data or a significant portion of data in accordance with the timeframes agreed to by FICC and the vendor, FICC would use the most recently available data on the first day that such disruption occurs. Subject to discussions with the vendor, if FICC determines that the vendor would resume providing data within five (5) Business Days, FICC would determine whether the daily stress testing calculation should continue to be calculated by using the most recently available data or whether the back-up calculation (as described below) should be invoked.[21] Subject to discussions with the vendor, if FICC determines that the data disruption would extend beyond five (5) Business Days, the back-up calculation would be employed for daily stress testing, subsequent to the approval of FICC's designated internal authority.

The proposed back-up calculation would be as follows: MBSD would (1) calculate each Clearing Member's portfolio net exposures in four securitization programs,[22] (2) calculate the historical stress return for each securitization program as the three-day price return for each securitization program index for each scenario date, and (3) calculate each Clearing Member's stress profits and losses as the sum of the products of the net exposure of each securitization program and the stress return value for each securitization program. FICC would use publicly available indices as the data source for the stress return calculations.[23] This calculation would be referred to as the Back-up Stress Testing Calculation.

FICC's use of the proposed back-up calculation would be disclosed in the proposed new section of the MBSD Rules that describes the stress testing program.

FICC's Due Diligence Relating to the Vendor-Supplied Data

FICC feels comfortable using the vendor-supplied data in MBSD's stress testing program because it is the same data that FICC currently uses in connection with its MBSD VaR model. Prior to MBSD's use of this data in its VaR model, FICC reviewed a description of the vendor's calculation methodology and the way the market data is used to calibrate the vendor's models. At that time, DTCC's Quantitative Risk Management, Vendor Risk Management, and Information Technology teams

[17] *Id.*

[18] Specified Pool Trades and Stipulated Trades are mapped to the corresponding TBAs. FICC's guarantee of Option Contracts on TBAs is limited to the intrinsic value of the option positions, meaning that, when the underlying price of the TBA position is above the call price, the Option Contract is considered in-the-money and FICC's guarantee reflects this portion of the Option Contract's positive value at the time of a Clearing Member's insolvency. The value change of an Option Contract's position is simulated as the change in its intrinsic value. No changes are being proposed to MBSD's treatment of Specified Pool Trades, Stipulated Trades and Option Contracts pursuant to this proposal.

[19] A prepayment model captures cash flow uncertainty as a result of unscheduled payments of principal (prepayments). An interest rate term structure model describes the relationship between interest rates of different maturities.

[20] This is consistent with the Advance Notice Filing, which states the following: If the vendor fails to provide any data or a significant portion of the data in accordance with the timeframes agreed to by FICC and the vendor, FICC would use the most recently available data on the first day that such disruption occurs. Subject to discussions with the vendor, if a Managing Director, who oversees Market Risk Management, determines that the vendor would resume providing data within five (5) business days, such Managing Director would determine whether the daily stress testing calculation should continue to be calculated by using the most recently available data or whether the back-up calculation . . . should be invoked, subject to the approval of DTCC's Group Chief Risk Officer or his/her designee. Subject to discussions with the vendor, if a Managing Director, who oversees Market Risk Management, determines that the data disruption would extend beyond five (5) business days, the back-up calculation would be applied, subsequent to the approval of DTCC's Management Risk Committee, followed by notification to the Board Risk Committee.

See Advance Notice Filing, *supra* note 9, at 11416.

[21] For the avoidance of doubt, after taking into consideration the vendor's condition and, to the extent applicable, market conditions, FICC may invoke the back-up calculation sooner.

[22] The securitization programs are as follows: (1) Fannie Mae and Freddie Mac conventional 30-year mortgage-backed securities, (2) Ginnie Mae 30-year mortgage-backed securities, (3) Fannie Mae and Freddie Mac conventional 15-year mortgage-backed securities, and (4) Ginnie Mae 15-year mortgage-backed securities.

[23] The proposed calculation is similar to MBSD's calculation of the Margin Proxy, which is the back-up calculation that MBSD will use to calculate the VaR Charge in the event of a vendor data disruption. *See* MBSD Rule 1, Definitions—Margin Proxy, *supra* note 3.

conducted due diligence of the vendor in order to evaluate its control framework for managing key risks.[24] FICC's due diligence included an assessment of the vendor's technology risk, business continuity, regulatory compliance, and privacy controls. Because of FICC's due diligence and its use of the vendor data in connection with the calculation of MBSD's margin model, FICC understands and remains comfortable with the vendor's controls. In addition, DTCC's Data Integrity department manages the data that FICC receives including, but not limited to, market data and analytical data provided by vendors.[25] As a result, FICC feels comfortable with leveraging the Historical Data and the Security-Level Data for purposes of MBSD's stress testing program.

E. Proposed Changes to the MBSD Rules

Proposed Change to MBSD Rule 1—Definitions

FICC is proposing to include a new defined term referred to as ''Back-up Stress Testing Calculation.'' This term would be defined as a back-up method for calculating the stress profits and losses of each portfolio when the vendor fails to provide data to FICC. The definition would state that FICC shall (1) calculate each Clearing Member's portfolio net exposures in four securitization programs,[26] (2) calculate the historical stress return for each securitization program as the three-day price return for each securitization program index for each scenario date, and (3) calculate each Clearing Member's stress profits and losses as the sum of the products of the net exposure of each securitization program and the stress return value for each securitization program. Further, the definition would state that FICC shall use publicly available indices as the data source for the stress return calculations.

Proposed Change to MBSD Rule 4—Clearing Fund and Loss Allocation

FICC is proposing to amend MBSD Rule 4 to include a new section referred to as ''Section 13—Stress Testing.''

This new section would include a subsection entitled ''(a) Stress Testing Program.'' This subsection would state that FICC uses stress testing to (1) test the sufficiency of the Clearing Fund against FICC's potential losses assuming the default of a Clearing Member with the largest credit exposure and its entire Affiliated Family under extreme but plausible market conditions, and (2) identify both (x) Clearing Members who may pose a greater market risk under certain market conditions, and (y) potential weaknesses in FICC's margin methodologies. This subsection would also state that FICC's stress testing program is comprised of the following three key components.

(i) *Risk Identification.* FICC identifies the principal credit/market risk drivers that are representative and specific to each Clearing Member's clearing portfolio to determine risk exposures by analyzing the securities and risk exposures in such Members' clearing portfolios to identify representative principal market risk drivers and to capture the risk sensitivity of such clearing portfolios under stressed market conditions.

(ii) *Scenario Development.* FICC constructs comprehensive and relevant sets of extreme but plausible historical and hypothetical stress scenarios for the identified risk drivers. Historical scenarios are based on stressed market conditions that occurred on specific dates in the past. FICC uses Historical Data in the development of the historical scenarios. Hypothetical stress scenarios are based on theoretical market conditions that may not actually have occurred but could conceivably occur. FICC then applies the historical and hypothetical scenarios to Clearing Members' portfolio positions.

(iii) *Risk Measurement and Aggregation.* FICC calculates risk metrics for each Clearing Member's actual portfolio to estimate the profits and losses in connection with such Clearing Member's close out under the chosen stress scenarios. FICC uses Historical Data and Security-Level Data in its calculation of profits and losses for Clearing Members' portfolios.

This subsection would state that FICC receives the Historical Data and the Security-Level Data from a vendor.

This new section would also include a subsection entitled ''(b) Back-up Stress Testing Calculation.'' The new subsection would state that in the event that the vendor fails to provide any data or a significant portion of the data, FICC will use the most recently available data on the first day that such disruption occurs. Subject to discussions with the vendor, if FICC determines that the vendor would resume providing data within five (5) Business Days, FICC would determine whether the daily stress testing calculation should continue to be calculated by using the most recently available data or whether the Back-up Stress Testing Calculation should be invoked.[27] Subject to discussions with the vendor, if FICC determines that the data disruption would extend beyond five (5) Business Days, the Back-up Stress Testing Calculation would be employed for daily stress testing, subsequent to the approval of FICC's designated internal authority.

F. Delayed Implementation of the Proposed Rule Change

The proposed rule change would become operative within 45 Business Days after the Commission's approval of this proposed rule change. Prior to the effective date, FICC would add legends to the MBSD Rules to state that the specified changes to the MBSD Rules have been approved but not yet implemented, and to provide the date such approved changes would be implemented. The legends would also include the file number of the approved proposed rule change and state that once implemented, the legends would automatically be removed from the MBSD Rules.

2. Statutory Basis

As described above, FICC is proposing to include a new section in the MBSD Rules that would describe the key components of MBSD's stress testing program. This new section would include FICC's proposal to utilize (x) Historical Data in the development of historical scenarios and (y) Historical Data and Security-Level Data in the calculation of stress profits and losses. In addition, the section would include FICC's proposal to implement a back-up calculation that it would use in the event the vendor fails to provide data. FICC believes that the proposed changes are consistent with the requirements of the Act and the rules and regulations

[24] DTCC is FICC's parent company. DTCC operates on a shared services model with respect to FICC. Most corporate functions are established and managed on an enterprise-wide basis pursuant to intercompany agreements under which DTCC generally provides a relevant service to FICC.

[25] DTCC's Data Integrity department oversees data integrity on behalf of DTCC's Counterparty Credit, Market, and Liquidity Risk Management groups as well as the Securities Valuation, Model Validation and Control, and Quantitative Risk Management groups (collectively, Financial Risk Management (''FRM'')), and the Systemic Risk Office. The Data Integrity department's mission is to align with FRM, and ensure that the highest data quality is managed for the purpose of lowering risk and improving efficiency within FRM. The Data Integrity department's prime directive consists of the following: (1) Ensuring a data governance framework is established and adhered to within FRM; (2) ensuring sufficient integrity of key data sources through active rules-based data monitoring; (3) ensuring sufficient alerting is in place to inform necessary parties when data anomalies occur; (4) liaising with subject matter experts to resolve data anomalies in an efficient and effective manner; and (5) ensuring that critical FRM data is catalogued and defined in the enterprise data dictionary.

[26] *See supra* note 22.

[27] *See supra* note 21.

thereunder applicable to a registered clearing agency. In particular, FICC believes that the proposed changes are consistent with Section 17A(b)(3)(F) of the Act,[28] and Rule 17Ad–22(e)(4) under the Act,[29] for the reasons described below.

Section 17A(b)(3)(F) of the Act requires, in part, that the rules of a registered clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions, and to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible.[30] As described above, the proposal would reflect the manner in which FICC has developed and carries out a credit risk management strategy to maintain sufficient prefunded financial resources to cover fully FICC's credit exposures to each Clearing Member with a high degree of confidence, and further, to maintain additional prefunded financial resources at a minimum to enable it to cover a wide range of foreseeable stress scenarios that include, but are not limited to extreme but plausible market conditions. As such, FICC's credit risk management strategy addresses its credit exposures and gives FICC the ability to continue the prompt and accurate clearance and settlement of securities and assure the safeguarding of securities and funds which are in FICC's custody or control or for which it is responsible notwithstanding those risks. Therefore, FICC believes that the proposed new section of the MBSD Rules, which describes how FICC carries out this strategy, is consistent with the requirements of Section 17A(b)(3)(F) of the Act.[31]

The proposal is designed to be consistent with Rule 17Ad–22(e)(4) under the Act, which requires, in part, that a covered clearing agency establish, implement, maintain and enforce written policies and procedures reasonably designed to effectively identify, measure, monitor, and manage its credit exposures to participants and those arising from its payment, clearing, and settlement processes.[32] Rule 17Ad–22(e)(4)(i) under the Act requires that a covered clearing agency maintain sufficient financial resources to cover its credit exposure to each participant fully with a high degree of confidence.[33] The proposal is consistent with Rule 17Ad–22(e)(4)(i) because it describes how FICC has developed and carries out a credit risk management strategy to maintain sufficient prefunded financial resources to cover fully FICC's credit exposures to each Clearing Member with a high degree of confidence.

As described above, FICC believes that the proposal to include the three key components of MBSD's stress testing program and a back-up calculation in the MBSD Rules would reflect the manner in which FICC has developed and carries out a credit risk management strategy to maintain sufficient prefunded financial resources to cover fully its credit exposures to each Clearing Member with a high degree of confidence, and further, to maintain additional prefunded financial resources at a minimum to enable FICC to cover a wide range of foreseeable stress scenarios that include, but are not limited to, extreme but plausible market conditions. FICC believes that the proposal to utilize Historical Data in the development of historical stress scenarios would incorporate a broad range of risk factors that enables MBSD's model to better understand a Clearing Member's exposure to these risk factors. FICC also believes that the proposal to utilize Historical Data and Security-Level Data in the calculation of stress profits and losses for Clearing Members' portfolios would provide for calculated amounts that are closer to actual price changes for TBA securities during larger market moves in an effort to test the adequacy of MBSD's prefunded resources. Lastly, FICC believes that the proposal to use a back-up calculation would help to ensure that FICC has a methodology in place that allows it to continue to measure the adequacy of MBSD's prefunded financial resources in the event that the vendor fails to provide data. For these reason, FICC believes that the proposed changes would improve MBSD's stress testing program, which is used to test the sufficiency of MBSD's prefunded resources daily to support compliance with Rule 17Ad–22(e)(4)(i). As such, FICC believes that, taken together, the proposed changes are designed to be consistent with the requirements of Rule 17Ad–22(e)(4)(i) under the Act.[34]

Rule 17Ad–22(e)(4)(vi)(A) under the Act requires that a covered clearing agency conduct stress testing of its total financial resources once each day using standard predetermined parameters and assumptions.[35] FICC believes that the proposal to (1) include the three key components of MBSD's stress testing program in the MBSD Rules, (2) utilize Historical Data in the historical scenario development process, (3) utilize Security-Level Data and Historical Data in the calculation of stress profits and losses for Clearing Members' portfolios, and (4) implement a back-up calculation in the event the vendor fails to provide data would reflect standard predetermined parameters and assumptions that FICC would use in MBSD's stress testing program to conduct daily stress testing.

FICC believes that the proposal would reflect its use of standard predetermined parameters and assumptions in FICC's daily stress testing of its financial resources in order to support compliance with Rule 17Ad–22(e)(4)(vi)(A) under the Act.[36] As such, FICC believes that, taken together, the provisions as reflected in the proposed new section of the MBSD Rules are designed to be consistent with the requirements of Rule 17Ad–22(e)(4)(vi)(A) under the Act.[37]

(B) Clearing Agency's Statement on Burden on Competition

FICC does not believe that the proposal would have any impact, or impose any burden, on competition because the proposal does not affect the respective rights or obligations of Members that utilize MBSD's services.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

FICC has not received or solicited any written comments relating to this proposal. FICC will notify the Commission of any written comments received by FICC.

III. Date of Effectiveness of the Proposed Rule Change, and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

[28] 15 U.S.C. 78q–1(b)(3)(F).

[29] 17 CFR 240.17Ad–22(e)(4).

[30] 15 U.S.C. 78q–1(b)(3)(F).

[31] *Id.*

[32] 17 CFR 240.17Ad–22(e)(4).

[33] 17 CFR 240.17Ad–22(e)(4)(i).

[34] *Id.*

[35] 17 CFR 240.17Ad–22(e)(4)(vi)(A). The Framework identifies the sources of MBSD's prefunded resources for purposes of meeting FICC's requirements under Rule 17Ad–22(e)(4)(iii).

[36] *Id.*

[37] 17 CFR 240.17Ad–22(e)(4)(vi)(A).

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–FICC–2020–010 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to File Number SR–FICC–2020–010. 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 FICC and on DTCC's website (*http://dtcc.com/legal/sec-rule-filings.aspx*). All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–FICC–2020–010 and should be submitted on or before September 15, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[38]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–18560 Filed 8–24–20; 8:45 am]

BILLING CODE 8011–01–P

[38] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89615; File No. SR–NYSE–2020–67]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing of Proposed Rule Change To Amend Article IV, Section 4.05 of the Thirteenth Amended and Restated Operating Agreement of the Exchange

August 19, 2020.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 7, 2020, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Article IV, Section 4.05 of the Thirteenth Amended and Restated Operating Agreement of the Exchange (''Operating Agreement''), to allow the use of regulatory fines for charitable donations, and to make additional conforming and non-substantive edits. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Article IV, Section 4.05 (Limitation on Distributions) of the Exchange's Operating Agreement to allow the use of regulatory fines for charitable donations, and to make additional conforming and non-substantive edits.

Currently, regulatory fines and other regulatory income may only be used to fund the Exchange's legal, regulatory and surveillance operations, and may not be distributed.[3] However, the size of a regulatory fine is not related to the regulatory or legal budget of the Exchange. Rather, it is tailored to address the misconduct at issue in the matter for which it is levied. As a result, there may be times when the amount of the regulatory fines collected by the Exchange regulatory staff, when combined with regulatory fees and other regulatory income, is greater than the amount needed to fund the legal, regulatory and surveillance operations. The Exchange proposes that on such occasions it be able to distribute money obtained from regulatory fines to charity.

The Exchange proposes that any such charitable donations be subject to approval by the Regulatory Oversight Committee (''ROC''). All ROC members are members of the Board of Directors that meet the requirements of the independence policy of the Exchange, and the ROC is charged with reviewing the regulatory budget of the Exchange and inquiring into the adequacy of resources available in the budget for regulatory activities.[4]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Thirteenth Amended and Restated Operating Agreement of New York Stock Exchange LLC, Art. IV, Sec. 4.05; *see also* Securities Exchange Act Release No. 79115 (October 18, 2016), 81 FR 73187 (October 24, 2016) (SR–NYSE–2016–66) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Article IV, Section 4.05 of the Tenth Amended and Restated Operating Agreement of the Exchange).

[4] *See* Operating Agreement, Article II, Section 2.03(h)(ii) and Securities Exchange Act Release No. 75288 (June 24, 2015), 80 FR 37316 (June 30, 2015) (SR– NYSE–2015–27) (Notice of Filing of Proposed Rule Change Amending the Eighth Amended and Restated Operating Agreement of the Exchange To Establish a Regulatory Oversight Committee as a Committee of the Board of Directors of the Exchange and Make Certain Conforming Amendments to Exchange Rules). The independence policy is subject to Commission

Accordingly, the Exchange proposes to amend Section 4.05 as follows (proposed additions italicized):

Any regulatory assets or any regulatory fees, fines or penalties collected by the Company's regulatory staff will be applied to fund the legal, regulatory and surveillance operations of the Company, and the Company shall not distribute such assets, fees, fines or penalties to the Member or any other entity, *with the exception that regulatory fines may be used to make charitable donations, subject to approval by the ROC.*

The Exchange believes that the proposed change would be consistent with previous rules of the Exchange regarding fine income. Specifically, between 2007 and 2016 the Exchange was subject to certain internal procedures regarding the use of fine income (the ''Fine Income Procedures'').[5] The Fine Income Procedures provided that the NYSE Regulation, Inc. Board of Directors could determine to use unused fine income that had accumulated beyond a level reasonably necessary for future contingencies for a charitable purpose.[6] The ROC assumed that responsibility from the Board of Directors of NYSE Regulation, Inc.[7]

The Exchange proposes to make technical and conforming changes to the recitals and signature page of the Operating Agreement.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Exchange Act[8] in general, and Section 6(b)(1)[9] in particular, in that it enables the Exchange to be so organized as to have the capacity to be able to carry out the purposes of the Exchange Act and to comply, and to enforce compliance by its exchange members and persons associated with its exchange members, with the provisions of the Exchange Act, the rules and regulations thereunder, and the rules of the Exchange. The Exchange believes that the proposed rule change also is consistent with Section 6(b)(4),[10] which requires that the rules of the exchange provide for the equitable allocation of reasonable dues, fees, and other charges among the exchange's members and issuers and other persons using its facilities, and Section 6(b)(5),[11] which requires that the rules of the exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to, and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes that the proposed change would allow the Exchange to be so organized as to comply, and to enforce compliance by its exchange members and persons associated with its exchange members, with the provisions of the Exchange Act, the rules and regulations thereunder, and the rules of the Exchange, because the proposed change would recognize that the size of a regulatory fine is not related to the regulatory or legal budget of the Exchange, and as a result there may be times when the amount of the regulatory fines collected by the Exchange regulatory staff, when combined with regulatory fees and other regulatory income, is greater than the amount needed to fund the legal, regulatory and surveillance operations. In such a case, the proposed change would give the Exchange the option to make charitable donations using regulatory fines.

The Exchange believes that it would be appropriate to permit charitable donations because such donations would not be commercial in nature. Indeed, by keeping them unavailable for commercial distributions or other commercial purposes, the proposed amended Section 4.05 would continue to ''guard against the possibility that fines may be assessed to respond to budgetary needs rather than to serve a disciplinary purpose.''[12] It would ''continue to help ensure that the Exchange does not inappropriately use its regulatory assets, fees, fines or penalties for commercial purposes or to distribute such assets, fees, fines or penalties to its direct parent, NYSE Group, Inc., or to any other entity.''[13]

For the same reasons, the Exchange believes that the proposed change would provide for the equitable allocation of reasonable dues, fees, and other charges among the Exchange's members.

The Exchange believes that the proposed change 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, protect investors and the public interest because requiring ROC approval would facilitate an independent assessment of proposed charitable donations using regulatory fines. The Exchange believes that it is appropriate to have the ROC evaluate proposed charitable donations not only because its members are independent, but also because the ROC is responsible for overseeing the Exchange's regulatory and self-regulatory organization responsibilities and assessing its regulatory performance, including reviewing the regulatory budget of the Exchange and inquiring into the adequacy of resources available in the budget for regulatory activities.[14] As a result, the ROC would be able to evaluate a proposed charitable donation within the context of the Exchange's regulatory responsibilities and resources. Indeed, as it has previously noted, the Exchange ''believes that the responsibility to assure the proper exercise by Exchange regulatory staff of the Exchange's power to fine member organizations . . . properly lies with the ROC . . . .''[15] That responsibility extends to the proposed use of regulatory fines.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act. The proposed rule change is not intended to address competitive issues but rather is concerned solely with the administration and functioning of the Exchange.

review. *See* Securities Exchange Act Release No. 85913 (May 22, 2019), 84 FR 24853 (May 29, 2019) (SR–NYSE–2019–27) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Independence Policy of the Board of Directors of the Exchange).

[5] *See* Securities Exchange Act Release No. 78326 (July 14, 2016), 81 FR 47184 (July 20, 2016) (SR–NYSE–2016–37) (Order Approving Proposed Rule Change Removing From Its Rules Certain Internal Procedures Regarding the Use of Fine Income).

[6] *See* Securities Exchange Act Release No. 77899 (May 24, 2016), 81 FR 34393 (May 31, 2016) (SR–NYSE–2016–37) (Notice of Filing of Proposed Rule Change Removing From Its Rules Certain Internal Procedures Regarding the Use of Fine Income).

[7] *See* 80 FR 37316, *supra* note 4, at note 25.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(1).

[10] 15 U.S.C. 78f(b)(4).

[11] 15 U.S.C. 78f(b)(5).

[12] 81 FR 34393, *supra* note 6, at 34395, citing Securities Exchange Act Release No. 55216 (January 31, 2007), 72 FR 5779 (February 7, 2007) (NYSE–2006–109), at 5780.

[13] 81 FR 47184, *supra* note 5, at 47187.

[14] *See* Operating Agreement, Article II, Section 2.03(h)(ii).

[15] 81 FR 34393, *supra* note 6, at 34397.

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

Within 45 days of the date of publication of this notice in the **Federal Register**, or such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2020–67 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2020–67. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2020–67, and should be submitted on or before September 15, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–18559 Filed 8–24–20; 8:45 am]

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[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89608; File No. SR–NYSEArca–2019–77]

Self-Regulatory Organizations; NYSE Arca, Inc.; Order Granting Approval of a Proposed Rule Change, as Modified by Amendment No. 1, To List and Trade Shares of the AdvisorShares Pure US Cannabis ETF Under NYSE Arca Rule 8.600–E

August 19, 2020.

I. Introduction

On December 13, 2019, NYSE Arca, Inc. (''NYSE Arca'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade shares (''Shares'') of the AdvisorShares Pure US Cannabis ETF (''Fund'') under NYSE Arca Rule 8.600–E (''Managed Fund Shares''). The proposed rule change was published for comment in the **Federal Register** on December 26, 2019.[3] On January 28, 2020, pursuant to Section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed rule change.[5] On March 13, 2020, the Commission instituted proceedings under Section 19(b)(2)(B) of the Act[6] to determine whether to approve or disapprove the proposed rule change.[7] On June 12, 2020, pursuant to Section 19(b)(2) of the Act,[8] the Commission designated a longer period within which to issue an order approving or disapproving the proposed rule change.[9] On July 7, 2020, the Exchange filed Amendment No. 1 to the proposed rule change.[10] The Commission has received no comment letters on the proposal. This order approves the proposed rule change, as modified by Amendment No. 1.

II. Description of the Proposed Rule Change, as Modified by Amendment No. 1[11]

The Exchange proposes to list and trade Shares of the Fund under Commentary .01 to NYSE Arca Rule 8.600–E, which governs the listing and trading of Managed Fund Shares on the Exchange. AdvisorShares Investments, LLC (''Adviser'') is the investment

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 87791 (December 18, 2019), 84 FR 71057.

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 88066, 85 FR 6009 (February 3, 2020). The Commission designated March 25, 2020, as the date by which it should approve, disapprove, or institute proceedings to determine whether to approve or disapprove the proposed rule change.

[6] 15 U.S.C. 78s(b)(2)(B).

[7] *See* Securities Exchange Act Release No. 88378, 85 FR 15834 (March 19, 2020).

[8] 15 U.S.C. 78s(b)(2).

[9] *See* Securities Exchange Act Release No. 89057, 85 FR 36910 (June 18, 2020). The Commission designated August 22, 2020, as the date by which the Commission shall either approve or disapprove the proposed rule change.

[10] In Amendment No. 1, the Exchange (i) represented that the Fund has obtained an opinion of counsel that provides that (a) the Fund and its shareholders will not violate the Controlled Substances Act, 21 U.S.C. 801, *et seq.,* (''Controlled Substances Act'') or the Money Laundering Control Act, 18 U.S.C. 1956, *et seq.,* for the Fund's purchase of securities issued by Cannabis Companies (as defined herein) which participate in the cannabis industry in full compliance with state law and (b) the Fund's execution of a cash-settled total return swap, under certain circumstances, would not subject the Fund and its shareholders to regulatory liability should a court hold that the total return swap violates the Act or the Controlled Substances Act; and (ii) made other conforming technical changes. Because Amendment No. 1 to the proposed rule change does not materially alter the substance of the proposed rule change and makes conforming and technical changes, Amendment No. 1 is not subject to notice and comment. Amendment No. 1 is available on the Commission's website at: *https://www.sec.gov/comments/sr-nysearca-2019-77/srnysearca201977-7394645-218996.pdf.*

[11] Additional information regarding the Shares and the Fund can be found in Amendment No. 1, *supra* note 10, and the Registration Statement, *infra* note 13.

adviser for the Fund.[12] AdvisorShares Trust (''Trust'') and the Adviser manage the Fund's investments, subject to the oversight and supervision by the Board of Trustees of the Trust.[13] Foreside Fund Services, LLC, a registered broker-dealer, will act as the distributor for the Fund's Shares. The Bank of New York Mellon will serve as the administrator, custodian, and transfer agent for the Fund.

A. Principal Investments of the Fund

According to the Exchange, the investment objective of the Fund is to seek long-term capital appreciation. The Fund will seek to achieve its investment objective by investing, under normal market conditions,[14] at least 80% of its net assets in securities of companies that derive at least 50% of their net revenue from the marijuana and hemp business in the United States (''Cannabis Companies'') and in derivatives that have economic characteristics similar to such securities.[15]

In addition to its investment in securities of companies that derive a significant portion of their revenue from the marijuana and hemp business, and in derivatives providing exposure to such securities, the Fund may invest in securities of companies that, in the opinion of the Advisor, may have current or future revenues from cannabis-related business or that are registered with the United States Drug Enforcement Agency (DEA) specifically for the purpose of handling marijuana for lawful research and development of cannabis or cannabinoid-related products.

According to the Exchange, all of the Fund's investments, including derivatives instruments, would be made in accordance with all applicable laws, including U.S. federal and state laws.[16] The Fund will concentrate at least 25% of its investments in the pharmaceuticals, biotechnology and life sciences industry group within the health care sector.

The Fund primarily may invest in U.S. and foreign exchange-listed equity securities and in derivative instruments, as further described in this section, intended to provide exposure to such securities.

The Fund may invest in the following types of U.S. and foreign exchange-listed equity securities: Common stock; preferred stock; warrants; Real Estate Investment Trusts (REITs); and rights. The Fund may also invest in U.S. exchange-listed exchange-traded funds (''ETFs'')[17] and in U.S. exchange-listed closed-end funds.

The Fund may hold cash and cash equivalents.[18]

The Fund may hold OTC total return swaps on U.S. and foreign exchange-listed equity securities.

B. Other Investments of the Fund

In addition to the Fund's principal investments described above, the Fund may invest in U.S. exchange-listed equity options and equity index options and in Rule 144A securities.

C. Investment Restrictions

The Fund's investments, including derivatives, will be consistent with the Fund's investment objective and will not be used to enhance leverage (although certain derivatives and other investments may result in leverage). That is, the Fund's investments will not be used to seek performance that is the multiple or inverse multiple (*e.g.,* 2X or –3X) of the Fund's primary broad-based securities benchmark index (as defined in Form N–1A).

The Fund will not invest in securities or other financial instruments that have not been described in the proposed rule change.

D. Application of Generic Listing Requirements

The Exchange is submitting the proposed rule change because the portfolio for the Fund will not meet all of the ''generic'' listing requirements of Commentary .01 to NYSE Arca Rule 8.600–E applicable to the listing of Managed Fund Shares. The Fund's portfolio will meet all such requirements except for those set forth in Commentary .01(e).[19] Specifically, the Exchange proposes that the Fund's investments in OTC total return swaps on U.S. and foreign exchange-listed equity securities may exceed the 20% limit on investments in OTC derivatives set forth in in Commentary .01(e). The Exchange proposes that up to 60% of the Fund's assets (calculated as the aggregate gross notional value) may be invested in OTC total return swaps on U.S. and foreign exchange-listed equity securities.[20] The only OTC derivatives that the Fund may invest in are OTC total return swaps on U.S. and foreign exchange-listed equity securities. Price information relating to OTC swaps will be available from major market data vendors. Other than Commentary .01(e), the Shares of the Fund will conform to the initial and continued listing criteria under NYSE Arca Rule 8.600–E and will meet all other requirements of NYSE Arca Rule 8.600–E and Commentary .01 thereto.

III. Discussion and Commission's Findings

After careful review, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange.[21] In particular, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with

[12] The Exchange represents that the Adviser is not registered as a broker-dealer, and the Adviser is not affiliated with any broker-dealers. In the event (a) the Adviser becomes registered as a broker-dealer or newly affiliated with a broker-dealer, or (b) any new adviser is a registered broker-dealer or becomes affiliated with a broker-dealer, it will implement and maintain a ''fire wall'' with respect to its relevant personnel or broker-dealer affiliate regarding access to information concerning the composition of, and/or changes to, the portfolio, and will be subject to procedures, each designed to prevent the use and dissemination of material non-public information regarding the portfolio.

[13] The Trust is registered under the 1940 Act. On August 19, 2019, the Trust filed with the Commission Post-Effective Amendment No. 145 to the Trust's registration statement on Form N–1A under the Securities Act of 1933 (15 U.S.C. 77a) and under the 1940 Act relating to the Fund (File Nos. 333–157876 and 811–22110) (''Registration Statement''). In addition, the Commission has issued an order granting certain exemptive relief to the Trust under the1940 Act. *See* Investment Company Act Release No. 29291 (May 28, 2010) (File No. 812–13677).

[14] The term ''normal market conditions'' is defined in NYSE Arca Rule 8.600–E(c)(5).

[15] The Fund's investments in derivatives will include investments in both listed derivatives and over-the-counter (''OTC'') derivatives, as those terms are defined in Commentary .01(d) and (e) to NYSE Arca Rule 8.600–E.

[16] The Fund filed an opinion of counsel on July 1, 2020 as an exhibit to the Registration Statement. *See supra* notes 10 and 13.

[17] For purposes of this filing, the term ''ETFs'' includes Investment Company Units (as described in NYSE Arca Rule 5.2–E(j)(3)); Portfolio Depositary Receipts (as described in NYSE Arca Rule 8.100–E); and Managed Fund Shares (as described in NYSE Arca Rule 8.600–E). All ETFs will be listed and traded in the U.S. on a national securities exchange. While the Fund may invest in inverse ETFs, the Fund will not invest in leveraged (*e.g.,* 2X, –2X, 3X or –3X) ETFs.

[18] For purposes of this filing, ''cash equivalents'' are the short-term instruments enumerated in Commentary .01(c) to NYSE Arca Rule 8.600–E.

[19] Commentary .01(e) to NYSE Arca Rule 8.600–E provides that a portfolio may hold OTC derivatives, including forwards, options and swaps on commodities, currencies and financial instruments (*e.g.,* stocks, fixed income, interest rates, and volatility) or a basket or index of any of the foregoing; however, on both an initial and continuing basis, no more than 20% of the assets in the portfolio may be invested in OTC derivatives. For purposes of calculating this limitation, a portfolio's investment in OTC derivatives will be calculated as the aggregate gross notional value of the OTC derivatives.

[20] The Exchange represents that the Adviser monitors counterparty credit risk exposure (including for OTC derivatives) and evaluates counterparty credit quality on a continuous basis.

[21] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

Section 6(b)(5) of the Act,[22] which requires, among other things, that the Exchange's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

As discussed above, the Exchange proposes that the Fund may invest up to 60% of its assets (calculated as the aggregate gross notional value) in OTC derivatives. The only OTC derivatives that the Fund may invest in are OTC total return swaps on U.S. and foreign exchange-listed equity securities, so the underlying securities are trading on transparent and regulated markets. In addition, the Fund will disclose on its website information regarding the Disclosed Portfolio required under NYSE Arca Rule 8.600–E(c)(2) to the extent applicable and such website information will be publicly available at no charge.[23] Other than Commentary .01(e), the Shares of the Fund will conform to the initial and continued listing criteria under NYSE Arca Rule 8.600–E and will meet all other requirements of NYSE Arca Rule 8.600–E and Commentary .01 thereto. All Fund investments, including derivative instruments (*i.e.,* OTC total return swaps on U.S. and foreign exchange-listed equity securities), will be made in accordance with all applicable laws, including U.S. federal and state laws.

In evaluating these aspects of the proposal, the Commission believes that the proposal is reasonably designed to mitigate the Shares' susceptibility to manipulation because (i) the investments of the Fund will be transparent in that they are required to be disclosed daily and specifically will include information regarding the Fund's investments in OTC derivatives; (ii) the instruments underlying the Fund's OTC derivative investments will be traded on transparent and regulated markets, as the only OTC derivatives that the Fund may invest in are total return swaps on U.S. and foreign exchange-listed equity securities; and (iii) the Fund's investments otherwise are consistent with the Exchange's generic listing standards. In addition, the Commission believes that the proposal is consistent with the listing of other series of Managed Fund Shares that have been approved by the Commission.[24]

Pursuant to Commentary .01 to NYSE Arca Rule 8.600–E, all statements or representations made in the filing regarding (a) the description of the portfolio or reference asset, (b) limitations on portfolio holdings or reference assets, or (c) the applicability of Exchange listing rules specified in the filing shall constitute continued listing requirements for listing the Shares on the Exchange. In addition, the issuer must notify the Exchange of any failure by the Fund to comply with the continued listing requirements. Pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will monitor[25] for compliance with the continued listing requirements. If the Fund is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under NYSE Arca Rule 5.5–E(m).

Accordingly, for the foregoing reasons, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with Section 6(b)(5) of the Act[26] and the rules and regulations thereunder applicable to a national securities exchange.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[27] that the proposed rule change (SR–NYSEArca–2019–77), as modified by Amendment No. 1, be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[28]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–18563 Filed 8–24–20; 8:45 am]

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[22] 15 U.S.C. 78f(b)(5).

[23] *See* Amendment No. 1, *supra* note 10, at 12.

[24] *See, e.g.,* Securities Exchange Act Release No. 82080 (November 15, 2017), 82 FR 55449 (November 21, 2017) (NYSEArca–2017–86) (Order Granting Approval of a Proposed Rule Change, as Modified by Amendment Nos. 1 and 2, To List and Trade Shares of the JPMorgan Managed Futures ETF Under NYSE Arca Rule 8.600–E); Securities Exchange Act Release No. 82492 (January 12, 2018), 83 FR 2850 (January 19, 2018) (SR–NYSEArca–2017–87) (Order Granting Approval of a Proposed Rule Change, as Modified by Amendment No. 6, To List and Trade Shares of the JPMorgan Long/Short ETF Under NYSE Arca Rule 8.600–E).

[25] The Commission notes that certain proposals for the listing and trading of exchange-traded products include a representation that the exchange will ''surveil'' for compliance with the continued listing requirements. *See, e.g.,* Securities Exchange Act Release No. 77499 (April 1, 2016), 81 FR 20428, 20432 (April 7, 2016) (SR–BATS–2016–04). In the context of this representation, it is the Commission's view that ''monitor'' and ''surveil'' both mean ongoing oversight of compliance with the continued listing requirements. Therefore, the Commission does not view ''monitor'' as a more or less stringent obligation than ''surveil'' with respect to the continued listing requirements.

[26] 15 U.S.C. 78f(b)(5).

[27] *Id.*

[28] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89614; File No. SR–BX–2020–022]

Self-Regulatory Organizations; Nasdaq BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend BX Pricing Schedule at Options 7, Section 2, and Options 7, Section 3

August 19, 2020.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 12, 2020, Nasdaq BX, Inc. (''BX'' or ''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 Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend BX's Pricing Schedule at Options 7, Section 2, ''BX Options Market Fees and Rebates'' and Options 7, Section 3, ''BX Options Market—Ports and other Services.''

The Exchange originally filed the proposed pricing changes on August 6, 2020 (SR–BX–2020–021). On August 12, 2020, the Exchange withdrew that filing and submitted this filing.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/bx/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend BX's Pricing Schedule at Options 7, Section 2, ''BX Options Market Fees and Rebates'' and Options 7, Section 3, ''BX Options Market—Ports and other Services.'' Each change is described below.

Options 7, Section 2

The Exchange proposes to replace the term ''Penny Pilot Options'' or ''Non-Penny Pilot Options'' with ''Penny Symbols'' or ''Non-Penny Symbols.'' On April 1, 2020 the Commission approved the amendment to the OLPP to make permanent the Pilot Program (the ''OLPP Program'').[3] The Exchange recently filed a proposal to amend BX Options 3, Section 3 to conform the rule to Section 3.1 of the Plan for the Purpose of Developing and Implementing Procedures Designed to Facilitate the Listing and Trading of Standardized Options (the ''OLPP'').[4] The Exchange's proposal amended BX Options 3, Section 3 to refer to a Penny Interval Program instead of a Penny Pilot Program.

Options 7, Section 3

In connection with a technology migration, Participants may request new SQF Ports,[5] SQF Purge Ports,[6] FIX DROP Port,[7] CTI Ports,[8] BX Depth Ports[9] and BX TOP Ports[10] from August 10, 2020 through September 30, 2020, which are duplicative of the type and quantity of their current ports, at no additional cost to allow for testing of the new ports and allow for continuous connection to the match engine during the transition period.[11] For example, a BX Participant with 3 SQF Ports, 1 SQF Purge Port, 1 FIX DROP Port, 1 CTI Port, 2 BX Depth Ports and 1 BX TOP Port on October 1, 2020 could request 3 new SQF Ports, 1 new SQF Purge Port, 1 new FIX DROP Port, 1 new CTI Port, 2 new BX Depth Ports and 1 new BX TOP Port from August 10, 2020 through September 30, 2020 at no additional cost. The BX Participant would be assessed only for the legacy market ports, in this case 3 SQF Ports, 1 SQF Purge Port, 1 FIX DROP Port, 1 CTI Port, 2 BX Depth Ports and 1 BX TOP Port from August 10, 2020 through September 30, 2020 and would not be assessed for the new ports, which are duplicative of the current ports. A Participant may acquire any additional legacy ports from August 10, 2020 through September 30, 2020 and would be assessed the charges indicated in the current Pricing Schedule. The migration does not require a Participant to acquire any additional ports, rather the migration requires a new port to replace any existing ports provided the Participant desired to maintain the same number of ports.[12] A BX Market Maker quoting on BX only requires 1 SQF Port.[13] A Participant may also obtain any number of order and execution ports, such as a SQF Purge Ports, FIX DROP Ports and CTI Ports and any number of data ports, such as BX Depth and BX TOP Ports. The number of ports obtained by a Participant is dependent on Participant's business needs.

The proposal is not intended to impose any additional fees on any BX Participant. This proposal is intended to permit a BX Participant to migrate its current SQF Ports, SQF Purge Ports, FIX DROP Ports, CTI Ports, BX Depth Ports and BX TOP Ports at no additional cost from August 10, 2020 through September 30, 2020 to allow for continuous connection to the Exchange. BX will sunset legacy ports by October 1, 2020. BX will assess Participants new SQF Ports, SQF Purge Ports, FIX DROP Ports, CTI Ports, BX Depth Ports and BX TOP Ports in October 2020.

Currently, there is obsolete rule text within Options 7, Sections 3(i) and 3(ii), which the Exchange proposes to replace with new rule text related to its current proposal to migrate technology. The obsolete rule text concerned a prior

[3] *See* Securities Exchange Act Release No. 88532 (April 1, 2020), 85 FR 19545 (April 7, 2020) (File No. 4–443) (''Approval Order'').

[4] *See* Securities Exchange Act Release No. 89169 (June 26, 2020), 85 FR 39949 (July 2, 2020) (SR–BX–2020–013).

[5] ''Specialized Quote Feed'' or ''SQF'' is an interface that allows Market Makers to connect, send, and receive messages related to quotes, Immediate-or-Cancel Orders, and auction responses into and from the Exchange. Features include the following: (1) Options symbol directory messages (*e.g.* underlying instruments); (2) system event messages (*e.g.,* start of trading hours messages and start of opening); (3) trading action messages (*e.g.,* halts and resumes); (4) execution messages; (5) quote messages; (6) Immediate-or-Cancel Order messages; (7) risk protection triggers and purge notifications; (8) opening imbalance messages; (9) auction notifications; and (10) auction responses. The SQF Purge Interface only receives and notifies of purge request from the Market Maker. Market Makers may only enter interest into SQF in their assigned options series. *See* Options 3, Section 7(d)(1)(B).

[6] The SQF Purge Interface only receives and notifies of purge request from the Market Maker. Market Makers may only enter interest into SQF in their assigned options series. *See* Options 3, Section 7(d)(1)(B).

[7] FIX DROP is a real-time order and execution update message that is sent to a Participant after an order been received/modified or an execution has occurred and contains trade details specific to that Participant. The information includes, among other things, the following: (i) Executions; (ii) cancellations; (iii) modifications to an existing order and (iv) busts or post-trade corrections. See Options 3, Section 23(b)(3).

[8] Clearing Trade Interface (''CTI'') is a real-time clearing trade update message that is sent to a Participant after an execution has occurred and contains trade details specific to that Participant. The information includes, among other things, the following: (i) The Clearing Member Trade Agreement or ''CMTA'' or The Options Clearing Corporation or ''OCC'' number; (ii) Exchange badge or house number; (iii) the Exchange internal firm identifier; (iv) an indicator which will distinguish electronic and non-electronically delivered orders; (v) liquidity indicators and transaction type for billing purposes; and (vi) capacity. See Option 3, Section 23(b)(1).

[9] BX Depth of Market (''BX Depth'') is a data feed that provides full order and quote depth information for individual orders and quotes on the BX Options book, last sale information for trades executed on BX Options, and Order Imbalance Information as set forth in BX Options Rules Options 3, Section 8. The data provided for each options series includes the symbols (series and underlying security), put or call indicator, expiration date, the strike price of the series, and whether the option series is available for trading on BX and identifies if the series is available for closing transactions only. *See* Options 3, Section 23(a)(1).

[10] BX Top of Market (''BX Top'') is a data feed that provides the BX Options Best Bid and Offer and last sale information for trades executed on BX Options. The data provided for each options series includes the symbols (series and underlying security), put or call indicator, expiration date, the strike price of the series, and whether the option series is available for trading on BX and identifies if the series is available for closing transactions only. *See* Options 3, Section 23(a)(1).

[11] Participants would contact Market Operations to acquire new duplicative ports.

[12] The migration is 1:1 and therefore would not require a Participant to acquire new ports, nor would it reduce the number of ports needed to connect.

[13] SQF Ports are utilized solely by Market Makers who are the only Participants permitted to quote on BX.

technology migration in 2019 which has already occurred and, therefore, the current rule text is no longer necessary.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[14] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[15] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [16]

Likewise, in *NetCoalition* v. *Securities and Exchange Commission* [17] (''NetCoalition'') the D.C. Circuit upheld the Commission's use of a market-based approach in evaluating the fairness of market data fees against a challenge claiming that Congress mandated a cost-based approach.[18] As the court emphasized, the Commission ''intended in Regulation NMS that 'market forces, rather than regulatory requirements' play a role in determining the market data . . . to be made available to investors and at what cost.'' [19]

Further, ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .'' [20] Although the court and the SEC were discussing the cash equities markets, the Exchange believes that these views apply with equal force to the options markets.

Options 7, Section 2

The Exchange's proposal to replace the term ''Penny Pilot Options'' or ''Non-Penny Pilot Options'' with ''Penny Symbols'' or ''Non-Penny Symbols'' is reasonable, equitable and not unfairly discriminatory. This amendment seeks to conform the name of the program which governs the listing of certain standardized options.

Options 7, Section 3

The proposed amendments to Options 7, Section 3 are reasonable because they will permit BX Participants to migrate to new technology without a pricing impact. Specifically, the proposal is intended to permit BX Participants to migrate their SQF Ports, SQF Purge Ports, FIX DROP Ports, CTI Ports, BX Depth Ports and BX TOP Ports to new technology at no additional cost from August 10, 2020 through September 30, 2020. This proposal, which offers duplicative ports to Participants at no cost, will allow Participants to test and maintain continuous connection to the Exchange from August 10, 2020 through September 30, 2020. BX will sunset legacy ports by October 1, 2020. BX will assess Participants new SQF Ports, SQF Purge Ports, FIX DROP Ports, CTI Ports, BX Depth Ports and BX TOP Ports in October 2020.

The proposed amendments to Options 7, Section 3 are equitable and not unfairly discriminatory. The Exchange does not require a BX Participant to obtain more than one SQF Port.[21] In addition, a BX Participant may also obtain any number of order and execution ports, such as a SQF Purge Ports, FIX DROP Ports and CTI Ports and any number of data ports, such as BX Depth and BX TOP Ports to meet its individual business needs.[22] This proposal is not intended to have a pricing impact to any BX Participant.

The Exchange's proposal to remove current rule text and replace it with new rule text is reasonable, equitable and not unfairly discriminatory, as the current rule text refers to a technology migration from 2019 and is obsolete.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Intermarket Competition

The proposal does not impose an undue burden on intermarket competition. The Exchange believes its proposal remains competitive with other options markets and will offer market participants with another choice of where to transact options. The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited.

Intramarket Competition

Options 7, Section 2

The Exchange's proposal to replace the term ''Penny Pilot Options'' or ''Non-Penny Pilot Options'' with ''Penny Symbols'' or ''Non-Penny Symbols'' does not impose an undue burden on competition. This amendment seeks to conform the name of the program which governs the listing of certain standardized options.

Options 7, Section 3

The proposal does not impose an undue burden on intra-market competition. The Exchange does not require a BX Participant to obtain more than one SQF Port.[23] In addition, a BX Participant may also obtain any number of order and execution ports, such as a SQF Purge Ports, FIX DROP Ports and CTI Ports and any number of data ports, such as BX Depth Ports and BX TOP Ports to meet its individual business needs.[24] This proposal is not intended

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(4) and (5).

[16] Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

[17] *NetCoalition* v. *SEC,* 615 F.3d 525 (D.C. Cir. 2010).

[18] *See NetCoalition,* at 534–535.

[19] *Id.* at 537.

[20] *Id.* at 539 (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

[21] *See* note 12 above. One SQF Port would allow a BX Market Maker to quote in all of its assigned options series.

[22] *See* note 11 above.

[23] *See* note 12 above. One SQF Port would allow a BX Market Maker to quote in all of its assigned options series.

[24] *See* note 11 above.

to have a pricing impact to any BX Participant.

The Exchange's proposal to remove current rule text and replace it with new rule text does not impose an undue burden on competition, as the current rule text refers to a technology migration from 2019 and is obsolete.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[25]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BX–2020–022 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–BX–2020–022. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such 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–BX–2020–022, and should be submitted on or before September 15, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[26]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–18558 Filed 8–24–20; 8:45 am]

BILLING CODE 8011–01–P

[25] 15 U.S.C. 78s(b)(3)(A)(ii).

[26] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 33973; 812–15115]

Principal Funds, Inc., et al.; Notice of Application

August 19, 2020.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application under Section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from Section 15(c) of the Act.

APPLICANTS: Principal Funds, Inc., Principal Variable Contracts Funds, Inc. and Principal Exchange-Traded Funds, each of which is a registered open-end investment company that is organized either as a Maryland corporation or a Delaware statutory trust (each a ''Registrant'') and that may offer one or more series of shares (each a ''Series''), and Principal Global Investors, LLC (''Adviser''), a Delaware limited liability company registered as an investment adviser under the Investment Advisers Act of 1940 (''Advisers Act''), that serves an investment adviser to each Registrant (together with the Registrants and the Series, the ''Applicants'').

SUMMARY OF APPLICATION: The requested exemption would permit a Registrant's board of trustees or directors (the ''Board'') to approve new sub-advisory agreements and material amendments to existing sub-advisory agreements for the Subadvised Series (as defined below), without complying with the in-person meeting requirement of Section 15(c) of the Act.

FILING DATES: The application was filed on March 27, 2020, and amended on June 11, 2020, June 24, 2020, and July 22, 2020.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by emailing the Commission's Secretary at *Secretarys-Office@sec.gov* and serving Applicants with a copy of the request by email. Hearing requests should be received by the Commission by 5:30 p.m. on September 14, 2020, and should be accompanied by proof of service on the Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request by emailing the Commission's Secretary.

ADDRESSES: The Commission: *Secretarys-Office@sec.gov.* Applicants: John L. Sullivan, Esq., Principal Global Investors, LLC, at *sullivan.john.l@principal.com.*

FOR FURTHER INFORMATION CONTACT: Jean E. Minarick, Senior Counsel, at (202) 551–6811, or Kaitlin C. Bottock, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's website by searching for the file number or an Applicant using the ''Company'' name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

I. Requested Exemptive Relief

1. Applicants request an exemption from Section 15(c) of the Act to permit

the Board,[1] including the Independent Board Members,[2] to approve an agreement (each a ''Sub-Advisory Agreement'') pursuant to which a sub-adviser manages all or a portion of the assets of one or more of the Series, or a material amendment thereof (a ''Sub-Adviser Change''), without complying with the in-person meeting requirement of Section 15(c).[3] Under the requested relief, the Independent Board Members could instead approve a Sub-Adviser Change at a meeting at which members of the Board participate by any means of communication that allows them to hear each other simultaneously during the meeting.

2. Applicants request that the relief apply to Applicants, as well as to any future series of the Registrants and any other existing or future registered open-end management investment company or Series thereof that intends to rely on the requested order in the future and that: (i) Is advised by the Adviser;[4] (ii) uses the multi-manager structure described in the application; and (iii) complies with the terms and conditions of the application (each, a ''Subadvised Series'').[5]

II. Management of the Subadvised Series

3. The Adviser will serve as the investment adviser to each Subadvised Series pursuant to an investment advisory agreement with the Registrant (each an ''Investment Management Agreement''). The Adviser, subject to the oversight of the Board, will provide continuous investment management services to each Subadvised Series. Applicants are not seeking an exemption from the Act with respect to the Investment Management Agreements.

4. Applicants state that the Subadvised Series may seek to provide exposure to multiple strategies across various asset classes, thus allowing investors to more easily access such strategies without the additional transaction costs and administrative burdens of investing in multiple funds to seek to achieve comparable exposures.

5. To that end, the Adviser may achieve its desired exposures to specific strategies by allocating discrete portions of the Subadvised Series' assets to various sub-advisers. Consistent with the terms of each Investment Management Agreement and subject to the Board's approval,[6] the Adviser would delegate management of all or a portion of the assets of a Subadvised Series to a sub-adviser.[7] Each sub-adviser would be an ''investment adviser'' to the Subadvised Series within the meaning of Section 2(a)(20) of the Act.[8] The Adviser would retain overall responsibility for the management and investment of the assets of each Subadvised Series.

III. Applicable Law

6. Section 15(c) of the Act prohibits a registered investment company having a board from entering into, renewing or performing any contract or agreement whereby a person undertakes regularly to act as an investment adviser (including a sub-adviser) to the investment company, unless the terms of such contract or agreement and any renewal thereof have been approved by the vote of a majority of the investment company's board members who are not parties to such contract or agreement, or interested persons of any such party, cast in person at a meeting called for the purpose of voting on such approval.

7. Section 6(c) of the Act provides that the Commission may exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provisions of the Act, or any rule thereunder, if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants state that the requested relief meets this standard for the reasons discussed below.

IV. Arguments in Support of the Requested Relief

8. Applicants assert that boards of registered investment companies, including the Board, typically hold in-person meetings on a quarterly basis. Applicants state that during the three to four month period between board meeting dates, market conditions may change or investment opportunities may arise such that the Adviser may wish to make a Sub-Adviser Change. Applicants also state that at these moments it may be impractical and costly to hold an additional in-person Board meeting, especially given the geographic diversity of Board members and the additional cost of holding in-person meetings.

9. As a result, Applicants believe that the requested relief would allow the Subadvised Series to operate more efficiently. In particular, Applicants assert that without the delay inherent in holding in-person Board meetings (and the attendant difficulty of obtaining the necessary quorum for, and the additional costs of, an unscheduled in-person Board meeting), the Subadvised Series would be able to act more quickly and with less expense to add or replace sub-advisers when the Board and the Adviser believe that a Sub-Adviser Change would benefit the Subadvised Series.

10. Applicants also note that the in-person meeting requirement in Section 15(c) of the Act was designed to prohibit absentee approval of advisory agreements. Applicants state that condition 1 to the requested relief is designed to avoid such absentee approval by requiring that the Board approve a Sub-Adviser Change at a meeting where all participating Board members can hear each other and be heard by each other during the meeting.[9]

11. Applicants, moreover, represent that the Board would conduct any such non-in-person consideration of a Sub-

[1] The term ''Board'' also includes the board of trustees or directors of a future Subadvised Series (as defined below).

[2] The term ''Independent Board Members'' means the members of the Board who are not parties to the Sub-Advisory Agreement (as defined below), or ''interested persons'', as defined in Section 2(a)(19) of the Act, of any such party.

[3] Applicants do not request relief that would permit the Board and the Independent Board Members to approve renewals of Sub-Advisory Agreements at non-in-person meetings.

[4] The term ''Adviser'' includes (i) the Adviser or its successors, and (ii) any entity controlling, controlled by or under common control with, the Adviser or its successors. For the purposes of the requested order, ''successor'' is limited to an entity or entities that result from a reorganization into another jurisdiction or a change in the type of business organization.

[5] The term ''Subadvised Series'' also includes a wholly-owned subsidiary, as defined in the Act, of a Subadvised Series (each a ''Subsidiary'') and the term ''sub-Adviser'' includes any sub-Adviser to a Subsidiary. All registered open-end investment companies that currently intend to rely on the requested order are named as Applicants. Any entity that relies on the requested order will do so only in accordance with the terms and conditions contained in the application.

[6] A Sub-Advisory Agreement may also be subject to approval by a Subadvised Series' shareholders. Applicants currently rely on a multi-manager exemptive order to enter into and materially amend Sub-Advisory Agreements without obtaining shareholder approval. *See* Principal Funds, Inc., et al., Investment Company Act Release Nos. 31203 (Aug. 11, 2014) (notice) and 31244 (Sep. 8, 2014) (order).

[7] A sub-adviser may manage the assets of a Subadvised Series directly or provide the Adviser with model portfolio or investment recommendation(s) that would be utilized in connection with the management of a Subadvised Series.

[8] Each sub-adviser would be registered with the Commission as an investment adviser under the Advisers Act or not subject to such registration.

[9] Applicants state that technology that includes visual capabilities will be used unless unanticipated circumstances arise. Applicants also state that the Board could not rely upon the relief to approve a Sub-Advisory Agreement by written consent or another form of absentee approval by the Board.

Advisory Agreement in accordance with its typical process for approving Sub-Advisory Agreements. Consistent with Section 15(c) of the Act, the Board would request and evaluate such information as may reasonably be necessary to evaluate the terms of any Sub-Advisory Agreement, and the Adviser and sub-adviser would provide such information.

12. Finally, Applicants note that that if one or more Board members request that a Sub-Adviser Change be considered in-person, then the Board would not be able to rely on the relief and would have to consider the Sub-Adviser Change at an in-person meeting.

V. Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. The Independent Board Members will approve a Sub-Adviser Change at a non-in-person meeting in which Board members may participate by any means of communication that allows those Board members participating to hear each other simultaneously during the meeting.

2. Management will represent that the materials provided to the Board for the non-in-person meeting include the same information the Board would have received if a Sub-Adviser Change were sought at an in-person Board meeting.

3. The notice of the non-in-person meeting will explain the need for considering the Sub-Adviser Change at a non-in-person meeting. Once notice of the non-in-person meeting to consider a Sub-Adviser Change is sent, Board members will be given the opportunity to object to considering the Sub-Adviser Change at a non-in-person Board meeting. If a Board member requests that the Sub-Adviser Change be considered in-person, the Board will consider the Sub-Adviser Change at an in-person meeting, unless such request is rescinded.

4. A Subadvised Series' ability to rely on the requested relief will be disclosed in the Subadvised Series' registration statement.

5. In the event that the Commission adopts a rule under the Act providing substantially similar relief to that in the order requested in the application, the requested order will expire on the effective date of that rule.

For the Commission, by the Division of Investment Management, under delegated authority.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–18561 Filed 8–24–20; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #16590 and #16591; Pennsylvania Disaster Number PA–00107]

Administrative Declaration of a Disaster for the Commonwealth of Pennsylvania

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the Commonwealth of Pennsylvania dated 08/17/2020.

Incident: Apartment Complex Fire.

Incident Period: 07/31/2020.

DATES: Issued on 08/17/2020.

Physical Loan Application Deadline Date: 10/16/2020.

Economic Injury (EIDL) Loan Application Deadline Date: 05/17/2021.

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: Chester.

Contiguous Counties:

Pennsylvania: Berks, Delaware, Lancaster, Montgomery.

Delaware: New Castle.

Maryland: Cecil.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	2.375
Homeowners Without Credit Available Elsewhere	1.188
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
For Economic Injury:	
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 16590 5 and for economic injury is 16591 0.

The States which received an EIDL Declaration # are Pennsylvania, Delaware, Maryland.

(Catalog of Federal Domestic Assistance Number 59008)

Jovita Carranza,

Administrator.

[FR Doc. 2020–18556 Filed 8–24–20; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #16592; South Carolina Disaster Number SC–00074 Declaration of Economic Injury]

Administrative Declaration of an Economic Injury Disaster for the State of South Carolina

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Economic Injury Disaster Loan (EIDL) declaration for the State of South Carolina, dated 08/17/2020.

Incident: Civil Unrest.

Incident Period: 05/28/2020 through 06/30/2020.

DATES: Issued on 08/17/2020.

Economic Injury (EIDL) Loan Application Deadline Date: 05/17/2021.

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 EIDL declaration, applications for economic injury 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: Charleston.

Contiguous Counties:

South Carolina: Berkeley, Colleton, Dorchester, Georgetown.

The Interest Rates are:

	Percent
Businesses and 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 economic injury is 165920.

The State which received an EIDL Declaration # is South Carolina.

(Catalog of Federal Domestic Assistance Number 59008)

Jovita Carranza,

Administrator.

[FR Doc. 2020–18555 Filed 8–24–20; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #16593 and #16594; Iowa Disaster Number IA–00093]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of Iowa

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Iowa (FEMA–4557–DR), dated 08/17/2020.

Incident: Severe Storms.

Incident Period: 08/10/2020.

DATES: Issued on 08/17/2020.

Physical Loan Application Deadline Date: 10/16/2020.

Economic Injury (EIDL) Loan Application Deadline Date: 05/17/2021.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 08/17/2020, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Benton, Boone, Cedar, Clinton, Dallas, Jasper, Johnson, Jones, Linn, Marshall, Muscatine, Polk, Poweshiek, Scott, Story, Tama.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations With Credit Available Elsewhere	2.750
Non-Profit Organizations Without Credit Available Elsewhere	2.750
For Economic Injury:	
Non-Profit Organizations Without Credit Available Elsewhere	2.750

The number assigned to this disaster for physical damage is 16593B and for economic injury is 165940.

(Catalog of Federal Domestic Assistance Number 59008)

Cynthia Pitts,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2020–18554 Filed 8–24–20; 8:45 am]

BILLING CODE 8026–03–P

SURFACE TRANSPORTATION BOARD

[Docket No. EP 519 (Sub–No. 4)]

Notice of National Grain Car Council Meeting

AGENCY: Surface Transportation Board.

ACTION: Notice of National Grain Car Council meeting.

SUMMARY: Notice is hereby given of a meeting of the National Grain Car Council (NGCC), pursuant to the Federal Advisory Committee Act.

DATES: The meeting will be held on Thursday, September 10, 2020, beginning at 1:00 p.m. (CDT), and is expected to conclude at 5:00 p.m. (CDT).

ADDRESSES: The meeting will be held virtually via Zoom. See **SUPPLEMENTARY INFORMATION** for registration details.

FOR FURTHER INFORMATION CONTACT: Michael Small at (202) 245–0241 or *michael.small@stb.gov.* Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: The NGCC was established by the Interstate Commerce Commission (ICC) as a working group to facilitate private-sector solutions and recommendations to the ICC (and now the Surface Transportation Board (Board)) on matters affecting rail grain car availability and transportation. *Nat'l Grain Car Supply—Conference of Interested Parties,* EP 519 (ICC served Jan. 7, 1994).

The general purpose of this meeting is to discuss rail carrier preparedness to transport the 2020 grain harvest. Agenda items include the following: Remarks by NGCC Acting Chair Jarad Farmer, Board Chairman Ann D. Begeman, Board Vice Chairman and NGCC Co-Chair Martin J. Oberman, and Board Member Patrick J. Fuchs; reports by member groups on expectations for the upcoming harvest, domestic and foreign markets, the supply of rail cars, and rail service; and market and industry updates. The full agenda will be posted on the Board's website at *https://prod.stb.gov/resources/stakeholder-committees/grain-car-council.*

The meeting will be conducted pursuant to the Federal Advisory Committee Act, 5 U.S.C. app. 2; Federal Advisory Committee Management, 41 CFR pt. 102–3; the NGCC charter; and Board procedures.

Public Attendance: This meeting is open to the public via Zoom, but members of the public who wish to attend this meeting must register in advance of the meeting. The registration link is provided on the Board's website at *https://prod.stb.gov/resources/stakeholder-committees/grain-car-council.* Registrations will be accepted on a space-available basis.

Public Comments: Members of the public may submit written comments to the NGCC at any time. Comments should be addressed to NGCC, c/o Michael Small, Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001 or *michael.small@stb.gov.* Any further communications about this meeting will be announced through the Board's website, *www.stb.gov.*

Decided: August 20, 2020.

By the Board, Allison C. Davis, Director, Office of Proceedings.

Regena Smith-Bernard,

Clearance Clerk.

[FR Doc. 2020–18631 Filed 8–24–20; 8:45 am]

BILLING CODE 4915–01–P

TENNESSEE VALLEY AUTHORITY

Sunshine Act Meetings

TIME AND DATE: 10 a.m. on August 27, 2020.

PLACE: Please use the following link for the live stream of meeting: *http://tva.me/I5oG50ADWdx.*

STATUS: Open, via live streaming only.

MATTERS TO BE CONSIDERED:

Meeting No. 20–03

The TVA Board of Directors will hold a public meeting on August 27, 2020. Due to the COVID–19 outbreak, the meeting will be conducted via teleconference. The meeting will be called to order at 10 a.m. ET to consider the agenda items listed below. TVA management will answer questions from the news media following the Board meeting.

Public health concerns also require a change to the Board's public listening session. Although in-person comments from the public are not feasible, the Board is encouraging those wishing to express their opinions to submit written comments that will be provided to the Board members before the August 27 meeting. Written comments can be submitted through the same online system used to register to speak at previous listening sessions.

Agenda

1. Approval of minutes of the May 7, 2020, Board Meeting
2. Report from President and CEO
3. Report of the Finance, Rates, and Portfolio Committee
4. Report of the Audit, Risk, and Regulation Committee
5. Report of the External Relations Committee
6. Report of the Nuclear Oversight Committee
7. Report of the People and Performance Committee
8. Governance Items
   A. Committee Assignments
   B. Assistant Corporate Secretary
9. Information Items
   A. FY21 Spending Authority
   B. Financing Authority
   C. Customer Generator Resale Rate Classifications
   D. Back-to-Business Extension
   E. FY21 External Auditor Selection
   F. Selection of Board Chair
   G. Pandemic Relief Bill Credit

CONTACT PERSON FOR MORE INFORMATION: For more information: Please call Jim Hopson, TVA Media Relations at (865) 632–6000, Knoxville, Tennessee. Anyone who wishes to comment on any of the agenda in writing may send their comments to: TVA Board of Directors, Board Agenda Comments, 400 West Summit Hill Drive, Knoxville, Tennessee 37902.

Dated: August 20, 2020.

Edward C. Meade,

Agency Liaison.

[FR Doc. 2020–18740 Filed 8–21–20; 4:15 pm]

BILLING CODE 8120–08–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. SAB 2020–01]

Petition for Exemption; Summary of Petition Received; Airbus Helicopters S.A.S.

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

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before September 14, 2020.

ADDRESSES: Send comments identified by docket number FAA–2020–0326 using any of the following methods:

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

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: David Hatfield, Safety Management Section, AIR–682, Rotorcraft Standards Branch, Policy and Innovation Division, Aircraft Certification Service, Federal Aviation Administration, 10101 Hillwood Parkway, 5N–131, Fort Worth, TX 76117; telephone (817)222–5116, email *david.hatfield@faa.gov.*

This notice is published pursuant to 14 CFR 11.85.

Issued in Fort Worth, TX, on August 19, 2020.

Jorge Castillo,

Manager, Rotorcraft Standards Branch, Policy and Innovation Division, Aircraft Certification Service.

Petition for Exemption

Docket No.: FAA–2020–0326.

Petitioner: Airbus Helicopters S.A.S.

Section(s) of 14 CFR Affected: § 29.735(c)(2).

Description of Relief Sought: To allow the first three H160 helicopters, scheduled for delivery to the U.S., to be held on a 5 degree slope on dry, smooth pavement instead of a 10 degree slope required by regulation. This relief is temporary while a fully compliant brake system is currently under development for certification and will be retro fitted to these helicopters no later than June 30, 2023.

[FR Doc. 2020–18617 Filed 8–24–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2020–0773; Notice of Availability Docket No. 20–AEA–14]

Notice of Availability of Categorical Exclusion and Record of Decision (CATEX/ROD) for DCA Airspace Procedures

AGENCY: Federal Aviation Administration, (FAA), DOT.

ACTION: Notice of availability.

SUMMARY: The FAA, Eastern Service Center is issuing this notice to advise the public of the availability of the Categorical Exclusion/Record of Decision (CATEX/ROD) approving certain airspace procedure changes at Ronald Reagan Washington National Airport (DCA). The FAA reviewed the action and determined it to be categorically excluded from further environmental review. The FAA's Record of Decision also documents the FAA's compliance with Section 106 of the National Historic Preservation Act and other special purpose laws.

FOR FURTHER INFORMATION CONTACT: Mr. Andrew Pieroni, Federal Aviation Administration, Operations Support Group, Eastern Service Center, 1701 Columbia Avenue, College Park, Georgia 30337, (404) 305–5586. Additional information about the FAA's actions and environmental review is available at the following website: *https://www.faa.gov/air_traffic/community_involvement/dca_p56/.*

SUPPLEMENTARY INFORMATION: The Federal Aviation Administration (FAA) approved these procedure changes to enhance national security, at the request of the United States Secret Service, by amending eight existing north flow standard instrument departures (SIDs) by moving one waypoint approximately 784 feet to the southwest to direct aircraft further away from protected airspace above the White House and Naval Observatory. Additionally, in response to a request from the Reagan National Community Noise Working Group, the FAA is amending one waypoint on six existing SIDs, which will route aircraft closer to the Potomac River. Furthermore, the FAA is establishing the AMEEE1 SID to replace the HOLTB1 and BOOCK3, both of which will be canceled (HOLTB1 will remain in effect until it is canceled). The AMEEE procedure will use the new waypoint established for national security, and will otherwise not change from the procedures it is replacing. Finally, to integrate air traffic with the Northeast Corridor (NEC) and Atlantic Coast Routes (ACR) procedures, the FAA is implementing the SCOOB transition by extending the AMEEE (HOLTB/BOOCK replacement procedure) enroute transition beyond waypoint COLIN to SCOOB. This final action also requires amending the Baltimore Washington Airport (BWI) CONLE SID and Dulles Airport (IAD) JCOBY SID to establish the SCOOB Transition beyond COLIN waypoint. The SCOOB transition will be used for aircraft flying over 18,000 feet above ground level (AGL). The FAA reviewed the action and determined it to be categorically excluded from further environmental review according to FAA Order 1050.1F, Environmental Impacts: Policies and Procedures. The applicable categorical exclusion is § 5–6.5(i.). The Record of Decision was signed in College Park, Georgia on July 31, 2020, and the FAA issued this decision to the public on August 17, 2020 by publishing the decision on the project website, available at: *https://www.faa.gov/air_traffic/community_involvement/dca_p56/.*

Additional information about the FAA's actions and environmental review can be found at the same website. This Categorical Exclusion/Record of Decision constitutes a final order of the FAA Administrator and is subject to exclusive judicial review under 49 U.S.C. 46110 by the U.S. Circuit Court of Appeals for the District of Columbia or the U.S. Circuit Court of Appeals for the circuit in which the person contesting the decision resides or has its principal place of business. Any party having a substantial interest in this order may apply for review of the decision by filing a petition for review in the appropriate U.S. Court of Appeals no later than 60 days after the order is issued in accordance with the provisions of 49 U.S.C. 46110. Any party seeking to stay the implementation of this Categorical Exclusion/Record of Decision must file an application with the FAA prior to seeking judicial relief in the form of a stay, as provided in Rule 18(a), Federal Rules of Appellate Procedure.

Andrew Pieroni,

EPS Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2020–18584 Filed 8–24–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed SR–374 Project in Tennessee

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Notice of limitation on claims for judicial review of actions by FHWA and other Federal agencies.

SUMMARY: This notice announces actions taken by FHWA and other Federal agencies that are final. The actions relate to a proposed highway project, State Route (SR) 374 from SR–149 at River Road to SR–76/US–79 (Dover Road) in Montgomery County, Tennessee. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(*l*)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before January 22, 2021. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: For FHWA: Ms. Theresa Claxton; Program Development Team Leader; Federal Highway Administration; Tennessee Division Office; 404 BNA Drive, Building 200, Suite 508; Nashville, Tennessee 37217; Telephone (615) 781–5770; email: *Theresa.Claxton@dot.gov.* FHWA Tennessee Division Office's normal business hours are 7:30 a.m. to 4 p.m. (Central Time). For the Tennessee Department of Transportation contact Ms. Susannah Kniazewycz, Environmental Division Director, Tennessee Department of Transportation (TDOT), James K. Polk Building, Suite 900, 505 Deaderick Street, Nashville, Tennessee 37243–0334; Telephone (615) 741–3655, *Susannah.Kniazewycz@tn.gov.* The TDOT Environmental Division's normal business hours are 8 a.m. to 5 p.m. (Central Time).

SUPPLEMENTARY INFORMATION: Notice is hereby given that FHWA and other Federal agencies have taken final agency actions subject to 23 U.S.C. 139 (*l*)(1) by issuing licenses, permits, and approvals for the following highway project in the State of Tennessee: SR–374, Project Number HPP/STP–374(14), PIN 101463.04, Montgomery County, Tennessee. The proposed action will enhance corridor linkages within the Clarksville area and will improve mobility around Clarksville. The Selected Alternative proposes the improvement of SR–149 and the extension of SR–374 on new location. The Selected Alternative proposes widening SR–149 to two 12-foot travel lanes in each direction, with a 12-foot continuous center turn lane and 12-foot

shoulders from River Road to approximately 1,700 feet west of Cumberland Heights Road. The Selected Alternative proposes extending SR–374 on new location from SR–149 to the existing SR–76/US–79 (Dover Road)/ SR–374 (Paul B. Huff Memorial Parkway) interchange. The extension of SR–374 will include two travel lanes in each direction, a 48-foot median, 12-foot outside shoulders, and 6-foot inside shoulders. Two new bridges will be constructed: One over the Memphis Line of the R.J. Corman Railroad and another over the Cumberland River.

The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Environmental Assessment (EA) for the project, approved on January 2, 2019, in the FHWA Finding of No Significant Impact (FONSI) issued on July 6, 2020, and in other documents in the FHWA project records. The EA, FONSI, and other project records are available by contacting the FHWA or TDOT at the addresses provided above. The FHWA EA and FONSI can be viewed and downloaded from the project website at *https://www.tn.gov/tdot/projects/region-3/state-route-374.html,* or viewed at the Clarksville-Montgomery County Public Library, 350 Pageant Lane, Suite 501, Clarksville, Tennessee 37040.

This notice does not apply to the Tennessee Valley Authority (T.V.A.), or the U.S. Army Corps of Engineers (U.S.A.C.E.) permitting processes for this project, because no T.V.A. or U.S.A.C.E. permits have been issued for the project to date.

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]; Federal-Aid Highway Act [23 U.S.C. 109 and 23 U.S.C. 128].
2. *Air:* Clean Air Act [42 U.S.C. 7401–7671(q)].
3. *Land:* Section 4(f) of the Department of Transportation Act of 1966 [23 U.S.C. 138 and 49 U.S.C. 303].
4. *Wildlife:* Endangered Species Act [16 U.S.C. 1531–1544 and Section 1536]; Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)]; Migratory Bird Treaty Act [16 U.S.C. 703–712].
5. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*].
6. *Social and Economic:* Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209].
7. *Wetlands and Water Resources:* Clean Water Act (Section 404, Section 401, and Section 319) [33 U.S.C. 1251–1377].
8. *Hazardous Materials:* Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) [42 U.S.C. 9601–9675].
9. *Executive Orders:* E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 13112 Invasive Species; E.O. 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

(Authority: 23 U.S.C. 139(*l*)(1))

Issued on: August 18, 2020.

Pamela M. Kordenbrock,

Division Administrator, Nashville, Tennessee.

[FR Doc. 2020–18505 Filed 8–24–20; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2013–0443]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of correction; reopening of comment period.

SUMMARY: FMCSA corrects its May 7, 2020, notice requesting comments on the receipt of applications from eight individuals for exemption from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV'' to include one individual whose name was not listed in that notice. The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce. The Agency also reopens the public comment period for that notice.

DATES: This correction is effective August 25, 2020. The comment period for the notice published May 8, 2020, at 85 FR 27262, is reopened. Comments must be received on or before September 24, 2020.

ADDRESSES: You may submit comments identified by the Federal Docket Management System (FDMS) Docket ID FMCSA–2013–0443 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/docket?D=FMCSA-2013-0443.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.
- *Fax:* (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the ''Public Participation'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION: On May 7, 2020, (85 FR 27262), FMCSA published a notice regarding several individuals requesting an exemption from the physical qualification standard found in § 391.41(b)(8), which states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV. Although the notice references eight applicants, only seven applicants were listed. One applicant, Michael Miller (WI), was inadvertently left out of the notice. FMCSA corrects the notice and reopens the comment period to ensure that interested parties have sufficient

time to review and comment on the exemption applications.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2020–18578 Filed 8–24–20; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Revised Notice of Intent To Prepare an Environmental Impact Statement for the California High-Speed Rail System, Los Angeles to Anaheim Project Section, CA

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: The Federal Railroad Administration (FRA), on behalf of the California High-Speed Rail Authority (Authority) as the federal lead agency under the National Environmental Policy Act (NEPA) Assignment (July 2019), is issuing this notice to advise other federal, state, local, and tribal agencies and the public that the Authority intends to revise the scope of the analysis of the combined project-level Environmental Impact Report (EIR) and project-level Environmental Impact Statement (EIS) for the Los Angeles to Anaheim Project Section of the Authority's proposed California High-Speed Rail (HSR) System from the Los Angeles Union Station (LAUS) in the City of Los Angeles, California, to the Anaheim Regional Transportation Intermodal Center (ARTIC) in the City of Anaheim, California, in compliance with relevant state and federal laws, in particular the California Environmental Quality Act (CEQA) and NEPA. Since publication of the notice of intent (NOI), the Authority has identified the proposed BNSF Colton Intermodal Facility Component (Colton Component) and BNSF Lenwood Staging Track Component (Lenwood Component) as necessary components of the Los Angeles to Anaheim Project Section of the HSR system. This Revised NOI is being issued to solicit additional public and agency input into the development of the scope of the EIR/EIS for the Los Angeles to Anaheim Project Section with respect to the Colton and Lenwood Components. Public input received during outreach activities conducted by the Authority and its representatives will be considered in the preparation of the combined EIR/EIS.

DATES: Written comments on the scope of the Los Angeles to Anaheim Project Section EIR/EIS should be provided to the Authority starting on August 25, 2020 and must be received by the Authority on or before September 24, 2020, as noted below. Public scoping meetings are scheduled for the following dates and times.

The Authority expects these meetings to occur via webinar or other virtual-only mechanism (please consult *www.hsr.ca.gov* for up-to-date information). Scoping meetings are open to participants from any geographic area of the Los Angeles to Anaheim Project Section.

- *Virtual Scoping Meeting #1:* Thursday, September 10, 2020, 5:00 p.m.–7:30 p.m.
- *Virtual Scoping Meeting #2:* Saturday, September 12, 2020, 10:00 a.m.–12:30 p.m.

ADDRESSES: Written comments on the scope of the Los Angeles to Anaheim Project Section EIR/EIS in response to this Revised NOI should be sent to Mark A. McLoughlin, Director of Environmental Services, ATTN: Los Angeles—Anaheim, California High-Speed Rail Authority, 770 L Street, Suite 620, MS–2, Sacramento, CA 95814, or via email with the subject line ''Los Angeles to Anaheim Project Section HSR'' to: *Los.Angeles_Anaheim@hsr.ca.gov.* Comments may also be provided orally via the public scoping meetings described above.

FOR FURTHER INFORMATION CONTACT:

For the Authority: Mark A. McLoughlin, Director of Environmental Services, California High-Speed Rail Authority, (telephone: 916–403–6934; email: *mark.mcloughlin@hsr.ca.gov*).

For FRA: Stephanie B. Perez-Arrieta, Regional Lead, Environmental Protection Specialist, Federal Railroad Administration, (telephone: 202–493–0388; email: *s.perez-arrieta@dot.gov*).

SUPPLEMENTARY INFORMATION: The Authority was established by the California State Legislature in 1996 and is authorized and directed by statute to undertake the planning for the development of a proposed statewide HSR network that is fully coordinated with other public transportation services.

In 2005, the Authority and FRA completed a Final Program EIR/EIS for the Proposed California High-Speed Train System (statewide program EIR/EIS), as a first-tier environmental document. The Statewide Program EIR/EIS established the purpose and need for the HSR system, analyzed a HSR alternative, and compared it with a No Project Alternative and a modal alternative that involved expanding airports, freeways, and conventional rail to meet the state's future transportation needs. The Authority certified the Statewide Program EIR under CEQA and approved the proposed HSR system, and FRA issued a Record of Decision under NEPA for the statewide program EIS. The Authority and FRA made the following first-tier programmatic decisions: Selected the HSR alternative for intercity passenger travel in California between the major metropolitan centers of Sacramento and the San Francisco Bay Area in the north, through the Central Valley, to the cities of Los Angeles and San Diego in the south; selected very high-speed, electrified steel-wheel-on-steel-rail technology; selected certain general alignment corridors and general station locations to be studied in more detail in second-tier environmental documents, including a corridor between LAUS and ARTIC; and adopted programmatic mitigation strategies and design practices.

This EIR/EIS is one of a number of second-tier environmental documents for sections of the HSR system. It is tiered from and incorporates by reference the statewide program EIR/EIS in accordance with Council on Environmental Quality (CEQ) regulations (40 CFR 1508.28) and State of California CEQA Guidelines (Cal. Code Regs. tit. 14, 15168[b]). Tiering ensures that the Los Angeles to Anaheim Project Section EIR/EIS builds upon all previous work prepared for and incorporated in the statewide program EIR/EIS.

The Authority and FRA previously conducted scoping for the Los Angeles to Anaheim Project Section EIR/EIS in the spring of 2007. FRA published an NOI in the **Federal Register** on March 15, 2007 (72 FR 12250). Since publication of the NOI, the Authority has identified the proposed BNSF Colton Intermodal Facility Component (Colton Component) and BNSF Lenwood Staging Track Component (Lenwood Component) as necessary components of the Los Angeles to Anaheim Project Section of the HSR system. This Revised NOI is being issued to solicit additional public and agency input into the development of the scope of the EIR/EIS for the Los Angeles to Anaheim Project Section with respect to the Colton and Lenwood Components. Public input received during outreach activities conducted by the Authority and its representatives will be considered in the preparation of the combined EIR/EIS. The 2007 scoping and environmental development process remains valid; information learned in and since 2007 will be used, supplemented by

information learned through this additional scoping, in development of the Draft EIR/EIS. Most of the information contained in this Revised NOI is the same as was contained in the 2007 NOI but is repeated here for ease of review. The Authority held three scoping meetings: In Los Angeles on April 5, 2007, in Anaheim on April 11, 2007, and in Norwalk on April 12, 2007, to engage agency and public input on the project. In addition to formal scoping meetings, the Authority has maintained ongoing outreach to public agencies and consistently engaged the public to provide input during project development. During the alternatives analysis process phase of the project, the Authority held seven community meetings between 2010 and 2015, as well as four agency meetings in 2017. The Authority held 11 open house meetings between 2016 and 2018 to engage public input on the project.

The FRA and the State of California executed a Memorandum of Understanding pursuant to 23 U.S.C. 327 dated July 23, 2019, through which the State of California, acting through the California State Transportation Agency and the Authority, has assumed FRA's responsibilities under NEPA and other Federal environmental laws for projects necessary for the design, construction, and operation of the California HSR System, including the Los Angeles to Anaheim Project Section and any ancillary facilities (including, but not limited to, electrical interconnections and network upgrades). Accordingly, the Authority is the project sponsor and lead federal agency for complying with NEPA and other federal environmental laws for the Los Angeles to Anaheim Project Section.

The Los Angeles to Anaheim Project Section corridor runs through a narrow and constrained urban environment, with other existing rail operators in the area, including trains operated by the National Railroad Passenger Corporation (Amtrak), Metrolink (governed by the Southern California Regional Rail Authority), the Union Pacific Railroad, and BNSF Railway. Projected cumulative passenger (commuter diesel and electric HSR) and freight train volumes require additional facilities be added outside the corridor to maintain existing and anticipated freight and passenger train operations during project construction and operation. Since FRA published the initial NOI, the Authority has identified the Colton and Lenwood Components, which are located outside the HSR corridor, as necessary components of the Los Angeles to Anaheim Project Section that are required to maintain freight and passenger train performance at existing levels during project construction and accommodate currently projected freight and passenger growth during project operation within the corridor.

The Authority is issuing this Revised NOI to solicit additional public and agency input into the scope of issues to be addressed for the Los Angeles to Anaheim Project Section EIR/EIS with respect to the Colton and Lenwood Components.

The preparation of this Los Angeles to Anaheim Project Section EIR/EIS will involve development of preliminary engineering designs and assessment of environmental effects associated with the construction, operation, and maintenance of the HSR system, including track and ancillary facilities and stations along the previously selected Los Angeles to Anaheim Project Section corridor between LAUS and ARTIC, as well as the Colton and Lenwood Components.

The Los Angeles to Anaheim Project Section EIR/EIS addresses CEQA and NEPA, as well as other applicable statutes, regulations, and executive orders, including (but not limited to) the Clean Air Act, the Clean Water Act, Section 106 of the National Historic Preservation Act of 1966, Section 4(f) of the Department of Transportation Act of 1966, the Endangered Species Act, and Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations).

Implementation of the Los Angeles to Anaheim Project Section of the California HSR System is a federal undertaking with the potential to affect historic properties. As such, it is subject to the requirements of Section 106 of the National Historic Preservation Act of 1966. In accordance with regulations issued by the Advisory Council on Historic Preservation, 36 CFR part 800, the Authority intends to coordinate compliance with Section 106 of the National Historic Preservation Act of 1966 with the preparation of the Los Angeles to Anaheim Project Section EIR/EIS, beginning with the identification of consulting parties in a manner consistent with the standards set out in 36 CFR 800.8. Pursuant to a Programmatic Agreement, phased review of effects on historic properties is being conducted as provided by 36 CFR 800.4(b)(2).

The Los Angeles to Anaheim Project Section EIR/EIS will examine a HSR Project Alternative, as well as a No Action Alternative. This project level EIR/EIS will describe site-specific environmental impacts, will identify specific mitigation measures to address those impacts, and will incorporate design practices to avoid and minimize potential adverse environmental impacts. The Authority will assess the site characteristics, size, nature, and timing of proposed site-specific projects to determine whether impacts can be avoided or mitigated. The EIR/EIS will identify and evaluate the impacts from construction, operation, and maintenance of the HSR system. Information and documents regarding this HSR environmental review process will be available through the Authority's internet site: *https://www.hsr.ca.gov/.*

Purpose and Need

The need for a HSR system is directly related to the expected growth in population and increase in intercity travel demand in California over the next twenty years and beyond. With growth in travel demand, there will be an increase in travel delays arising from the growing congestion on California's highways and at airports. In addition, there will be negative effects on the economy, quality of life, and air quality in and around California's metropolitan areas from a transportation system that will become less reliable as travel demand increases. The intercity highway system, commercial airports, and conventional passenger rail serving the intercity travel market are currently operating at or near capacity and will require large public investments for maintenance and expansion to meet existing demand and future growth.

The purpose of the statewide HSR system is to provide a reliable high-speed electric-powered train system that links the major metropolitan areas of the state, and that delivers predictable and consistent travel times. A further objective is to provide an interface with commercial airports, mass transit, and the highway network and to relieve capacity constraints of the existing transportation system as increases in intercity travel demand in California occur, in a manner sensitive to and protective of California's unique natural resources.

Alternatives

The Los Angeles to Anaheim Project Section EIR/EIS will consider a No Action Alternative and a HSR Project Alternative.

No Action Alternative

The No Action alternative is defined to serve as the baseline for assessment of the HSR Project Alternative. The No Action Alternative represents the region's transportation system (highway, air, and conventional rail) as it currently exists, and as it would exist after

completion of programs or projects currently planned for funding and implementation by 2040. The No Action Alternative defines the existing and future intercity transportation system for the Los Angeles to Anaheim Project Section corridor based on programmed and funded improvements to the intercity transportation system through 2040.

HSR Project Alternative

The Authority envisions the HSR system as an electric-powered, high-speed, steel-wheel-on-steel-rail technology, which would employ the latest technology, safety, signaling, and automated train control systems, approximately 800 miles long. The Los Angeles to Anaheim Project Section alignment that was selected for further project-level study by the Authority and FRA with the statewide program EIR/EIS follows the Los Angeles-San Diego-San Luis Obispo (LOSSAN) rail corridor as the feasible route option along with a connection between LAUS and the existing LOSSAN rail corridor. The Los Angeles to Anaheim Project Section of the HSR system would extend approximately 30 miles between LAUS in Los Angeles and ARTIC in Anaheim. The HSR alignment in this project section would cross the cities of Los Angeles, Vernon, Bell, Commerce, Montebello, Pico Rivera, Santa Fe Springs, Norwalk, La Mirada, Buena Park, Fullerton, and Anaheim, as well as the unincorporated area of Los Angeles County known as West Whittier.

Station location options were selected for further project-level study by the Authority and FRA with the statewide program EIR/EIS considering travel time, train speed, cost, local access times, potential connections with other modes of transportation, ridership potential and the distribution of population and major destinations along the route, and local planning constraints/conditions. Potential station locations to be evaluated in the Los Angeles to Anaheim Project Section EIR/EIS include: City of Los Angeles, LAUS; Cities of Norwalk and Santa Fe Springs, Norwalk/Santa Fe Springs Transportation Center; City of Fullerton, Fullerton Transportation Center; and City of Anaheim, ARTIC.

The LOSSAN corridor alignment selected by the Authority in 2005 for further project-level study in the Los Angeles to Anaheim Project Section EIR/EIS is a shared corridor in a built-out urban environment hosting both passenger and freight operations across a range of rail operators. The Authority is proposing to build additional track(s) for HSR and other passenger train operations in the right-of-way owned by BNSF Railway. However, in this constrained and complex transportation environment, even the construction and operation of additional track for HSR and other passenger rail operations would prevent passenger and freight mainline track between Redondo Junction and Fullerton Junction from reaching planned cumulative mainline passenger and freight volumes. Therefore, to accommodate HSR construction activities between Redondo Junction and Fullerton Junction, as well as projected cumulative 2040 passenger and freight volumes in the LOSSAN corridor, the EIR/EIS will evaluate additional facilities located outside the primary LOSSAN rail corridor. These facilities would relieve potential congestion sufficiently to allow passenger and freight volumes to reach projected cumulative 2040 levels and would include the Lenwood Staging Tracks (Lenwood Component) and Colton Intermodal Facility (Colton Component).

The Lenwood Component would be required as a new freight train staging track facility outside and east of the LOSSAN Corridor, to allow freight trains to be staged or held outside and east of the corridor, so that windows in corridor rail activity may be provided to accommodate project construction. Additionally, operation of a new staging track facility outside and east of the corridor would be needed during project operational phases to permit adequate service windows for routine maintenance in the corridor. It would consist of the following main elements: Staging tracks, staging track leads, circulation and roadway modifications, and utility modifications. The Lenwood Component site would generally be located along the existing BNSF main line tracks and south and west of State Route 58 (SR–58) within the city of Barstow and unincorporated San Bernardino County, California.

The Colton Component would accommodate future freight train volumes (an average of 10 freight trains per day) that could not be accommodated in the LOSSAN corridor due to the corridor's use by future volumes of HSR and other passenger trains. It would consist of the following main elements: Intermodal rail yard, railroad lead tracks, circulation and roadway modifications, and utility modifications. The Colton Component is in the southwest part of San Bernardino County, California, mostly within an unincorporated area of the County, while the remainder is primarily in the City of Colton with a small portion of the site's southern extent in the City of Grand Terrace. The Colton Component is generally south of Interstate 10 and the Union Pacific Railroad rail lines and north of the Santa Ana River.

Both the Lenwood Component and Colton Component are required to implement HSR service under the HSR Project Alternative by resolving potential freight and passenger rail congestion in the LOSSAN corridor between LAUS and Fullerton.

Probable Effects

The purpose of the EIR/EIS process is to explore in a public setting the effects of the proposed project on the physical, human, and natural environment. The Authority will continue the tiered evaluation of the potential environmental, social, and economic impacts of the construction and operation of the HSR system. Impact topics to be addressed include: Transportation; air quality and greenhouse gases; noise and vibration; electromagnetic fields and electromagnetic interference; public utilities and energy; biological and aquatic resources; hydrology and water resources; geology, soils, seismicity, and paleontological resources; hazardous materials and wastes; safety and security; socioeconomics and communities; station planning, land use, and development; agricultural farmland and forest land; parks, recreation and open space; aesthetics and visual quality; cultural resources; regional growth; and environmental justice. Measures to avoid, minimize, and mitigate all adverse impacts will be identified and evaluated.

Scoping and Comments

The Authority has previously carried out scoping for the Los Angeles to Anaheim Project Section EIR/EIS and identified a Preferred Alternative for the HSR Project Alternative for the HSR passenger rail corridor between Los Angeles and Anaheim. Since publication of the NOI and the identification of the Preferred Alternative, the Authority has identified the Colton and Lenwood Components as necessary components of the Los Angeles to Anaheim Project Section of the HSR system. The Authority is issuing this Revised NOI to solicit additional public and agency input into the development of the scope of the EIR/EIS for the Los Angeles to Anaheim Project Section with respect to the Colton and Lenwood Components and to advise the public that the Authority will consider public and agency input it receives in the preparation of the combined EIR/EIS. Comments and

suggestions on the additional scope elements described in this Revised NOI are invited from all interested agencies, Native American Tribes, and the public to ensure the full range of issues related to the proposed action and all reasonable alternatives are addressed. In particular, the Authority is interested in determining whether there are areas of environmental concern where there might be a potential for impacts identifiable at a project level. In response to this Revised NOI, public agencies with jurisdiction are requested to advise the Authority of the applicable permit and environmental review requirements of each agency, and the scope and content of the environmental information that is germane to the agency's statutory responsibilities in connection with the proposed project. Currently, the Surface Transportation Board and the U.S. Army Corps of Engineers are participating as cooperating agencies in the preparation of the EIS. Public scoping meetings have been scheduled as an important component of the scoping process for both the state and federal environmental review. The scoping meetings described above in this Revised NOI will also be advertised locally and included in additional public notification.

The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being or have been carried out by the State of California pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated July 23, 2019, and executed by the FRA and the State of California.

Issued in Washington, DC.

Jamie P. Rennert,

Director, Office of Program Delivery.

[FR Doc. 2020–18610 Filed 8–24–20; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Final Agency Actions on Proposed Railroad Project in California, on Behalf of the California High-Speed Rail Authority

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: The FRA, on behalf of the California High-Speed Rail Authority (Authority), is issuing this notice to announce actions taken by the Authority that are final. By this notice, the FRA is advising the public of the time limit to file a claim seeking judicial review of the actions. The actions relate to a proposed railroad project, the California High-Speed Rail Project Fresno to Bakersfield Section: Locally Generated Alternative in Kern County, California. The Fresno to Bakersfield Locally Generated Alternative (F–B LGA) provides an alternative alignment for a 23.13-mile segment of the Fresno to Bakersfield Section between the City of Shafter and the City of Bakersfield. The F–B LGA station will be located at the intersection of State Route (SR) 204 and F Street in Bakersfield. A maintenance of infrastructure facility will be located along the F–B LGA in northern Shafter between Poplar Avenue and Fresno Avenue. These actions grant approvals for project implementation pursuant to the National Environmental Policy Act (NEPA).

DATES: A claim seeking judicial review of the agency actions on the railroad project will be barred unless the claim is filed August 25, 2022. If Federal law authorizes judicial review of a claim that provides a time period of less than two-years for filing such claim, then that shorter time period applies.

FOR FURTHER INFORMATION CONTACT:

For the Authority: Dan McKell, NEPA Assignment Manager, Environmental Services, California High-Speed Rail Authority, (telephone: 916–324–1541; email: *dan.mckell@hsr.ca.gov*).

For FRA: Stephanie Perez-Arrieta, Lead Environmental Protection Specialist, Federal Railroad Administration, (telephone: 202–493–0388; email: *s.perez-arrieta@dot.gov*).

SUPPLEMENTARY INFORMATION: Effective July 23, 2019, FRA assigned, and the State of California acting through the Authority assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that the Authority has taken final agency actions subject to 23 U.S.C. 139(*l*)(1) by issuing approvals for the following railroad project in California: California High-Speed Rail Project Fresno to Bakersfield Section: Locally Generated Alternative.

The purpose of the California HSR System is to provide a reliable high-speed electric-powered train system that links the major metropolitan areas of California, delivering predictable and consistent travel times. A further objective is to provide an interface with commercial airports, mass transit, and the highway network and to relieve capacity constraints of the existing transportation system as increases in intercity travel demand in California occur, in a manner sensitive to and protective of California's unique natural resources. For the portion of the Fresno to Bakersfield Section from just north of Poplar Avenue to and including the F Street Station (specifically to the intersection of 34th Street and L Street in Bakersfield), the Authority approves the F–B LGA and the F Street Station. As part of the California HSR System, the F–B LGA will provide the public with electric-powered HSR service that provides predictable and consistent travel times between major urban centers and connectivity to airports, mass transit, and the highway network in the south San Joaquin Valley, and that connects the northern and southern portions of the system. The F–B LGA supports the purpose and need of the Project. The Authority has selected this alternative and corresponding station because: (1) It best satisfies the Purpose, Need, and Objectives for the proposed action; and (2) it minimizes impacts on the natural and human environment by utilizing an existing transportation corridor where practicable and incorporating mitigation measures. Accordingly, from just north of Poplar Avenue to and including the F Street Station (specifically to the intersection of 34th Street and L Street in Bakersfield), the F–B LGA and the F Street Station have been selected and approved for project implementation. This conclusion does not change FRA's conclusions and decision in the 2014 ROD north of Poplar Avenue.

The actions by the Authority, and the laws under which such actions were taken, are described in the Combined Supplemental Record of Decision (ROD) and Final Supplemental Environmental Impact Statement (Final Supplemental EIS) on the Locally Generated Alternative of the Fresno to Bakersfield Project Section (F–B) of the California High-Speed Rail Project, approved on October 31, 2019. The Combined Supplemental ROD and Final Supplemental EIS and other documents are available online in PDF format at the Authority website: *www.hsr.ca.gov* and on CD–ROM by calling (916) 324–1541.

The notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. Council on Environmental Quality regulations;
2. NEPA;
3. Fixing America's Surface Transportation Act (FAST Act);
4. Department of Transportation Act of 1966, Section 4(f);
5. Land and Water Conservation Fund (LWCF) Act of 1965, Section 6(f);

6. Clean Air Act Amendments of 1990;
7. Clean Water Act of 1977 and 1987;
8. Endangered Species Act of 1973;
9. Migratory Bird Treaty Act;
10. National Historic Preservation Act of 1966, as amended;
11. Executive Order 11990, Protection of Wetlands;
12. Executive Order 11988, Floodplain Management;
13. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations; and
14. Executive Order 13112, Invasive Species.

Issued in Washington, DC.

Jamie P. Rennert,

Director, Office of Program Delivery.

[FR Doc. 2020–18603 Filed 8–24–20; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2020–0115]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel SWEET THING (Motor Vessel); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirements of the coastwise trade laws to allow the carriage of no more than twelve passengers for hire on vessels, which are three years old or more. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before September 24, 2020.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2020–0115 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2020–0115 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2020–0115, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel SWEET THING is:

—*Intended Commercial Use of Vessel:* ''Recreational Charters, Pleasure Cruising/Day Sails (No Fishing, Etc.)''
—*Geographic Region Including Base of Operations:* ''Florida, Rhode Island and Massachusetts'' (Base of Operations: Palm Beach Garden, FL)
—*Vessel Length and Type:* 65.4′ motor vessel

The complete application is available for review identified in the DOT docket as MARAD–2020–0115 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the vessel name, state the commenter's interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2020–0115 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

* * *

Dated: August 20, 2020.

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2020–18632 Filed 8–24–20; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2020–0116]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel NOLINA II (Motor Vessel); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirements of the coastwise trade laws to allow the carriage of no more than twelve passengers for hire on vessels, which are three years old or more. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before September 24, 2020.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2020–0116 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2020–0116 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2020–0116, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Russell Haynes, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–461, Washington, DC 20590. Telephone 202–366–3157, Email: *Russell.Haynes@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel NOLINA II is:

—*Intended Commercial Use of Vessel:* ''Passenger Charter''

—*Geographic Region Including Base of Operations:* ''Florida'' (Base of Operations: Hollywood, FL)

—*Vessel Length and Type:* 52′ motor vessel

The complete application is available for review identified in the DOT docket as MARAD–2020–0116 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the vessel name, state the commenter's interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2020–0116 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

* * *

Dated: August 20, 2020.

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2020–18629 Filed 8–24–20; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2020–0118]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel ISLAND TIME (Sailing Catamaran); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirements of the coastwise trade laws to allow the carriage of no more than twelve passengers for hire on vessels, which are three years old or more. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before September 24, 2020.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2020–0118 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2020–0118 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2020–0118, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Russell Haynes, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–461, Washington, DC 20590. Telephone 202–366–3157, Email *Russell.Haynes@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel ISLAND TIME is:

—*Intended Commercial Use of Vessel:* ''Day Charters and Week Charters''
—*Geographic Region Including Base of Operations:* ''Puerto Rico and Florida'' (Base of Operations: San Juan, PR)
—*Vessel Length and Type:* 42′ sailing catamaran

The complete application is available for review identified in the DOT docket as MARAD–2020–0118 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the vessel name, state the commenter's interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2020–0118 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

* * *

Dated: August 20, 2020.

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2020–18628 Filed 8–24–20; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2020–0117]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel ANTHEA (Auxiliary Sail); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is

authorized to grant waivers of the U.S.-build requirements of the coastwise trade laws to allow the carriage of no more than twelve passengers for hire on vessels, which are three years old or more. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before September 24, 2020.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2020–0117 by any one of the following methods:

• *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2020–0117 and follow the instructions for submitting comments.

• *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2020–0117, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Russell Haynes, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–461, Washington, DC 20590. Telephone 202–366–3157, Email *Russell.Haynes@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel ANTHEA is:

—*Intended Commercial Use of Vessel:* ''Day Charters and Week Charters''

—*Geographic Region Including Base of Operations:* ''Washington State, Alaska (excluding waters in Southeast Alaska)'' (Base of Operations: Pleasant Harbor Marina, Brinnon, WA)

—*Vessel Length and Type:* 48′ auxiliary sail

The complete application is available for review identified in the DOT docket as MARAD–2020–0117 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the vessel name, state the commenter's interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2020–0117 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

* * *

Dated: August 20, 2020.

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2020–18630 Filed 8–24–20; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

U.S. Maritime Transportation System National Advisory Committee; Notice of Public Meeting

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice of public meeting.

SUMMARY: The Maritime Administration (MARAD) announces a public meeting of the U.S. Maritime Transportation System National Advisory Committee (MTSNAC) to discuss advice and recommendations for the U.S. Department of Transportation on issues related to the marine transportation system.

DATES: The webinar-based (online) public meeting will be held on Tuesday, September 29, 2020, from 12:30 p.m. to 4:30 p.m. Eastern Daylight Time (EDT). Requests to speak during the public comment period of the meeting must submit a written copy of their remarks to DOT no later than by Tuesday, September 22, 2020. Requests to submit written materials to be reviewed during

the meeting must be received by Tuesday, September 22, 2020.

ADDRESSES: The meeting will be held via webinar, accessible via most internet browsers. The website link to join the meeting will be posted on the MTSNAC website by Tuesday, September 22, 2020. Please visit the MTSNAC website at *https://www.maritime.dot.gov/outreach/maritime-transportation-system-mts/marine-transportation-system-national-advisory-committee.*

FOR FURTHER INFORMATION CONTACT: Amanda Rutherford, Designated Federal Officer, at *MTSNAC@dot.gov* or at (202) 366–1332. Maritime Transportation System National Advisory Committee, 1200 New Jersey Avenue SE, W21–307, Washington, DC 20590. Any committee related request should be sent to the person listed in this section.

SUPPLEMENTARY INFORMATION:

I. Background

The MTSNAC is a Federal advisory committee that advises the U.S. Secretary of Transportation through the Maritime Administrator on issues related to the marine transportation system. The MTSNAC was originally established in 1999 and mandated in 2007 by the Energy Independence and Security Act of 2007 (Pub. L. 110–140). The MTSNAC is codified at 46 U.S.C. 55603 and operates in accordance with the provisions of the Federal Advisory Committee Act (FACA).

II. Agenda

The agenda will include: (1) Welcome, opening remarks, and introductions; (2) public comment; (3) subcommittee presentations of final recommendations followed by member's questions and answers; (4) full MTSNAC committee will make consensus-driven decisions on the recommendations; and (5) a discussion about next steps for the committee under the current charter, which includes identifying implementation strategies for the recommendations moved forward. A detailed agenda will be posted on the MTSNAC internet website at *https://www.maritime.dot.gov/outreach/maritime-transportation-system-mts/marine-transportation-system-national-advisory-committee* at least one week in advance of the meeting.

III. Public Participation

The meeting will be open to the public.

Services for Individuals with Disabilities: The public meeting is accessible to people with disabilities. The U.S. Department of Transportation is committed to providing equal access to this meeting for all participants. If you need alternative formats or services because of a disability, such as sign language, interpretation, or other ancillary aids, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Public Comments: A public comment period will commence at approximately 1 p.m. EST on September 29, 2020. To provide time for as many people to speak as possible, speaking time for each individual will be limited to three minutes. Members of the public who would like to speak are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Commenters will be placed on the agenda in the order in which notifications are received. If time allows, additional comments will be permitted. Copies of oral comments must be submitted in writing at the meeting or preferably emailed to the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Written Comments: Persons who wish to submit written comments for consideration by the Committee must send them to the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

(Authority: 49 CFR part 1.93(a); 5 U.S.C. 552b; 41 CFR parts 102–3; 5 U.S.C. app. Sections 1–16)

Dated: August 20, 2020.

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.

Secretary, Maritime Administration.

[FR Doc. 2020–18624 Filed 8–24–20; 8:45 am]

BILLING CODE 4910–81–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 (*www.treas.gov/ofac*).

Notice of OFAC Actions

On August 20, 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 authorities listed below.

Individuals

1. AL SHIBL, Luna (Arabic:) (a.k.a. AL CHEBEL, Luna; a.k.a. AL CHEBIL, الشبل لونـــا Luna; a.k.a. AL SHEBEL, Luna; a.k.a. AL SHEBIL, Luna; a.k.a. AL SHIBIL, Luna; a.k.a. ALSHEBEL, Luna; a.k.a. AL-SHIBL, Luna; a.k.a. CHEBEL, Luna; a.k.a. SHIBL, Luna), Damascus, Syria; DOB 01 Sep 1975; POB Suweida, Syria; alt. POB Damascus, Syria; nationality Syria; Gender Female (individual) [SYRIA].

   Designated pursuant to section 1(b)(i) of Executive Order 13573 of May 18, 2011, "Blocking Property of Senior Officials of the Government of Syria," 76 FR 29143, 3 CFR 13573 (E.O. 13573) for being a senior official of the Government of Syria.

2. SAATI BIN MOHAMAD NAWZAD, Mohamad Ammar (Arabic: بـن ســـاعاتي عمار محمد); a.k.a. SAATI, Amar; a.k.a. الساعاتي رعما) (a.k.a. AL-SAATI, Ammar (Arabic: نوز محمد SAATI, Ammar; a.k.a. SAATI, Mohamed Ammar; a.k.a. SA'ATI, Mohamed Ammar;); a.k.a. SA'ATI, Mohammad ساعاتي عمار محمدa.k.a. SAATI, Mohammad Ammar (Arabic: Ammar; a.k.a. SA'ATI, Mohammed Ammar; a.k.a. SAATI, Mohammed Ammar; a.k.a. SAATI, Muhammed Ammar), Syria; DOB 01 Jan 1967; POB Damascus, Syria; nationality Syria; Gender Male (individual) [SYRIA].

   Designated pursuant to section 1(b)(i) of Executive Order 13573 of May 18, 2011, "Blocking Property of Senior Officials of the Government of Syria," 76 FR 29143, 3 CFR 13573 (E.O. 13573) for being a senior official of the Government of Syria.

Dated: August 20, 2020.

Andrea M. Gacki,

Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2020–18638 Filed 8–24–20; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974; System of Records

AGENCY: Department of Veterans Affairs (VA).

ACTION: Notice of a modified system of records.

SUMMARY: As required by the Privacy Act of 1974, notice is hereby given that the Department of Veterans Affairs (VA) is amending the system of records entitled ''VHA Corporate Data Warehouse-VA'' (172VA10P2) as set forth in 79 FR 4377. VA is amending the system of records by revising the System Number; System Manager; Purposes of the System; Categories of Records in the System; Routine Uses of Records Maintained in the System and Policies; Record Access Procedure; Notification Procedure; and Appendix. VA is republishing the system notice in its entirety.

DATES: Comments on this amended system of records must be received no later than September 24, 2020. If no public comment is received during the period allowed for comment or unless otherwise published in the **Federal Register** by the VA, the new system will become effective September 24, 2020.

ADDRESSES: Comments may be submitted through *www.Regulations.gov* or mailed to, Director, National Data Systems (10A7), Austin Information Technology Center, 1615 Woodward Street, Austin, Texas 78772. Comments should indicate that they are submitted in response to ''VHA Corporate Data Warehouse-VA (172VA10P2)''. Comments received will be available at *regulations.gov* for public viewing, inspection or copies.

FOR FURTHER INFORMATION CONTACT: Veterans Health Administration (VHA) Privacy Officer, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420; telephone (704) 245–2492 (Note: not a toll-free number).

SUPPLEMENTARY INFORMATION: The System Name is changed to ''VHA Corporate Data Warehouses-VA'' to clearly indicate that there are multiple data warehouses covered under the system of records notice.

The System Number is changed from 172VA10P2 to 172VA10A7 to reflect the current organizational alignment.

The System Location is being updated to reflect the address locations for VA National Data Centers and contracted data centers are listed in Appendix A.

System Manager, Record Access Procedure, and Notification Procedure is being amended to replace 10P2 and 10P2C with 10A7.

The Purpose of the System is being amended to include reporting purposes for Veterans Authorizations and Preferences and other Veterans Health Information Exchange (VHIE) reporting needs and health care operations.

Categories of Records in the System is being amended to change number 1 from 24VA10P2 and 121VA10P2 to 24VA10A7 and 121VA10A7 respectively, also including Virtual Lifetime Electronic Record (VLER)-VA (168VA10P2). Number 3 and number 4 will replace 114VA16 with 114VA10D. Number 7 to add Health care practitioners' name and other demographic information related to position.

Routine use #5 has been amended to remove General Services Administration (GSA).

The Routine Uses of Records Maintained in the System has been amended by amending the language in

Routine Use #6 which states that disclosure of the records to the Department of Justice (DoJ) is a use of the information contained in the records that is compatible with the purpose for which VA collected the records. VA may disclose records in this system of records in legal proceedings before a court or administrative body after determining that the disclosure of the records to the court or administrative body is a use of the information contained in the records that is compatible with the purpose for which VA collected the records. This routine use will now state that release of the records to the DoJ is limited to circumstances where relevant and necessary to the litigation. VA may disclose records in this system of records in legal proceedings before a court or administrative body after determining that release of the records to the court or administrative body is limited to circumstances where relevant and necessary to the litigation.

Routine use #20 has been amended by clarifying the language to state, ''VA may disclose any information or records to appropriate agencies, entities, and persons when (1) VA suspects or has confirmed that there has been a breach of the system of records; (2) VA has determined that as a result of the suspected or confirmed breach there is a risk to individuals, VA (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, or persons is reasonably necessary to assist in connection with VA efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.''

Routine use 24 is being added to state, ''VA may disclose information from this system to another Federal agency or Federal entity, when VA determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach. VA needs this routine use for the data breach response and remedial efforts with another Federal agency.''

Routine use 25 is also being added to state, ''VA may disclose relevant information to health plans, quality review and/or peer review organizations in connection with the audit of claims or other review activities to determine quality of care or compliance with professionally accepted claims processing standards.'' This routine use permits disclosure of information for quality assessment audits received by Healthcare Effectiveness Data and Information Set (HEDIS) or similar auditors.

Physical, Procedural and Administrative Safeguards is being updated to clarify that item 1–3 apply to VA data warehouses. In addition, item 5 is added to state, ''Access to Cerner Technology Centers is generally restricted to Cerner employees, contractors or associates with a Cerner issued ID badge and other security personnel cleared for access to the data center. Access to computer rooms housing Federal data, hence Federal enclave, is restricted to persons Federally cleared for Federal enclave access through electronic badge entry devices. All other persons, such as custodians, gaining access to Federal enclave are escorted.''

VA Appendix A is being amended to remove the Regional Data Warehouses (RDW), Region 2, Region 3, and Region 4. These RDW's are being discontinued as the data from these warehouses will be sourced under the Corporate Data Warehouse (CDW). The name of the Veterans Informatics, Information and Computing Infrastructure (VINCI) program is also being changed to VA Informatics and Computing Infrastructure to reflect the current name description. In addition, Cerner Technology Centers (CTC): Primary Data Center in Kansas City, MO and Continuity of Operations/Disaster Recovery (COOP/DR) Data Center in Lee Summit, MO is being added to Appendix A.

The Report of Intent to Amend a System of Records Notice and an advance copy of the system notice have been sent to the appropriate Congressional committees and to the Director of the Office of Management and Budget (OMB) as required by 5 U.S.C. § 552a(r) (Privacy Act) and guidelines issued by OMB (65 FR 77677), December 12, 2000.

Signing Authority

The Senior Agency Official for Privacy, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. James P. Gfrerer, Assistant Secretary for Information and Technology and Chief Information Officer, approved this document on May 20, 2020 for publication.

Dated: August 20, 2020.

Amy L. Rose,

Program Analyst, VA Privacy Service, Office of Information Security, Office of Information and Technology, Department of Veterans Affairs.

SYSTEM NAME AND NUMBER:

''VHA Corporate Data Warehouses-VA'' (172VA10A7).

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Records are located in VA National Data Centers and contracted data centers listed in Appendix A.

SYSTEM MANAGER(S):

Officials responsible for policies and procedures: Assistant Deputy Under Secretary for Health Informatics (10A7), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420. Officials maintaining this system of records: Director, National Data Systems (10A7), Austin Information Technology Center, 1615 Woodward Street, Austin, Texas 78772.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 38, United States Code, Section 501.

PURPOSE(S) OF THE SYSTEM:

The records and information may be used for clinical decision support, mobile applications presenting patient data, statistical analysis to produce various management, workload tracking, and follow-up reports; to track and evaluate the ordering and delivery of equipment, services and patient care; for the planning, distribution and utilization of resources; to monitor the performance of Veterans Integrated Service Networks (VISNs); and to allocate clinical and administrative support to patient medical care. The data may be used for VA's extensive research programs in accordance with VA policy and to monitor for bio-terrorist activity. In addition, the data may be used to assist in workload allocation for patient treatment services including provider panel management, nursing care, clinic appointments, surgery, diagnostic and therapeutic procedures; to plan and schedule training activities for employees; for audits, reviews and investigations conducted by the Network Directors Office and VA Central Office; for quality assurance audits, reviews and investigations; for law enforcement investigations; for reporting purposes for Veterans Authorizations and

Preferences and other Veterans Health Information Exchange (VHIE) reporting needs; and for health care operations and for personnel management, evaluation and employee ratings, and performance evaluations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The records contain information for all individuals:

(1) receiving health care from VHA;

(2) receiving health care from Department of Defense (DoD);

(3) providing the health care;

(4) or working for VA or DoD.

Individuals encompass Veterans, members of the armed services, current and former employees, trainees, caregivers, contractors, sub-contractors, consultants, volunteers, and other individuals working collaboratively with VA.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records may include information related to:

1. Patient health record detailed information, including information from Patient Medical Records—VA (24VA10A7) and Patient National Databases—VA (121VA10A7) and from Virtual Lifetime Electronic Record (VLER)—VA (168VA10P2);

2. The record may include identifying information (*e.g.,* name, birth date, death date, admission date, discharge date, gender, Social Security number, taxpayer identification number); address information (*e.g.,* home and/or mailing address, home telephone number, emergency contact information such as name, address, telephone number, and relationship); prosthetic and sensory aid serial numbers; health record numbers; integration control numbers; information related to medical examination or treatment (*e.g.,* location of VA medical facility providing examination or treatment, treatment dates, medical conditions treated or noted on examination); information related to military service and status;

3. Patient health insurance information, including information from Revenue Program Billing and Collection Records—VA (114VA10D);

4. Medical benefit and eligibility information, including information from Revenue Program Billing and Collection Records—VA (114VA10D);

5. Patient aggregate workload data such as admissions, discharges, and outpatient visits; resource utilization such as laboratory tests, x-rays, pharmaceuticals, prosthetics and sensory aids; employee workload and productivity data;

6. Information on services or products needed in the provision of medical care (*i.e.,* pacemakers, prosthetics, dental implants, hearing aids, etc.); data collected may include vendor name and address, details about and/or evaluation of service or product, price/fee, dates purchased and delivered;

7. Health care practitioners' name, identification number and other demographic information related to position;

8. Employees salary and benefit information;

9. Financial Information from the Financial Management System;

10. Human resource information including employee grade, salary, and tour of duty;

11. Compensation and pension determinations, Veteran eligibility, and other information associated administering Veteran benefits by the Veterans Benefit Administration;

12. Data from other Federal agencies;

13. Patient self-entered data (online forms, etc.).

RECORD SOURCE CATEGORIES:

Information in this system of records is provided by Veterans, VA employees, VA computer systems, Veterans Health Information Systems and Technology Architecture (VistA), contracted computer systems, VA Medical Centers, VA Program Offices, VISNs, DoD, other Federal Agencies and non-VA health care providers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the extent that records contained in the system include information protected by 45 CFR parts 160 and 164, *i.e.,* individually identifiable health information, and 38 U.S.C. 7332, *i.e.,* medical treatment information related to drug abuse, alcoholism or alcohol abuse, sickle cell anemia or infection with the human immunodeficiency virus, that information cannot be disclosed under a routine use unless there is also specific statutory authority in 38 U.S.C. 7332 and regulatory authority in 45 CFR parts 160 and 164 permitting disclosure.

1. VA may disclose any information in this system, except the names and home addresses of Veterans and their dependents, which is relevant to a suspected or reasonably imminent violation of law, whether civil, criminal or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, to a Federal, State, local, tribal, or foreign agency charged with the responsibility of investigating or prosecuting such violation, or charged with enforcing or implementing the statute, regulation, rule or order. VA may also disclose the names and addresses of Veterans and their dependents to a Federal agency charged with the responsibility of investigating or prosecuting civil, criminal or regulatory violations of law, or charged with enforcing or implementing the statute, regulation, rule or order issued pursuant thereto.

2. Disclosure may be made to any source from which additional information is requested (to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and to identify the type of information requested), when necessary to obtain information relevant to an individual's eligibility, care history, or other benefits.

3. Disclosure may be made to an agency in the executive, legislative, or judicial branch, or the District of Columbia's government in response to its request or at the initiation of VA, in connection with disease-tracking, patient outcomes, bio-surveillance, or other health information required for program accountability.

4. The record of an individual who is covered by a system of records may be disclosed to a Member of Congress, or a staff person acting for the Member, when the Member or staff person requests the record on behalf of and at the written request of the individual.

5. Disclosure may be made to National Archives and Records Administration (NARA) in records management inspections and other activities conducted under Title 44, Chapter 29, of the U.S.C.

6. VA may disclose information in this system of records to the Department of Justice (DoJ), either on VA's initiative or in response to DoJ's request for the information, after either VA or DoJ determines that such information is relevant to DoJ's representation of the United States or any of its components in legal proceedings before a court or adjudicative body, provided that, in each case, the agency also determines prior to disclosure that release of the records to the DoJ is limited to circumstances where relevant and necessary to the litigation. VA may disclose records in this system of records in legal proceedings before a court or administrative body after determining that release of the records to the court or administrative body is limited to circumstances where relevant and necessary to the litigation.

7. Records from this system of records may be disclosed to a Federal agency or to a State or local government licensing board and/or to the Federation of State Medical Boards or a similar nongovernment entity which maintains

records concerning individuals' employment histories or concerning the issuance, retention or revocation of licenses, certifications, or registration necessary to practice an occupation, profession or specialty, in order for the agency to obtain information relevant to an agency decision concerning the hiring, retention or termination of an employee.

8. Records from this system of records may be disclosed to inform a Federal agency, licensing boards or the appropriate non-government entities about the health care practices of a terminated, resigned or retired health care employee whose professional health care activity so significantly failed to conform to generally accepted standards of professional medical practice, as to raise reasonable concern for the health and safety of patients receiving medical care in the private sector or from another Federal agency.

9. For program review purposes and the seeking of accreditation and/or certification, disclosure may be made to survey teams of the Joint Commission (JC), College of American Pathologists, American Association of Blood Banks, and similar national accreditation agencies or boards with whom VA has a contract or agreement to conduct such reviews but only to the extent that the information is necessary and relevant to the review. VA health care facilities undergo certification and accreditation by several national accreditation agencies or boards to comply with regulations and good medical practices.

10. Disclosure may be made to a national certifying body which has the authority to make decisions concerning the issuance, retention or revocation of licenses, certifications or registrations required to practice a health care profession, when requested in writing by an investigator or supervisory official of the national certifying body for the purpose of making a decision concerning the issuance, retention or revocation of the license, certification or registration of a named health care professional.

11. Disclosure may be made to officials of labor organizations recognized under 5 U.S.C. Chapter 71, when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions.

12. Disclosure may be made to the VA-appointed representative of an employee of all notices, determinations, decisions, or other written communications issued to the employee in connection with an examination ordered by VA under medical evaluation (formerly fitness-for-duty) examination procedures or Department filed disability retirement procedures.

13. Disclosure may be made to officials of the Merit Systems Protection Board, including the Office of the Special Counsel, when requested in connection with appeals, special studies of the civil service and other merit systems, review of rules and regulations, investigation of alleged or possible prohibited personnel practices, and such other functions, promulgated in 5 U.S.C. 1205 and 1206, or as may be authorized by law.

14. Disclosure may be made to the Equal Employment Opportunity Commission when requested in connection with investigations of alleged or possible discrimination examination of Federal affirmative employment programs, or for other functions of the EEOC as authorized by law or regulation.

15. To disclose to the Federal Labor Relations Authority (including its General Counsel) information related to the establishment of jurisdiction, the investigation and resolution of allegations of unfair labor practices, or information in connection with the resolution of exceptions to arbitration awards when a question of material fact is raised; to disclose information in matters properly before the Federal Services Impasses Panel, and to investigate representation petitions and conduct or supervise representation elections.

16. Disclosure of health record data, excluding name and address, unless name and address is furnished by the requester, may be made to epidemiological and other research facilities for research purposes determined to be necessary and proper when approved in accordance with VA policy.

17. Disclosure of name(s) and address(s) of present or former personnel of the armed services, and/or their dependents, may be made to: (a) A Federal department or agency, at the written request of the head or designee of that agency; or (b) directly to a contractor or subcontractor of a Federal department or agency, for the purpose of conducting Federal research necessary to accomplish a statutory purpose of an agency.

18. Disclosure of relevant information may be made to individuals, organizations, private or public agencies, etc., with whom VA has a contract or agreement to perform such services as VA may deem practicable for the purposes of laws administered by VA, in order for the contractor or subcontractor to perform the services of the contract or agreement.

19. Disclosure to other Federal agencies may be made to assist such agencies in preventing and detecting possible fraud or abuse by individuals in their operations and programs.

20. VA may disclose any information or records to appropriate agencies, entities, and persons when (1) VA suspects or has confirmed that there has been a breach of the system of records; (2) VA has determined that as a result of the suspected or confirmed breach there is a risk to individuals, VA (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, or persons is reasonably necessary to assist in connection with VA efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

21. VA may disclose information from this system to a Federal agency for the purpose of conducting research and data analysis to perform a statutory purpose of that Federal agency upon the prior written request of that agency, provided that there is legal authority under all applicable confidentiality statutes and regulations to provide the data and VA has determined prior to the disclosure that VA data handling requirements are satisfied.

22. VA may disclose information from this system of records to OMB for the performance of its statutory responsibilities for evaluating Federal programs.

23. VA may disclose this information to the DoD for joint ventures between the two Departments to promote improved patient care, better health care resource utilization, and formal research studies.

24. VA may disclose information from this system to another Federal agency or Federal entity, when VA determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

25. VA may disclose relevant information to health plans, quality review and/or peer review organizations in connection with the audit of claims or other review activities to determine quality of care or compliance with

professionally accepted claims processing standards.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained on Storage Area Networks.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by name, Social Security number or other assigned identifiers of the individuals on whom they are maintained.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are maintained and disposed of in accordance with records disposition authority approved by the Archivist of the United States. The records are disposed of in accordance with General Records Schedule 20, item 4.

Item 4 provides for deletion of data files when the agency determines that the files are no longer needed for administrative, legal, audit, or other operational purposes.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

1. Access to and use of VA data warehouses are limited to those persons whose official duties require such access, and the VA has established security procedures to ensure that access is appropriately limited. Information security officers and system data stewards review and authorize data access requests. VA regulates data warehouse access with security software that relies on network authentication. VA requires information security training to all staff and instructs staff on the responsibility each person has for safeguarding data confidentiality.

2. Physical access to computer rooms housing VA data warehouses are restricted to authorized staff and protected by a variety of security devices. Unauthorized employees, contractors, and other staff are not allowed in computer rooms.

3. Data transmissions between VA operational systems and VA data warehouses maintained by this system of record are protected by state-of-the-art telecommunication software and hardware. This may include firewalls, intrusion detection devices, encryption, and other security measures necessary to safeguard data as it travels across the VA Wide Area Network.

4. In most cases, copies of back-up computer files are maintained at off-site locations.

5. Access to Cerner Technology Centers is generally restricted to Cerner employees, contractors or associates with a Cerner issued ID badge and other security personnel cleared for access to the data center. Access to computer rooms housing Federal data, hence Federal enclave, is restricted to persons Federally cleared for Federal enclave access through electronic badge entry devices. All other persons, such as custodians, gaining access to Federal enclave are escorted.

RECORD ACCESS PROCEDURE:

Individuals seeking information regarding access to and contesting of records contained in this system of records may write to the Director of National Data Systems (10A7), Austin Information Technology Center, 1615 Woodward Street, Austin, Texas 78772. Inquiries should include the person's full name, Social Security number, location and dates of employment or location and dates of treatment, and their return address.

CONTESTING RECORD PROCEDURES:

(See Record Access Procedures above.)

NOTIFICATION PROCEDURE:

Individuals who wish to determine whether this system of records contains information about them should contact the Director of National Data Systems (10A7), Austin Information Technology Center, 1615 Woodward Street, Austin, Texas 78772. Inquiries should include the person's full name, Social Security number, location and dates of employment or location and dates of treatment, and their return address.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

Last full publication provided in 79 FR 4377 dated January 27, 2014.

VA APPENDIX A

Database name	Location
Corporate Data Warehouse	Austin Information Technology Center, 1615 Woodward Street, Austin, TX 78772.
VA Informatics and Computing Infrastructure (VINCI)	Austin Information Technology Center, 1615 Woodward Street Austin, TX 78772.
HealtheIntent at Cerner Technology Centers (CTC)	Primary Data Center, Kansas City, MO. Continuity of Operations/Disaster Recovery (COOP/DR) Data Center, Lee Summit, MO.

[FR Doc. 2020–18653 Filed 8–24–20; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Women Veterans, Notice of Meeting, Amended

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2., that the Advisory Committee on Women Veterans will conduct a virtual site visit on September 21–24, 2020, with the Veterans Integrated Service Network (VISN) 22: Desert Pacific Healthcare Network and the Southern Arizona VA Health Care System (SAVAHCS) in Tucson, AZ.

Date	Time	Location
September 21, 2020	8:30 a.m.–3:45 p.m. (Pacific Standard Time-PST)	*See* WebEx link and call-in information below.
September 22, 2020	8:30 a.m.–2:00 p.m. (PST)	*See* WebEx link and call-in information below.
September 23, 2020	8:00 a.m.–3:45 p.m. (PST)	*See* WebEx link and call-in information below.
September 24, 2020	8:30 a.m.–9:30 a.m. (PST)	*See* WebEx link and call-in information below.

The purpose of the Committee is to advise the Secretary of Veterans Affairs regarding the needs of women Veterans with respect to health care, rehabilitation, compensation, outreach and other programs and activities administered by VA designed to meet such needs. The Committee makes recommendations to the Secretary regarding such programs and activities.

On Monday, September 21, the agenda includes briefings on: VISN 22 facilities/programs/demographics; VISN 22 women Veterans services; SAVAHCS and its strategic partnerships; Phoenix Regional Office and the National Cemetery Phoenix National Cemetery of Arizona; readjustment counseling; the Arizona Department of Veteran Services and how it collaborates with VA; Veteran Justice Office; and a virtual tour.

On Tuesday, September 22, the agenda includes briefings on: The Office of Tribal and Government Relations; SAVAHCS's Native American Veterans Program and Indian Health Services sharing Agreements; SAVAHCS's women health program; primary care community based outpatient clinics; SAVAHCS's health care training programs; the breast and cervical cancer screening program; maternity care; and gynecology. From 2:30 p.m.–4:00 p.m., the Committee will observe a women Veterans town hall meeting for women Veterans in Arizona, hosted by the SAVAHCS.

On Wednesday, September 23, the agenda includes briefings on: Mental health services; health care for homeless Veterans; inpatient services; telehealth; research and medical affiliations; whole health; THRIVE; SAVAHCS's Comprehensive Compensation and Pension program; rural health; LGB and transgender program; prosthetic services; and the Transition Care Management program. On Thursday, September 24, the committee will conduct an out-briefing with leadership from SAVAHCS. The meeting sessions and town hall meeting are open to the public.

No time will be allocated at this meeting for receiving oral presentations from the public. Interested parties should provide written comments for review by the Committee to Ms. Shannon L. Middleton at *00W@mail.va.gov.* Any member of the public who wishes to participate in the virtual site visit may use the following WebEx link (for September 21–23 only): *https://veteransaffairs.WebEx.com/webappng/sites/veteransaffairs/meeting/download/236670d5436a47bc95047e1bb8f45ae5?siteurl=veteransaffairs&MTID=mafac92e107678c58f9c9abdb003b0d5a.* Meeting number (access code): 199 257 9839; meeting password: CZyzrUe*633. To join by phone: 1–404–397–1596; code: 1992579839##.

For September 24 (only), please use: *https://veteransaffairs.WebEx.com/webappng/sites/veteransaffairs/meeting/download/244e7a4df0ce4c1ea406615b409796f7?siteurl=veteransaffairs&MTID=m8df485138357baa5bcede9e6e8fab356.* Meeting number (access code): 199 156 9644; meeting password: wU3DhjRV$77. To join by phone: 1–404–397–1596; code: 1991569644##.

Dated: August 20, 2020.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2020–18656 Filed 8–24–20; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

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Part II

Federal Communications Commission

47 CFR Parts 5, 25, and 97

Mitigation of Orbital Debris in the New Space Age; Final Rule and Proposed Rule

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 5, 25, and 97

[IB Docket No. 18–313; FCC 20–54; FRS 16850]

Mitigation of Orbital Debris in the New Space Age

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Commission adopts amendments to its rules related to satellite orbital debris mitigation, to reflect the Report and Order adopted on April 23, 2020. A proposed rule document for the Further Notice of Proposed Rulemaking (*FNPRM* or *Further Notice*) related to this Final rule document is published elsewhere in this issue of the **Federal Register**.

DATES: The amendments to §§ 25.271 and 25.282 are effective September 24, 2020. The other rule amendments contain information collection requirements that are not effective until approved by the Office of Management and Budget. The Commission will publish a document in the **Federal Register** announcing the effective date for those amendments.

FOR FURTHER INFORMATION CONTACT: Merissa Velez, International Bureau, Satellite Division, at (202) 418–0751. For information regarding the PRA information collection requirements contained in the PRA, contact Cathy Williams, Office of Managing Director, at (202) 418–2918 or *Cathy.Williams@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order* (Order), IB Docket No. 18–313, FCC 20–54, adopted on April 23, 2020, and released on April 24, 2020. The full text of this document is available on the Commission's website at *https://docs.fcc.gov/public/attachments/FCC-20-54A1.pdf.* To request materials in accessible formats for people with disabilities, send an email to *FCC504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

Supplemental Final Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act of 1980 (RFA), the Commission has prepared a Final Regulatory Flexibility Analysis (FRFA) of the possible significant economic impact on small entities of the policies and rules adopted in the Order.

Congressional Review Act

The Commission will send a copy of this *Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act (CRA), see 5 U.S.C. 801(a)(1)(A).

Synopsis

I. Introduction

A wide range of new and existing commercial technologies depend on reliable communications with spacecraft. The cost, integrity, and reliability of these communications can be negatively affected by orbital debris, which presents an ever-increasing threat to operational spacecraft. The environment in space continues to change and evolve in the New Space Age as increasing numbers of satellites are launched and new satellite technology is developed. The regulations we adopt today are designed to ensure that the Commission's actions concerning radio communications, including licensing U.S. spacecraft and granting access to the U.S. market for non-U.S. spacecraft, mitigate the growth of orbital debris, while at the same time not creating undue regulatory obstacles to new satellite ventures. This action will help to ensure that Commission decisions are consistent with the public interest in space remaining viable for future satellites and systems and the many services that those systems provide to the public.

The Report and Order (Order) comprehensively updates the Commission's existing rules regarding orbital debris mitigation, which were adopted in 2004. Our goal is to provide the clearest possible regulatory framework for applicants for non-Federal satellite communications. We also seek comment in a Further Notice of Proposed Rulemaking (Further Notice) on probability of accidental explosions, collision risk for multi-satellite systems, maneuverability requirements, casualty risk, indemnification, and performance bonds tied to successful spacecraft disposal.

II. Background

There are a variety of predictions for how the space economy and space environment will evolve in the coming New Space Age, but one clear indicator of the changes to come is the unprecedented number of non-geostationary orbit (NGSO) space stations [1] for which applications have been submitted at the FCC. Some of the systems have begun preliminary operations, and we expect these activities to accelerate in the coming years. These new large constellations, many of which are designed to provide global broadband services, are likely to bring thousands of new satellites to low-Earth orbit (LEO). At the same time, there are a number of commercial systems with more than a hundred satellites that are already fully operational and providing commercial imaging and other Earth-exploration services. Additional satellite constellations, again in potentially large numbers, will be coming online to provide other innovative services such as ''Internet of Things.'' Moreover, the last decade has seen an exponential increase in the number of operations by small satellites with short duration missions for academic and research purposes, as the miniaturization of electronic components along with increased ''rideshare'' launch opportunities has led to the flourishing of ''CubeSat'' spacecraft missions, including launches with unprecedented numbers of satellites on board. In the meantime, operators continue to launch new, technologically-advanced communications satellites into the geostationary orbit (GSO), providing critical services across the globe.

At the same time, studies indicate that already in some regions of LEO, the number of new objects and fragments generated from collisions exceeds those removed by natural atmospheric drag. Other regions have sufficient densities of orbital debris to lead some analysts to conclude that they are close to or have already reached a ''runaway'' status, where the debris population will grow indefinitely due to collisions between debris objects. The predicted increase in the number of satellites in orbit requires that orbital debris mitigation be taken seriously by all operators in order to ensure the continued safe and reliable use of space for satellite

[1] Throughout this Order, we use the terms ''space station,'' ''satellite,'' and ''spacecraft.'' ''Space station'' is defined in the Commission's rules as ''[a] station'' located on an object which is beyond, is intended to go beyond, or has been beyond, the major portion of the Earth's atmosphere.'' 47 CFR 2.1, 25.103. This is consistent with terminology used by the International Telecommunication Union (ITU). ITU Radio Regulations (R.R.) 1.64. The Commission's rules define ''satellite'' as ''[a] body which revolves around another body of preponderant mass, and which has a motion primarily and permanently determined by the force of attraction of that other body.'' 47 CFR 2.1. In this Order we refer only to artificial satellites. The Commission's rules define ''spacecraft'' as ''[a] man-made vehicle which is intended to go beyond the major portion of the Earth's atmosphere.'' 47 CFR 2.1, 25.103. These terms are used interchangeably in this Order, but we observe that ''satellite'' and ''spacecraft'' are more broadly defined than ''space station.''

communications and other activities. The number of U.S. commercial satellites in space exceeds the number of U.S. government satellites, and the actions taken by operators today have the potential to impact the orbital environment for hundreds or thousands of years.

The Commission first adopted comprehensive rules on orbital debris mitigation in 2004 in its Mitigation of Orbital Debris Second Report and Order. The rules require disclosure of an applicant's debris mitigation plans as part of the technical information submitted to the Commission. The Commission reasoned that the disclosures would allow the Commission to examine whether a space station operator has taken orbital debris into consideration, while finding that the costs associated with disclosure would not be unduly burdensome when balanced against the public interest benefits of preserving safe and affordable access to space, and disclosure would provide flexibility for the Commission to address new developments in space station design and permit discretion when granting conditioning, or denying an authorization. As part of its 2004 Orbital Debris Order, the Commission also explained how its orbital debris rules related to certain regulations of the National Oceanic and Atmospheric Administration (NOAA) and regulations of the Department of Transportation, Federal Aviation Administration (FAA). Additionally, the Commission applied the new rules to amateur and experimental space stations, authorized under parts 97 and 5 of the Commission's rules, respectively, and considered liability issues and insurance as they related to Commission-authorized space stations.

Since 2004, there have been a variety of technical and policy updates to orbital debris mitigation standards, policy, and guidance documents. Additionally, scientific research and policy discussions on debris mitigation have continued in a wide variety of existing and new forums both in the United States and internationally.

In the United States, Space Policy Directive-3 (SPD–3), titled ''National Space Traffic Management Policy,'' recognized the growing threat to space activities from orbital debris, and directs the Administrator of the National Aeronautics and Space Administration (NASA), in coordination with the Secretaries of State, Defense, Commerce, and Transportation, and the Director of National Intelligence, and in consultation with the Chairman of the Commission, to lead efforts to update the U.S. Government Orbital Debris Mitigation Standard Practices (ODMSP) and establish new guidelines for satellite design and operation. The ODMSP apply to missions operated or procured by U.S. government agencies, and ''provides a reference for to promote efficient and effective space safety practices for other domestic and international operators.'' SPD–3 stated that the United States should eventually incorporate appropriate standards and best practices, derived in part from the ODMSP, into Federal law and regulation through appropriate rulemaking or licensing actions, and that such guidelines should encompass protocols for all stages of satellite operation from design through end-of-life. This rulemaking is one such activity.

The updated ODMSP were issued on December 10, 2019. This represents the first update to the ODMSP since the practices were originally established in 2001. The preamble states that the revised ODMSP includes ''improvements to the original objectives as well as clarification and additional standard practices for certain classes of space operations.'' The revised ODMSP preamble states that the United States Government ''will follow the ODMSP, consistent with mission requirements and cost effectiveness in the procurement and operation of spacecraft, launch services, and the conduct of tests and experiments in space.'' The preamble goes on to state that ''[w]hen practical, operators should consider the benefits of going beyond the standard practices and take additional steps to limit the generation of orbital debris.''

At the U.S. government agency level, the NASA Technical Standard (NASA Standard) and other NASA documents contain additional detail informing orbital debris mitigation measures when it comes to the development of NASA programs and projects. The NASA Standard provides specific technical requirements for limiting orbital debris generation consistent with NASA policies, and has been updated regularly, with the most recent update on April 25, 2019. The NASA Orbital Debris Program Office also develops and maintains a number of software modelling tools designed to assist with current orbital debris mitigation analysis and help better understand the evolution of the orbital environment. Several of these are available at no cost to the public. The software modeling tool that has been used by many Commission applicants is the NASA Debris Assessment Software, which provides a means of calculating, during the planning and design phase, various metrics-related debris mitigation practices such as assessing collision risk and casualty risk, which are relevant to some, but not all, of the Commission's requirements. The FAA (for launch vehicles and intact re-entry) and NOAA (for commercial remote sensing satellites) both have orbital debris-related regulations which apply to non-government (in most cases commercial) operators licensed by those agencies. Both agencies are currently considering updates to their rules, including some rules relevant to orbital debris mitigation.

Internationally, there have been a number of significant developments relevant to the mitigation of orbital debris. The Inter-Agency Space Debris Coordination Committee (IADC), an international forum of government bodies that includes NASA and other space agencies, ''for the coordination of activities related to the issues of man-made and natural debris in space[,]'' issued an updated set of consensus guidelines for debris mitigation in 2007. The IADC Guidelines cover a wide range of topics including limitation of debris released during normal operations, minimization of the potential for on-orbit break-ups, post-mission disposal, and prevention of on-orbit collisions. Work by the IADC also helped to inform the development of the Space Debris Mitigation Guidelines of the United Nations (UN) Committee on the Peaceful Uses of Outer Space, which were endorsed by the UN General Assembly in 2007. As with the IADC Guidelines, the UN Guidelines established voluntary, non-binding consensus principles and guidelines for space debris mitigation. More recent developments include the IADC issuance in 2017 of a ''Statement on Large Constellations of Satellites in Low Earth Orbit,'' as well as the adoption by the Committee on the Peaceful Uses of Outer Space of a preamble and 21 consensus guidelines for the ''Long-Term Sustainability of Space Activities.'' Additionally, there are international standards-setting organizations, such as the International Standards Organization that have issued standards for space activities, including orbital debris mitigation.

The commercial space industry has been increasingly active in developing voluntary, consensus-based principles and guidelines through industry associations and working groups. In 2019, an organization known as the Space Safety Coalition published a set of best practices for long-term sustainability of space operations, which have been endorsed by at least 37 entities, primarily commercial space

companies. Also in 2019, the Satellite Industry Association (SIA), a trade association representing satellite operators, service providers, manufacturers, launch services providers, and ground equipment suppliers released a set of ''Principles of Space Safety.'' Both of these documents emphasize the importance of responsible space operations to ensure the long-term sustainability of the space environment. There have also been standards and guidance issued by organizations focusing on specific operational areas, such as the standards and recommended practices developed by the Consortium for Execution of Rendezvous and Servicing Operations for commercial rendezvous, proximity operations, and on-orbit servicing. Additionally, organizations such as the World Economic Forum's Global Future Council on Space Technologies are working toward other approaches to space debris, for example, a ''Space Sustainability Rating'' that would provide a score representing a mission's sustainability as it relates to debris mitigation and alignment with international guidelines.

The Commission adopted a Notice of Proposed Rulemaking (NPRM) on November 15, 2018 (84 FR 4742 (February 19, 2019)) seeking comment on a comprehensive update to its rules relating to orbital debris mitigation. It sought comment on issues ranging from minor updates codifying established metrics into existing rules to how to assess the risks posed by constellations of thousands of satellites, as well as topics such as economic incentives for operators that would align with orbital debris mitigation best practices.

Comments on the NPRM were due April 5, 2019, and reply comments were due May 6, 2019. We received 45 comments and 19 reply comments. A list of commenters, reply commenters, and other filers is contained in Appendix C of the Report and Order.

III. Discussion

In the discussion that follows, we first address the Commission's overall regulatory approach to orbital debris mitigation, including economic and other issues. We then discuss the need for rule modifications to address topics such as collision risk, orbit selection, trackability, and minimizing release of debris. Next, we address post-mission disposal, as well as other topics such as proximity operations, security of spacecraft commands, and orbit-raising. Then, we discuss liability issues and economic incentives, and finally, we address the scope of our rules and other miscellaneous issues raised by commenters.

A. Regulatory Approach to Mitigation of Orbital Debris

1. FCC Statutory Authority Regarding Orbital Debris

The Commission licenses radio frequency uses by satellites under the authority of the Communications Act of 1934, as amended (the Act). When the Commission adopted debris mitigation rules applying to satellites across all service types, the Commission concluded that its authority to review orbital debris mitigation plans fell within its responsibilities and obligations under the Act, derived from its authority with respect to authorizing radio communications. As the Commission then noted, the Act charges the FCC with encouraging ''the larger and more effective use of radio in the public interest.'' Additionally, the Act provides for the licensing of radio communications, including satellite communications, only upon a finding that the ''public convenience, interest, or necessity will be served thereby.'' These provisions of the Act have remained unchanged since the Commission's previous analysis of its authority in this area, in which it concluded that orbital debris and related mitigation issues are relevant in determining whether the public interest would be served by authorization of any particular satellite-based communications system, or by any particular practice or operating procedure of such satellite systems. The analysis undertaken by the Commission is designed to ensure that the space systems reviewed by the Commission have sufficient plans to mitigate orbital debris, consistent with the public interest. As the Commission also previously concluded, to the extent that spacecraft are controlled through radiocommunications links, there is a direct connection between the radiocommunications functions we are charged with licensing under the Act and the physical operations of the spacecraft. Rules that limit the generation of orbital debris are intended to minimize the orbital debris that would negatively affect the cost, reliability, continuity and safety of all commercial, experimental and amateur satellite operations licensed or authorized by the Commission. Orbital debris also negatively affects the availability, integrity, and capability of both incumbent and newly-authorized satellite systems, thereby raising the potential for impairing the ability of such systems to use the spectrum to the full extent that the Commission authorized.

We note that even prior to the adoption of a comprehensive set of rules on orbital debris mitigation in 2004, the Commission was reviewing the orbital debris mitigation plans of satellites and systems on a case-by-case basis. Rules requiring disclosure of plans to mitigate orbital debris were adopted for licensees in the 2 GHz mobile-satellite service in 2000, and those rules were the basis for rules applicable to all services that were adopted shortly thereafter. Thus, as part of its licensing and grant of space systems, the Commission has been reviewing the orbital debris mitigation plans of non-Federal satellites and systems for over 20 years.

The Commission sought comment on whether the 2004 order cited all relevant and potential sources of Commission authority in this area, and whether the provisions discussed, or other provisions, provide the Commission with requisite authority in this area. Several commenters agree with the Commission taking a refreshed look at its authority in this area. No commenters, however, make specific arguments questioning the Commission's statutory authority generally, express different views on the Commission's authority pursuant to the Communications Act, or offer other views on sources of Commission authority. We therefore see no reason to arrive at a different conclusion than the Commission did in 2004 with respect to the Commission's authority on review of orbital debris mitigation plans.

Some commenters emphasize that the Commission should revisit its authority considering the authority of other agencies and organizations, in the interest of avoiding duplicative requirements and standards. We recognize, as observed by the Commerce Department, that significant elements of non-Federal space operations are subject to regulation by other Federal agencies, most notably NOAA and the FAA. We continue to work closely with other agencies to ensure that our activities are not duplicative of their activities, and coordinate with other agencies in individual cases, as necessary. To the extent that commenters ask us to refresh the legal analysis of our authority in light of the evolution of international standards, we note that changes in international guidelines related to the mitigation of orbital debris can and do inform regulatory approaches, but do not have the force of law and would not alter the FCC's legal authority in this area.

A few commenters correctly observe that some of the Commission's NPRM

proposals go beyond a narrower focus on debris mitigation, such as in the ODMSP, and also relate in part to other functional areas often referred to as space situational awareness or space traffic management. These functional areas generally concern the collection and dissemination of data about objects and activities in space (space situational awareness), and the management of activities in space to ensure safe operations, through measures such as coordination and collision avoidance (space traffic management). As an example of a rule that goes beyond the guidelines in the ODMSP, the rule we codify below regarding ability of an FCC-licensed spacecraft to be tracked can improve both the ability to monitor the space environment (space situational awareness) as well as the ability of operators to coordinate amongst each other and make informed decisions to prevent collisions (space traffic management). These improvements in turn may reduce the likelihood that new debris will be created in space. We conclude that even though some of the rules we adopt in this Order may involve or relate to concepts of space situational awareness or space traffic management, because they are directly tied to the mitigation of orbital debris and will contribute to the Commission's ability to ensure that non-Federal satellite systems will serve the public interest, these rules fall within the Commission's broad authority under Title III of the Act to license radio spectrum pursuant to that public interest mandate.

2. Relationship With Other U.S. Government Activities

The Commission recognized the importance of a coordinated, effective regulatory environment that meets the dual goals of orbital debris mitigation and furthering U.S. space commerce. Specifically, in the NPRM, the Commission sought comment on whether there are any areas in which the proposed requirements overlap with requirements clearly within the authority of other agencies, in order to avoid duplicative activities, and whether there are any exceptions to applications of our rules that would be appropriate in specific circumstances. The NRPM also highlighted the ongoing activities of various executive branch agencies of the U.S. government related to the Space Policy Directive-3 (SPD–3), including the now-completed updating of the ODMSP. In accordance with its consultatory role described in SPD–3, the Commission has been engaged with those ongoing activities. The Commission additionally sought comment on the suitability of various orbital debris mitigation guidance and standards.

Commenters addressing these topics universally supported interagency coordination, and many mentioned the sharing of expertise regarding space operations. Commenters also generally supported application of consistent principles as well as elimination of regulatory duplication. The Commerce Department provided informative comments describing in detail many of the Commerce Department and interagency initiatives currently underway as a result of the Space Policy Directives. At this time, we are pleased to highlight the recent completion of the revisions to the ODMSP, and look forward to further work with the Commerce Department and other agencies on an evolving ''whole of government'' approach to space activities. Given the pace that the industry is evolving, and our responsibility to continue licensing satellites and systems on a day-to-day basis, we find that it would not be beneficial at this time to delay our rule updates. We expect that regulation of orbital debris will be an iterative process as new research becomes available and new policies are developed, and as discussions continue concerning approaches to improving the organization of the regulation of space activities. If it becomes clear through a change to the governing law that an activity the Commission is currently undertaking is instead one that another agency is charged with performing, we will modify our process and regulations accordingly.

We continue to carefully follow the rulemaking developments of other agencies, in particular those of the FAA and NOAA, as those agencies look to update their rules related to authorization of commercial space activities. The NPRM did not propose any change to the specific conclusions drawn by the Commission in 2004 with respect to the role of the Commission vis-à-vis other agencies such as the FAA and NOAA. We will continue to coordinate closely with other agencies in any cases where it appears that the other agency may have relevant expertise or in cases that present unique scenarios that implicate overlap with that agency's responsibilities.

Consistent with the coordinated approach recommended by many commenters, we look to the recent updates to the ODMSP to help inform our rules. The revised ODMSP addresses the same general topics and issues as the proposals in the Notice, and as discussed by commenters in the record developed in this proceeding. Similar to the approach that the Commission took in 2004, the organization of this Order and the Further Notice generally follows the organization of the ODMSP objectives, and in the relevant content areas we describe the revised ODMSP approach. As requested by the Commerce Department, we use, to the extent feasible, the most recent updates to the ODMSP.

A number of commenters suggested the Commission participate in international processes regarding mitigation of orbital debris. We observe that Commission representatives have participated as part of official U.S. government delegations in established international forums, such as the United Nations, IADC, and International Telecommunication Union, and will continue to participate through established channels under the guidance of the U.S. State Department or U.S. government entity with responsibility for overseeing the international activities.

3. Economic Considerations

In addition to regulatory requirements to control or mitigate orbital debris, certain commenters argue that developing mechanisms and processes that harness market forces can lead to a close alignment of private and public interests. Market-based methodologies rely upon market dynamics and economic principles that generate efficiencies not always achieved by command-and control regulation. As a growing share of space is accounted for by orbital debris, public welfare is promoted when industry participants have economic incentives to consider the public welfare benefits of reducing orbital debris as offset by any public welfare costs associated with taking measures to reduce the generation of such debris. Such benefits include decreased operational risk due to the reduced potential for collisions with space debris. Moreover, because most useful orbital altitudes are limited but also available for use by others at an effective price that does not necessarily reflect the cost each user imposes on others, they constitute a ''common pool resource'' such that the effective price to use space does not prevent its over-use. Given the substantial commercial sector investments in space, as noted by the increase in satellite launches and the potential concomitant increase in debris, an important challenge for regulators going forward is to adopt rules and explore economic mechanisms that promote the public

interest in the safe and sustainable use of space.

In the NPRM, the Commission included a regulatory impact analysis designed to assess various approaches to reducing debris in orbit from an economic perspective. Many of these approaches were consistent with the rule revisions proposed by the Commission in the NPRM, and others represented different means of reducing debris. To the extent that the comments directed to this section overlapped with other topics in the NPRM, we discuss those comments in the various sections below. Commenters generally disagreed with the additional approaches discussed as part of the regulatory impact analysis, such as limiting launches, and as addressed below, we decline to further address those approaches at this time. Several commenters presented views on novel approaches, at least in the space debris context, for incentivizing particular activities. For example, the New York University School of Law Institute for Policy Integrity proposed that the Commission broadly consider market-based alternatives such as different liability rules, marketable permits or offsets, and regulatory fees. Although we ultimately conclude that these approaches are not sufficiently robust on their own to address the problem of orbital debris, and thus regulation in this area is necessary, we address these and other approaches below.

Given the nature of space, some commenters raise the point that the Commission's actions in this area may be limited in value since they cannot account for activities of actors that are not subject to U.S. law and regulations. Although we address the application of our rules to non-U.S.-licensed satellites in more detail below, as an introductory matter it is worth pointing out that we have been applying, and will continue to apply, our rules on orbital debris mitigation to those operators of existing or planned non-U.S.-licensed satellites seeking access to the United States market. This means that any non-Federal satellite communicating with an earth station in the United States will be subject to an orbital debris assessment under the Commission's rules.[2] Given the interest by many satellite operators in serving the U.S. market, this provides means for our regulations to have a broader reach than if the regulations were just to apply to operators seeking a U.S. license, and helps to ensure that non-U.S. licensees do not gain competitive advantage by following less rigorous debris mitigation practices than U.S.-licensed satellites.

4. Other Introductory Matters

A number of commenters state that the Commission should focus its efforts on performance-based regulation, rather than prescriptive regulation (*e.g.,* regulation of satellite performance rather than regulation of design). We have endeavored throughout this Order to adopt a performance-based approach where feasible. We agree with those commenters who argue, for example, that performance metrics can enable operators to develop innovative and cost-effective solutions in many instances.

Several commenters also request that rules be based on specific metrics to ensure regulatory transparency, and that the Commission provide clear guidance on how to achieve certain metrics. In many areas we are providing metrics and identifying methodology, typically using publicly-available NASA assessment tools, which are already used by many satellite applicants.[3] In these cases, applicants may look to detailed guidance published by NASA in preparing orbital debris mitigation plans. There will continue to be some areas, such as those in which the U.S. Government Orbital Debris Mitigation Standard Practices express qualitative objectives or aspirational goals, without a quantitative metric, where for now we will assess issues on a case-by-case basis. We also seek comment on adopting more quantitative rules in certain areas in the Further Notice of Proposed Rule Making. Finally, we note that a number of commenters (generally those operators planning large NGSO constellations), expressed concern as a general matter about metrics being applied on an aggregate basis to a constellation of NGSO satellites. We address these concerns in connection with individual rules, including whether in particular cases the Commission needs to consider the full factual scenario relevant to a licensing decision, including understanding of the complete scope of the risk involved with the proposed operations.

In our recent order adopting elective streamlined licensing procedures for qualifying small satellites, the Commission noted that the qualification criteria that we were adopting would be modified as necessary or appropriate to conform to rules adopted in this orbital debris proceeding. Accordingly, in several areas of our decision here, we adopt conforming rules for small satellites that file applications under those elective streamlined procedure. In addition, unless specified otherwise, the rules discussed below will apply to amateur satellites authorized under the procedures specified in part 97 of the Commission's rules and experimental satellites authorized under the procedures specified in part 5 of the Commission's rules.

One party, Public Employees for Environmental Responsibility, filed a comment in this docket arguing that the Commission has a responsibility to consider the safety of substances used in satellite construction and operation and environmental issues associated with such operations. Public Employees for Environmental Responsibility proposes that the Commission require review of technical specifications of satellites being launched and in particular to review the proposed use of toxic fuels as propellants. Public Employees for Environmental Responsibility does not raise specific questions, or make specific proposals, regarding the orbital debris rules proposed in the Notice, and the issues it raised thus fall outside the scope of this proceeding.

B. Safe Flight Profiles

Our existing orbital debris rules include several disclosure requirements designed to ensure that operators are addressing the issue of potential collisions with debris or other objects. We update our rules on safe flight profiles to specify metrics that NASA applies to its missions, and adopt additional disclosures relating to orbital characteristics and maneuverability. We also seek comment on some additional issues as part of the Further Notice.

1. Collisions With Large Objects

In the NPRM, the Commission proposed that applicants for NGSO satellites must state whether the probability that their spacecraft will collide with a large object during the orbital lifetime of the spacecraft will be less than 0.001 (1 in 1,000). The current NASA Standard defines a ''large object'' as an object larger than 10 cm in diameter. To date, many applicants have

[2] The requirement of providing information on orbital debris mitigation has been, and will continue to be, applicable to part 25 satellites, including those granted U.S. market access, as well as part 5 experimental and part 97 amateur satellites.

[3] In some cases we provide the opportunity for applicants to use other software programs, for example, provided that those programs are of equal or higher fidelity. For example, NASA has the Debris Assessment Software, capable of calculating collision risk, casualty risk, etc., and available at no cost, but there are higher fidelity tools as well. Other organizations like the European Space Agency also have well-established software tools. *See* European Space Agency, ''ESA makes space debris software available online'' (June 25, 2014), *https://www.esa.int/Safety_Security/Space_Debris/ESA_makes_space_debris_software_available_online.*

used NASA's Debris Assessment Software to conduct the analysis for LEO spacecraft.

Most commenters addressing this issue supported our proposal, and we adopt it. Some commenters appear to have misunderstood this proposal, believing that the proposal was to require a specific threshold for maneuvers in individual instances of predicted conjunctions, for example. The particular metric adopted is intended to address the overall collision risk of a satellite during its orbital lifetime, and not individual conjunction events. In preparing the risk assessment, applicants should use the latest version of the NASA Debris Assessment Software or a higher fidelity assessment tool.

In the NPRM, the Commission also sought comment on whether, for purposes of conducting the analysis, and absent evidence to the contrary, the collision risk with large objects should be assumed zero or near zero during the period of the time when the space station is able to conduct collision avoidance maneuvers. Several commenters agreed with this approach. A number of commenters pointed out that this requires an assumption that maneuvering systems are 100% reliable, and some suggested instead incorporating the probability thresholds at which operators undertake collision avoidance maneuvers into the overall assessment of collision risk. Those thresholds vary among operators, but are typically at lower probabilities than the 0.001 metric as applied through the NASA Debris Assessment Software. As a simplifying assumption, we believe the alternative assumption of zero is warranted. However, in individual cases, to the extent there is evidence that a particular system or operator is unable to effectively maneuver or is maneuvering only at risk thresholds that raise reasonable questions about its ability to meet the 0.001 collision risk metric even with some degree of maneuverability, this assumption will not be applied.

Systems with Multiple Space Stations. In the NPRM, the Commission also sought comment on the assessment of the collision risk presented by a system as a whole, *i.e.,* in the aggregate. Commenters expressed a variety of views on assessing probability of collision with large objects on a system-wide basis, including on what specific metrics, if any, should apply. Additionally, subsequent to the Notice, the revised ODMSP was issued, which includes a section discussing ''large constellations,'' and states that ''in determining the successful post-mission disposal threshold [for large constellations], factors such as mass, collision probability, orbital location and other relevant parameters should be considered.'' As described in the Further Notice, we seek to develop the record further on this issue and how to address multi-satellite systems, including large constellations.

GSO Satellites. The Aerospace Corporation (Aerospace) suggests that we apply the requirement to GSO satellites as well as NGSO satellites, because GSO satellites can also be involved in collisions that would generate large amounts of un-trackable, long-term debris in the geostationary orbit (GEO) region. In the NPRM, the Commission proposed inclusion of the metric into the disclosure specifically for NGSO satellites. The NASA Standard formulation discussed in the Notice applies to ''each spacecraft and launch vehicle orbital stage in or passing through LEO.'' [4] Currently, all space station applicants, including applicants for GSO space stations, must provide a statement that the space station operator has assessed and limited the probability of the space station becoming a source of debris by collisions with large debris or other operational space stations. We believe that continuing to apply this disclosure approach to applicants for GSO systems is sufficient, without needing to adopt a specific metric at the current time. We encourage GSO operators to provide quantitative collision risk information, but believe that requiring such analysis as part of the initial application materials is unnecessary,[5] given that GSO operators are assigned to particular orbital locations, including a specific ''station keeping box,'' and must comply with certain well-established disposal procedures.

2. Collisions With Small Objects

In the NPRM, the Commission sought comment on adding a quantifiable metric to our existing rules regarding the probability of a space station becoming a source of debris by collisions with small debris or meteoroids that could cause loss of control and prevent post-mission disposal. The NPRM referenced the NASA Standard, which states that for each spacecraft, the program or project shall demonstrate that, during the mission of the spacecraft, the probability of accidental collision with orbital debris and meteoroids sufficient to prevent compliance with the applicable post-mission disposal maneuver requirements does not exceed 0.01 (1 in 100). The revised ODMSP includes a similar provision.[6] Our current rules require a statement that operators (both GSO and NGSO) have assessed and limited the probability of the satellite becoming a source of debris by collisions with small debris or meteoroids that could cause loss of control or prevent post-mission disposal. Generally, operators have provided information regarding spacecraft shielding, redundant systems, or other designs that would enable the spacecraft systems to survive a collision with small debris. Some operators have been providing the information specified in the NASA Standard, calculated using the NASA Debris Assessment Software.

Most commenters addressing this issue agreed with the inclusion of the NASA Standard-derived metric in our rules. NASA notes that this particular agency requirement, when applied to NASA missions, has been achievable and cost-effective with shielding, use of redundant systems, or other design or operational options. OneWeb disagrees with the inclusion of a separate small object collision metric, on the basis that the Commission should adopt a comprehensive deorbit reliability metric that accounts for all failure modes. In our view, adoption of this small object collision metric, along with the disposal reliability metric discussed below, sufficiently addresses potential satellite failure modes, because it takes into consideration both failures due to collisions with small debris and other potential sources of failure for post-mission disposal. We conclude that incorporating the NASA Standard-derived metric into our rules for NGSO applicants is in the public interest as it provides more certainty for operators regarding an acceptable disclosure of risk specifically related to collisions with small objects. We conclude that the benefits of this approach are worth the efforts of operators in performing an

[4] NASA Standard, 4.5.2, at 36 (Requirement 4.5–1). Aerospace suggests that we limit the period of assessing collision probability to a finite time such as 100 years. Aerospace Comments at 8. We decline to adopt this into our rules, since we are not adopting a specific metric for GSO space stations. However, NGSO space stations not disposed of through atmosphere re-entry, *i.e.,* space stations in medium-Earth orbit (MEO) may refer to this 100-year outer limit in implementing the collision risk assessment. *See* ODMSP 3–1.

[5] The Commission may request such analysis if there is an application for a particularly unique type of operation in the GEO region, or there is evidence to suggest that certain GSO operations may pose unique risks to the GEO environment.

[6] ODMSP at 3–2. The ODMSP identifies micrometeoroids and orbital debris smaller than 1 cm. *Id.* As noted, an assessment performed using the NASA Debris Assessment Software will satisfy our rule.

additional calculation in preparation of their orbital debris mitigation plan, because this calculation may be completed using the NASA Debris Assessment Software or a comparable or higher fidelity assessment tool, and many applicants already conduct this assessment.

We conclude that applicants for GSO space station will also be required to include a disclosure related to this metric. In the NPRM, the Commission had proposed to add this metric to our rules for both NGSO and GSO space stations, but we received several comments suggesting that inclusion of this metric into our rules for GSO space stations would be of limited utility. One of the commenters, Boeing, seems to have changed its view on this point in supplemental comments. Additionally, while Eutelsat suggests that the risks posed to GSO satellites in this area are materially lower than the risks posed to NGSO satellites, we do not see this as a reason not to apply the metric in our rules for GSO spacecraft, since it should be easier for those spacecraft to satisfy the rule. Accordingly, we adopt our proposal.

3. Disclosures Regarding Planned Orbit(s)

Identification of Other Relevant Satellites and Systems. In the NPRM, the Commission sought comment on revising the wording of its rule regarding identifying other space stations that are operating in similar or identical orbits in low-Earth orbit. The Commission proposed revising the rule to require that, instead of identifying satellites with similar or identical orbits, the statement must identify planned and/or operational satellites with which the applicant's satellite poses a collision risk, and indicate what steps have been taken to coordinate with the other spacecraft system and facilitate future coordination, or what other measures the operator may use to avoid collisions. The Commission also proposed to extend this rule to all NGSO satellites, rather than just those that will be launched into the LEO region, since overlap in orbits among NGSO spacecraft in other regions may also result in collisions. Several commenters supported these revisions, and we adopt them.[7] As part of the public record, this disclosure can also help to inform other operators that may be operating or plan to operate in the same region of space. Since this wording is similar to the previous rule, we find that there are unlikely to be significant additional costs from compliance with this disclosure requirement, but to the extent there are any additional costs in research and assessment of the environment in which the spacecraft will be located, we conclude they are warranted in the interest of ensuring that operators take into consideration other relevant space stations and systems when preparing orbital debris mitigation plans, and coordinate with those operators when necessary.

CSSMA and LeoSat oppose a requirement that the collision analysis include analysis with respect to planned systems, arguing that planned systems change frequently and not all systems are known. We clarify that the rule will require a disclosure identifying potential systems of concern, but does not require that the applicant's calculated collision risk include such systems (which would go beyond what can be assessed using the NASA Debris Assessment Software). It is important, however, that applicants assess planned systems, what impact such systems may have on their operations, and what coordination can be completed with the operators of such systems. While not all planned systems may come to fruition and there may be systems that would be unknown to applicants, such as foreign or government systems, we expect applicants to make best efforts to analyze the environment in which their satellites will be operating[8] and specify how they plan to coordinate, to the extent possible, with other operators to ensure safe operations. Boeing asks that we clarify that the disclosure must specify only those other NGSO satellite systems ''the normal operation of which'' pose a risk of collision. We concur with Boeing's clarification of the rule, but decline to change the rule language since we believe that it is self-evident that an operator can only take into consideration the planned or normal operations of another operator's system.

Orbit Selection and Other Orbital Characteristics. In the NPRM, the Commission also proposed that any applicants planning an NGSO constellation that would be deployed in the LEO region above 650 km in altitude specify why the applicant had chosen the particular orbit and describe other relevant characteristics of the orbit. The Commission reasoned that missions deploying above 650 km altitude may represent a greater risk from a long-term orbital debris perspective, since satellites that fail above that altitude will generally not re-enter Earth's atmosphere within 25 years, and depending on the deployment altitude, may be in orbit for centuries or longer. The Commission also sought comment on whether it should require a statement concerning the rationale for selecting an orbit from operators of satellites that will remain in orbit for a long period of time relative to the time needed to perform their mission.

After review of the record, we decline to adopt these proposals. We conclude after further consideration that the long-term risks associated with deployments above 650 km are sufficiently addressed through our other rules, such as collision risk assessment, and reliability of post-mission disposal and that therefore the additional statement is not necessary. Indeed, application of the Commission's other orbital debris mitigation rules may in some instances result in an operator deciding to deploy below 650 km. While SpaceX, for example, supported the proposed disclosure regarding rationale for selecting a particular orbit, we conclude that concerns the Commission may have about risks associated with operations in a particular orbit can be adequately addressed through other measures addressed in this proceeding.

We do adopt our proposal, however, that NGSO systems disclose information regarding other relevant characteristics of the chosen deployment orbit not already covered, such as the presence of a large concentration of existing debris in a particular orbit. Boeing states that the Commission should not adopt regulation in this area, because operators are adequately incentivized to select initial orbits that are sufficiently free of hazards, or invest in other measures to facilitate the safety of their satellites. We find that this disclosure will help to ensure that operators have considered all the characteristics of the deployment and operational orbits, and are fully aware of the risks associated with operations in the particular orbit. This may not always be the case, particularly with smaller operators or operators who use a rideshare launch. If an orbit is particularly congested with debris, for example, an operator may want to consider modifying its operations slightly to avoid having to perform a large number of collision avoidance maneuvers.

4. Orbit Variance and Orbit Selection for Large NGSO Systems

The Notice sought comment on whether the Commission should adopt

[7] We also adopt a conforming rule that is applicable to applicants for the streamlined small satellite process in § 25.122 and streamlined small spacecraft process in § 25.123. *See* Appendix A, Final Rules.

[8] Applicants may be able to assess planned systems based on filings with the Commission or International Telecommunication Union (ITU). We expect applicants to identify planned systems on a ''best efforts'' basis.

an upper limit for variances in orbit for NGSO systems. ''Variance'' refers to the range of altitude, such as ''1025 km plus or minus 10 km,'' in which a satellite or constellation of satellites will operate. The Commission asked whether variance in altitude should be limited in an NGSO system in order to enable more systems to co-exist in LEO without overlap in orbital altitude, and if so, how an appropriate limit should be set. We received a number of comments related to orbital variance for large NGSO systems, and even more comments on the related topic of whether, and how, the Commission should assign orbital altitude ranges for large constellations of NGSO satellites, such that the altitudes do not overlap.

The question of whether two satellite systems can coexist in a given region of space, such as a circular LEO orbit, depends on multiple factors, including the number and size of satellites, the capabilities of the satellites such as maneuverability, costs of maneuvering (such as interruption of service), availability and timeliness of data on satellite parameters (both from telemetry and from radar or optical observations), planning cycles for maneuvers, and the time required to coordinate operations between systems, etc. Larger deployments of satellites into circular LEO orbits have been into separate orbital ''shells.'' As a practical matter, in cases where two planned systems propose use of the same shell, coordination typically results in one or both systems adjusting planned orbital altitudes, so that the constellations are separated, rather than in the operators coordinating their operations at the same or overlapping altitude ranges. While some commenters urge that we adopt specific requirements for separation of orbits, others argue that coordination, data sharing, and collision avoidance practices should be sufficient to avoid collisions, or that limits are not practicable for the regions in which some operators operate, particularly small satellite operators. ORBCOMM states that the operational availability of NGSO orbits appears likely to become an increasingly scarce resource, but states that it is premature to try and set rules on maximum altitude variance and orbit selections. Other commenters argue, particularly with respect to systems proposing large orbital variances, that the Commission must consider the impact of such systems on the rational, efficient, and economic use of orbital resources. At this time, we decline to adopt a maximum orbital variance for NGSO systems and decline to adopt a required separation between orbital locations, and will instead continue to address these issues case-by-case. There are a wide range of considerations in such cases, and while we are concerned about the risk of collisions between the space stations of NGSO systems operating at similar orbital altitudes, as the Commission has previously stated, we think that these concerns are best addressed in the first instance through inter-operator coordination.

As part of the disclosure of system characteristics, we note that some applicants for large systems may be asked to provide a description of the planned orbital variance, and the relationship of that variance to the system's technical capabilities and operational requirements (*e.g.,* ability to avoid collisions). Such applicants may also need to address how their system operations will accommodate spacecraft transiting through the system and other systems, large or small, operating in the same region. If operators require a large orbit variance for their system, particularly if this might substantially constrain operations by other systems, they should plan to describe why and explain whether other less impactful alternatives were considered.

5. Protection of Inhabitable Spacecraft

The Commission proposed in the NPRM that for any NGSO space station deployed above the International Space Station (ISS) and that will transit through the ISS orbit either during or following the space station's operations, the applicant provide information about any operational constraints caused to the ISS or other inhabitable spacecraft [9] and strategies used to avoid collision with such spacecraft. The Commission explained that normal operations of the ISS could be disrupted or constrained by collision avoidance maneuvers that the ISS would need to perform to avoid satellites transiting through the ISS orbit.

We conclude that it is in the public interest to adopt the proposed disclosure requirement.[10] The statement must describe the design and operational strategies, if any, that will be used to minimize the risk of collision and enable the operator to avoid posing any undue operational constraints to the inhabitable spacecraft. Commenters agree that special protections should be afforded to inhabitable spacecraft. We find that requiring this information will help to ensure that the applicant has taken into consideration the inhabitable spacecraft, and will provide information in the public record to help the Commission and other interested parties, such as NASA, determine if there are any potential issues with the applicant's operations vis-à-vis the ISS or other inhabitable spacecraft. NASA states that disruption to ISS operations may be lessened if a spacecraft in the process of disposal through atmospheric reentry remains active and able to maneuver until the apogee is below ISS altitude. We conclude that the benefits in assuring the safety of human life in space and minimizing disruption to the operations of inhabitable spacecraft outweighs any additional cost to applicants in preparing such a disclosure.

6. Maneuverability

Disclosure. Maneuverability can be an important component of space debris mitigation, both by enabling space stations to engage in collision avoidance and by facilitating spacecraft disposal. The Commission proposed in the NPRM that applicants disclose the extent of maneuverability of the planned space stations. The Commission noted this could include an explanation of the number of collision avoidance maneuvers the satellite could be expected to make, and/or any other means the satellite may have to avoid conjunction events, including the period both during the satellite's operational lifetime and during the remainder of its time in space prior to disposal. The Commission tentatively concluded that this information could assist in the Commission's public interest determination, particularly regarding any burden that other operators would have to bear in order to avoid collisions and false conjunction warnings. Most commenters addressing this topic agree with the maneuverability disclosure, and we adopt this disclosure.

LeoSat disagrees with the proposal, arguing that specific information related to satellite maneuverability is proprietary and competitive in nature, that public disclosure of this information as part of an application could prompt a ''race to the bottom'' among satellite operators, and that any information initially disclosed in an application will become stale and inaccurate as the operator's satellites age and their propulsion capacity is consumed. It does not appear that LeoSat has support among fellow

[9] We use the term ''inhabitable spacecraft'' to mean any spacecraft capable of having crew aboard. Secure World Foundation points out that there may be additional human-occupied spacecraft on orbit in the coming years, and supports requirements that take these additional spacecraft into consideration. Secure World Foundation Comments at 4.

[10] This includes transit either during the applicant space stations' mission or de-orbit phase. *See* Appendix A, Final Rules.

satellite operators for its proposition that satellite maneuverability information is proprietary and competitive. Further, even if such information has some potential ''competitive'' value, such information would likely need to be shared with another operator in the event of a potential conjunction, and all operators will be better able to make informed decisions if they have a baseline understanding of the maneuvering potential of other satellites in orbit. Moreover, it is not clear to us how disclosure would cause a ''race to the bottom,'' and even if information became outdated as some spacecraft were no longer able to maneuver, having initial information on what capabilities the satellites were designed with could still assist the Commission in its review of the system and also assist other operators. We find that the benefits of having information regarding maneuverability as part of the record outweigh these commenters' generalized competitive concerns. Boeing also disagrees in some respects with the proposed disclosure on the basis that the Commission has not provided guidance on the number of avoidance maneuvers that would be presumptively deemed acceptable. We plan to consider the maneuverability disclosure as factual information, and at this time do not establish a presumptive number of avoidance maneuvers that would trigger concern. We believe that on balance, this area is an appropriate one for a disclosure and provides useful information, including to other operators. We encourage operators to submit as much information as they reasonably can regarding maneuverability, ideally providing the type of information mentioned by NASA in its comments, including maneuver methods and capabilities, as well as any other mechanisms to mitigate conjunction likelihood (*e.g.,* cross-sectional area modulation). This would also include information regarding the propulsive technology itself (*i.e.,* ion thrusters, traditional chemical thrusters, etc.), thrust level, and a description of the guidance and operations scheme for determining maneuvers, where applicable. Generally speaking, operators should submit a written description of the space stations' expected capabilities, including, if possible, the expected time it would take the space station to modify its orbital location by a certain distance to avoid a collision.

Propulsion or Maneuverability Above a Certain Altitude. The Commission also sought comment in the NPRM on whether it should require all NGSO satellites planning to operate above a particular altitude to have propulsion capabilities reserved for station-keeping and to enable collision avoidance maneuvers, regardless of whether propulsion is necessary to de-orbit within 25 years, and if so, what altitude should be adopted. A number of commenters supported some requirement along these lines, with some identifying 400 km as an altitude above which propulsion or other maneuvering capabilities should be required, generally based on the approximate operational altitude of the ISS. Other commenters disagreed with this suggestion. We seek to expand the record on this potential requirement in the Further Notice.

C. Tracking and Data Sharing

In the NPRM, the Commission observed that the successful identification of satellites and sharing of tracking data are important factors in the provision of timely and accurate assessments of potential conjunctions with other spacecraft. We continue to believe that improvements in the ability to track and identify satellites may help to reduce the risk of collisions. These factors can help to enable effective collision avoidance through coordination between operators, and improve the accuracy of conjunction warnings, whether those warnings are from a public or private entity specializing in space situational awareness and space traffic management. The Commission made several specific proposals in the Notice related to trackability, identification, and sharing of tracking data, which are discussed below. We adopt a number of our proposals in this area, while ensuring that our rules provide flexibility for the continued advancement of space situational awareness and space traffic management functions, including any transition of certain activities in the United States to a civilian entity, and the accommodation of non-governmental associations and other private sector enterprises engaged in these functions.

We also received several comments addressing improvements to the U.S. space situational awareness and space traffic management functions more generally. In this proceeding, the Commission has not considered other activities related to space situational awareness and space traffic management, such as maintaining a comprehensive catalog of space objects or providing conjunction warnings. These functions as a general matter are well beyond the type of analysis that we have historically addressed through our rules and licensing process, but we suggest that these comments be filed for consideration in the proceeding currently underway in the Commerce Department, if they have not been already, so that the comments can be taken into consideration in that context.

Relatedly, the Commerce Department notes that its Request for Information on Commercial Capabilities in Space Situational Awareness Data and Space Traffic Management Services (RFI), issued last year, will have bearing on the Commission's proposals in this proceeding, and asked us to take their RFI into consideration in this proceeding. We have reviewed the comments filed in response to the RFI, and note that in some instances they are the same in part, or similar to comments submitted to the docket file for the instant proceeding. Other comments to the RFI focus on space situational awareness and space traffic management functions, such as development of an open architecture data repository, that are not directly germane to the Commission's proposals.

1. Trackability and Satellite Identification

Trackability. The Commission proposed in the NPRM to require a statement from an applicant regarding the ability to track the proposed satellites using space situational awareness facilities, such as the U.S. Space Surveillance Network. The Commission also proposed that objects greater than 10 cm by 10 cm by 10 cm in size be presumed trackable for LEO. For objects with any dimension less than 10 cm, the Commission proposed that the applicant provide additional information concerning trackability, which will be reviewed on a case-by-case basis.

Commenters generally support the proposed approach to size as it relates to trackability. NASA recommends that the term ''satellite trackability'' be interpreted to mean that an object is trackable if, through the regular operation of space situational awareness assets, it can be tracked and maintained so as to be re-acquirable at will, and that the object's orbital data is sufficient for conjunction assessments. According to NASA, this will typically mean that the object possesses trackability traits (*e.g.,* sufficient size and radar/optical cross-section) to allow it to be acquired routinely by multiple space situational awareness assets in their regular modes of operation. Several commenters agree that in LEO, a 10 x 10 x 10 cm cube should meet this standard. We agree, and adopt the proposed rule stating that

space stations of this size in LEO are deemed presumptively trackable, modified slightly to cover space stations that are 10 cm or larger in their smallest dimension.[11] We clarify that this presumption covers those space stations that are 10 cm or larger in their smallest dimension excluding deployable components.[12]

CSSMA proposes that the Commission require applicants to simply certify that they can be tracked reliably by widely available tracking technology. Swarm similarly suggests that the rules permit smaller satellite form factors pursuant to an affirmative demonstration that such spacecraft can be accurately tracked, and that size should be merely one factor in assessing trackability. Although there may be future improvements in standard space situational awareness tracking facilities, at this time we believe it is in the public interest to adopt the presumed trackable approach for space stations in LEO larger than 10 cm in the smallest dimension, and for other cases, including where a satellite is planning to use deployable devices to increase the surface area, we conclude that operators should provide more information to support their conclusion that the space station will be reliably trackable. For a spacecraft smaller than 10 cm x 10 cm x 10 cm, for example, some of the standard space situational awareness tracking facilities may no longer be able to track the satellite. In these instances, part of a demonstration supporting a finding of trackability may be a showing that the operator has taken on the cost of bringing the trackability back up to the level it would be for a larger spacecraft, perhaps by enlisting a commercial space situational awareness provider. CSSMA and others argue that the Commission should permit operators flexibility to choose appropriate solutions, and that ground-based space situational awareness capabilities may improve significantly in the future. We find that our approach provides operators with flexibility to satisfy the Commission's rule, because it permits a case-by-case assessment of trackability where the space station is smaller than 10 cm in the smallest diameter. Global NewSpace Operators argues that we should provide further detail on what information we are looking for in the disclosure, for example, to what accuracy and how often should tracking occur, and whether we will ask for verification from the space situational awareness provider that they can indeed track the proposed satellites. We decline to provide additional detailed guidance in our rules on this topic, as an acceptable disclosure could vary significantly depending on the trackability solution that will be used by the applicant. We expect, however, that applicants will specify the tracking solution and provide some indication of prior successful demonstrated use of the technology or service, either as part of a commercial or government venture. This would include addressing reliability of deployment of any deployable spacecraft parts that are being relied on for tracking. Tracking solutions that have not been well-established or previously demonstrated will be subject to additional scrutiny, and applicants may need to consider a back-up solution in those instances.

In addition, our rule provides flexibility for trackability demonstrations above LEO, where Aerospace states that it is not clear that a 10 cm x 10 cm x 10 cm object could be reliably tracked. Aerospace states that the assumed size for reliable tracking in the GEO region by the current Space Surveillance Network is one meter, done primarily with optical sensors. The Commission will address the trackability demonstration on a case-by-case basis for satellites that would operate above the LEO region, including in the GEO region, and we do not see the need at this time to include a specific size value in our rules for those space stations.

In the NPRM, the Commission inquired whether there were hardware or information sharing requirements that might improve tracking capabilities, and whether such technologies are sufficiently developed that a requirement for their use would be efficient and effective. Aerospace suggests that hardware such as transponders or other signature enhancements and data sharing would benefit trackability, but it is not clear that any commercial transponder hardware or comprehensive data sharing methods currently exist. Aerospace states that a potential rule could drive development in this area, and consider enhancements such as radar reflectors for small objects in orbits well above LEO. NASA cautions against relying on active tracking assistance that would no longer occur once the spacecraft is unpowered, and observes that at the present time, on-board tracking improvement methods such as beacons or corner cube reflectors are not sufficiently supported by space situational awareness assets to enable significant and reliable tracking improvements. Keplerian Tech suggests that the Commission should mandate the use of an independent transponder solution, such as the space beacon that it has developed. Swarm suggests that trackability can be improved through the use of active or passive signature enhancements, such as the passive radar retro reflectors that would be used by Swarm's proposed satellites. CSSMA opposes a specification of any particular type of tracking technology, and suggests that mandating use of an independent tracking solution would impose unnecessary costs on operators. According to CSSMA, the level of trackability needed to maintain a safe orbital environment can already be attained by well-established active or passive tracking methods.

We conclude that the provision of position data in addition to standard space situational awareness data, through radiofrequency identification tags or other means, may ultimately be a way to support a finding that a spacecraft smaller than 10 cm x 10 cm x 10 cm is trackable, but until the establishment of the commercial data repository, reliance on most alternative technologies does not appear to be readily implementable. A number of commenters oppose the adoption of any rule that would specify a particular type of tracking technology. We agree. While we encourage operators to use various means to ensure that their spacecraft is trackable and to help ensure that accurate positioning information can be obtained, we believe it is premature to require that operators use a particular tracking solution, such as an independent transponder. As technologies for obtaining spacecraft positioning information continue to evolve, however, we may revisit this issue in the future.

We do adopt the disclosure proposed in the NPRM that applicants specify whether space station tracking will be active (that is, with participation of the operator by emitting signals via transponder or sharing data with other operators) or passive (that is, solely by ground based radar or optical tracking of the object. This disclosure, in connection with the other descriptive disclosures discussed in this section, will provide a way for the Commission and any interested parties to understand the extent to which the operator is able to obtain satellite positioning information separately from information provided by the 18th Space Control Squadron or other space situational awareness facilities. We believe this

[11] This would enable a spherical space station, for example, to presumptively satisfy the rule so long as it has a diameter of 10 cm or greater.

[12] Space stations smaller than 10 cm in the smallest dimension, but which will use deployable components to enhance trackability will be analyzed on a case-by-case basis.

requirement presents minimal costs, since an operator will readily have access to this information based on the basic characteristics of its spacecraft (for example, will it be transmitting its Global Positioning System location information via transponder?). Operators are likely to select either active or passive means of tracking depending on the mission specifications, but it is useful for the Commission to understand as part of its holistic review of the application, the overall trackability and ability to identify the satellite.

Relatedly, we also adopt the NPRM proposal that operators certify that their space station will have a unique telemetry marker allowing it to be distinguished from other satellites or space objects. This is the same as the certification we have previously adopted for small satellites applying under the streamlined process, and is unlikely to pose any additional costs for most operators, since the vast majority of operators already distinguish their satellite's signal from other signals through use of unique signal characteristics. Few commenters addressed this issue, and some expressed support or sought clarification. As we clarified in the Small Satellite Order, we expect that when a spacecraft transmits telemetry data to the ground it will include in that transmission some marker that allows the spacecraft to be differentiated from other spacecraft. This signal-based identification marker, which should be different from those of other objects on a particular launch, can assist with identification of a satellite for space situational awareness purposes. Boeing argues that the Commission does not need to verify whether an active telemetry marker will be unique since satellite operators have adequate incentives to distinguish their own telemetry beacons from those of other satellites, but we disagree, because smaller-scale operators may not have these incentives or know that they should implement this type telemetry marker to help identify their satellite.

Identification. Additionally, the Commission sought comment on whether applicants should be required by rule to provide information about the initial deployment to the 18th Space Control Squadron or any successor civilian entity. We noted that, as an example, communications with the 18th Space Control Squadron may be particularly important in the case of a multi-satellite deployment to assist in the identification of a particular satellite. We adopt a rule requiring that applicants disclose how the operator plans to identify the space station(s) following deployment, for example, how the operator plans to obtain initial telemetry.[13] We expect that for most operators this disclosure will be fairly straightforward, but requesting this information, alongside the other information requested on satellite trackability, will help the Commission and any other interested parties to understand whether the satellite poses a risk of being misidentified following deployment, for example, in the case of a multi-satellite deployment. As Global NewSpace Operators suggests, we will consider favorably in an application the use of radiofrequency transponder tags or other unique telemetry markers that can support the identification of objects once in orbit. Overall, we want to emphasize the importance of operators planning for satellite identification in advance so that they are able to troubleshoot potential issues, particularly for multi-satellite deployments. Also, as the Secure World Foundation suggests, we encourage additional research in this area on how identification aids may help distinguish one satellite from another early after payload separation.

We also adopt a requirement that applicants must disclose whether the satellite will be registered with the 18th Space Control Squadron or successor civilian entity. At this time, the typical registration process for new operators includes contacting the 18th Space Control Squadron via email with information on the satellite common name, launch date and time window, launch location and launching agency, the satellite owning organization and operating organization, the contact information for the operations center, and any usernames for the website *Space-Track.org.* A number of established operators also maintain ongoing relationships with the 18th Space Control Squadron, either directly or through intermediary organizations, such as the Space Data Association, and routinely exchange information about upcoming launch activities. It is possible that this process may change in the future, but we adopt a disclosure requirement broad enough to accommodate ''registration'' generally, even if the process changes. We conclude that the costs associated with the disclosure, to the extent they are not already routinely followed by most established operations, are outweighed by the importance of operators sharing information with a central entity that can provide space situational awareness support. Additionally, the operators themselves benefit from the services that are provided at no charge by the 18th Space Control Squadron, and so the burden of operators disclosing whether they are in fact benefiting from these services is minimal.

2. Ongoing Space Situational Awareness

Sharing Ephemeris and Other Information. In addition to the sharing of information related to initial identification of a satellite included in the NPRM, the Commission also proposed that space station operators share ephemeris and information on any planned maneuvers with the 18th Space Control Squadron or any successor civilian entity. The Commission sought comment on whether this should be a requirement implemented through a rule. The Commission also sought comment on whether NGSO operators should be required to maintain ephemeris data for each satellite they operate and share that data with any other operator identified in its disclosure of any operational space stations that may raise a collision risk. The Commission observed that this requirement would help to facilitate communications between operators even before a potential conjunction warning is given.

Most commenters agreed with the goals of the proposed requirements. Some commenters argue that data sharing exchanges should respect owner/operator intellectual property and proprietary information and should be limited to only the information necessary to describe explicit maneuvers, initial deployment, or conjunction avoidance. Several commenters also seek flexibility to share maneuverability and status data using any reasonable method identified by the providing operator. After consideration of the record on this issue, we adopt a disclosure requirement regarding sharing of ephemeris and other data. Specifically, we adopt a rule stating that applicants must disclose the extent to which the space station operator plans to share information regarding initial deployment, ephemeris, and/or planned maneuvers with the 18th Space Control Squadron or successor entity, or other entities that engage in space situational awareness or space traffic management functions, and/or other operators. This also includes disclosure of risk thresholds for when an operator will deem it appropriate to conduct a collision avoidance maneuver. This disclosure provides an opportunity for the Commission to assess the extent to

[13] *See* Appendix A, Final Rules. We also adopt a conforming rule in § 25.122 that is applicable to small satellites and small spacecraft applying under the streamlined processes. *See id.*

which the operator is actively engaging with space situational awareness facilities, keeping in mind that the need for such engagement may vary depending on the scale of the system.[14] We observe that for certain types of systems, for example, those using electric propulsion, sharing of ephemeris data is particularly critical in preventing collisions, and so we would look for a detailed description of those plans when assessing the application for those systems. The disclosure will also assist other operators in understanding how they may be able to best coordinate with the applicants' system and provide flexibility for operators to demonstrate how their plans for sharing information will facilitate space safety. As one example, a particular operator may decide to share ephemeris information with the private Space Data Association, which would be indicated in its disclosure. This also addresses any operator's concerns regarding proprietary information and security, since operators concerned with these issues could take them into consideration as part of their plan for how to share ephemeris.[15]

We also extend this disclosure to experimental and amateur systems at the authorization stage. As with the rule updates discussed above, we believe the benefits of this disclosure in encouraging space safety and coordination outweigh any costs to the operator in specifying the extent to which, and how, it will share ephemeris and other information during operations.

Tyvak suggests that requiring licensees to submit information pertaining to planned maneuvers is not conducive to the flexibility of agile space, but we do not see how submission of information in advance of planned maneuvers would have any significant impact on an operator's ability to perform such spacecraft maneuvers, and may provide other operators with useful information about the planned scope of operations that will facilitate coordination. Although we are adopting a disclosure requirement rather than an operational requirement, if this information changes during the course of the system's operations, the operator will need to update the file for its license or grant by specifying how it has changed.

We conclude that this disclosure is more beneficial than a more specific requirement, as it provides flexibility for operators to use a combination of different resources, including private sector space situational awareness resources, as well as accommodate potential changes in the U.S. entity responsible for space situational awareness and space traffic management functions relevant to non-Federal operators. In the near term, we encourage all operators to engage with the 18th Space Control Squadron, either directly or through intermediary organizations, and avail themselves of the space situational awareness and space traffic management functions that the 18th Space Control Squadron provides. At this time, we do not adopt a separate operational requirement regarding sharing of information with the 18th Space Control Squadron or other operators whose systems may pose a collision risk. We conclude that requirement is unnecessary given the application disclosure requirement we adopt here as well as the separate certification that upon receipt of a space situational awareness conjunction warning, the operator will review and take all possible steps to assess the collision risk, and will mitigate the collision risk if necessary—and that the assessment and potential mitigation should include, as appropriate, sharing ephemeris data and other relevant operational information.

Conjunction Warnings. The Commission proposed that applicants for NGSO space stations certify that, upon receipt of a conjunction warning, the operator of the satellite will take all possible steps to assess and, if necessary, to mitigate collision risk, including, but not limited to: Contacting the operator of any active spacecraft involved in such warning; sharing ephemeris data and other appropriate operational information directly with any such operator; and modifying spacecraft attitude and/or operations. The Commission also sought comment on whether any different or additional requirements should be considered regarding the ability to track and identify satellites in NGSO or respond to conjunction warnings.

As discussed below, based on the record, we adopt the proposal from the NPRM. We believe this certification will enhance certainty among operators, and thereby help to reduce collision risk. Most commenters addressing this issue agreed generally with the Commission's proposal, although some commenters had varying views on implementation of the proposed requirement. NASA and Aerospace recommend that applicants submit information outlining plans that they intend to follow operationally in order to minimize collision risk. Global NewSpace Operators suggests that the Commission simply require the applicant to have an operational procedure and process for a conjunction warning, rather than a certification. We see the potential benefits of having applicants outline operational steps to minimize collision risk, but we believe that the information that would be included in this type of submission is already addressed by other aspects of the rules. As described above, we will request information on maneuverability of the satellites, and applicants will be required to disclose how they have coordinated or plan to coordinate with other operators whose satellites may pose a collision risk, as well as disclose how they plan to share ephemeris and other information during the course of the spacecraft operations.

Other commenters suggest modifications to the language of the proposed rule to provide operators with some additional flexibility when responding to conjunction warnings. The Commission's proposed rule stated that the space station operator ''must certify that upon receipt of a space situational awareness conjunction warning, the operator will review the warning and take all possible steps to assess and, if necessary, to mitigate collision risk, including, but not limited to: Contacting the operator of any active spacecraft involved in such a warning; sharing ephemeris data and other appropriate operational information with any such operator; modifying space station attitude and/or operations.'' Several commenters, including SIA, Telesat, and others, were concerned that the use of the term ''all possible steps'' would not give operators enough flexibility to decide how to respond, and proposed the language ''appropriate steps'' instead. Taking into consideration the concerns expressed in the record, we adopt a slightly different formulation of the certification. Specifically, the rule we adopt states that the space station operator must certify that upon receipt of a space situational awareness conjunction warning, the operator will review and take all possible steps to assess the collision risk, and will mitigate the collision risk if necessary. As appropriate, steps to assess and mitigate the collision risk should include, but are not limited to: Contacting the operator of any active spacecraft involved in such a warning; sharing ephemeris data

[14] We also adopt a conforming edit in § 25.122 to the rules applicable to small satellite and small spacecraft applicants for streamlined processing. *See* Appendix A, Final Rules.

[15] We would expect, however, that if there are significant limitations on ways in which information that is being shared, or the quantity of information shared, the operator will demonstrate that it is not compromising space safety.

and other appropriate operational information with any such operator; and modifying space station attitude and/or operations. We believe that the terms ''if necessary'' and ''as appropriate'' provide sufficient flexibility for operators to determine what is appropriate in individual cases. Finally, Boeing suggests that this requirement may be unnecessary, because operators already have sufficient incentives to avoid collision risks. We conclude, however, that this certification is useful in ensuring that all space actors, in particular new space actors, are aware of and have planned responses to conjunction warnings, consistent with responsible space operations.

We also encourage operators to reference industry-recognized best practices in addressing conjunction warnings. NASA, for example, notes that there are currently industry-recognized best practices of submitting ephemerides to the 18th Space Control Squadron for screening, examining and processing all resultant conjunction warnings from each conjunction screening, mitigating high-interest events at a level consistent with the mission's risk mitigation strategy, and explicit conjunction avoidance screening by the 18th Space Control Squadron of ephemerides that include any risk mitigation maneuvers prior to maneuver execution.

D. Topics Related to Creation of Debris During Operations

The Commission's existing orbital debris rules require disclosure of debris released during normal operations. This has been a longstanding requirement, and is consistent with the revised U.S. Government Standard Practices objective regarding ''Control of Debris Released During Normal Operations.'' The Commission observed in 2004 that communications space stations do not typically involve the release of planned debris. Although there are some unique experiments on space stations today that do potentially involve the planned release of debris, we observe that most communications space stations still do not typically release debris absent some type of anomaly. Where there is a planned release of debris, however, we examine such plans on a case-by-case basis. Accordingly, the Commission did not propose to update our general rule in this area, as it has functioned well for the past 15 years. In the Notice, the Commission did propose to update its rules, however, in two specific areas related to the release of debris, discussed below, which reflect evolving satellite and launch technologies.

1. Deployment Devices

In the NPRM, the Commission observed that in several instances applicants sought to deploy satellites using deployment mechanisms that detach from or are ejected from a launch vehicle upper stage and are designed solely as a means of deploying a satellite or satellites, and not intended for other operations—and that once these mechanisms have deployed the onboard satellite(s), they become orbital debris. In one example, the Commission received applications for communications with deployment devices designed to deploy smaller spacecraft after the devices separating from the launch vehicle. In another example, the Commission received an application for an experimental satellite that would be released from a tubular cylinder deployer, using a spring mechanism. There are also more well-established uses of deployment devices, such as a separation ring used to facilitate the launch of geostationary satellites. Several commenters explain the advantages of use of deployment devices such as rings or other deployment vehicles, sometimes referred to as ''free-flyers,'' stating, for example, that such devices can allow safe, reliable deployment of multiple spacecraft. Spaceflight posits that deployment devices contribute to a safe space environment, where such devices allow spacecraft to be placed into orbit using well-established launch services and well-designed and planned deployment missions.

The Commission proposed in the NPRM to require disclosure by applicants if ''free-flying'' deployment devices are used to deploy their spacecraft, as well as requiring a specific justification for their use. We adopt our proposal, and require that applicants for a Commission license disclose whether they plan to have their spacecraft deployed using a deployment device. This includes disclosure of all devices, defined as separate deployment devices, distinct from the space station launch vehicle, regardless of whether they will be authorized by the Commission.[16] Although in some instances it is difficult to draw a clear line between a launch vehicle and deployment device, for purposes of this rule, as explained below, we consider a deployment device to be a device not permanently physically attached to or otherwise controlled as part of the launch vehicle. For purposes of this discussion, we distinguish between consideration of orbital debris mitigation issues involving such free-flying deployment devices and consideration of orbital debris mitigation issues involving multi-satellite deployments generally, including use of deployment devices that are part of or remain attached to the launch vehicle.

We have considered the arguments of Eutelsat, University Small-Satellite Researchers, and Boeing, who suggest that it would be burdensome for space station applicants to disclose information regarding free-flying or uncoupled deployment devices. Eutelsat states that satellite operators are not responsible for launch procedure and do not choose the specific deployment device used for launch of their satellite, which may not be determined until after the space station application is submitted. Some commenters suggest that information regarding a free-flying deployment device should be outside the scope of the Commission's purview, either for jurisdictional or practical reasons. We disagree with these points. It is reasonable to consider objects with limited purpose, other than launch vehicles, as part of the deployment or operations of a Commission-licensed spacecraft. Free-flying deployment devices are, in terms of their effect on the orbital debris environment, indistinguishable from lens covers, tie-down cables, and other similar devices, in that they fulfill a limited function and then become debris. In some instances, the required disclosure may be as straightforward as incorporating by reference the information contained in a separate Commission application that has been submitted by the operator of the deployment device. In other instances, the space station operator will need to obtain the information regarding the deployment device from the operator and/or manufacturer of that device. The space station operator will be able to obtain this information, since the space station will be using the deployment device. Second, our experience has been that FAA launch-related analyses do not include consideration of free-flying or separated deployment devices, since such devices are not considered part of the launch vehicle. In this sense, depending on the factual scenario, the devices can be considered either ''spacecraft'' or ''operational debris'' related to the

[16] For Commission-authorized devices, as explained below, this can be disclosed by referencing the deployment device application file number. Devices not authorized by the Commission could include, for example, deployment devices not requiring an authorization for radiocommunications, or obtaining an authorization for radiocommunications from an administration other than the United States.

authorized space stations.[17] Our goal is to avoid a regulatory gap in which the orbital debris issues associated with a particular deployment device are not under review by any government entity. We will continue to coordinate with the FAA as needed, and in any case where an applicant believes that the deployment device would be under the FAA's authority, the applicant should make us aware so we can coordinate with the FAA in the particular case and avoid overlapping review. Eutelsat points out that in some instances the launching entity may not even be within U.S. jurisdiction or regulatory authority. In these instances, the operator should still provide information regarding use of any free-flying or separated deployment devices, consistent with our policy to require same information related to orbital debris mitigation from market access applicants as from U.S. license applicants. For example, it would not be in the public interest for us to authorize market access for a non-U.S.-licensed satellite where the satellite meets our orbital debris mitigation requirements, but will be deployed by a free-flying device that has a 200-year on-orbit lifetime and presents a significant collision risk. Although, as Eutelsat states, market access may be requested long after the satellite is launched, that fact has not prevented us from applying our orbital debris regulations to such satellites in the past.

We will continue to largely assess these on a case-by-case basis at this time, since the individual facts can vary widely and so it is difficult to assess specific disclosure rules for each different type of device that may be used.[18] Consistent with the NPRM proposal, we will require that applicants disclosing the use of a deployment device also provide an orbital debris mitigation disclosure for any separate deployment devices. The information provided by applicants should address basic orbital debris principles, such as the orbital lifetime of the device, and collision risk associated with the device itself. Where applicable, the information should also address the method, sequencing, and timing by which the spacecraft be deployed into orbit. Boeing opposes the adoption of an information disclosure requirement absent ''clear and objective criteria articulating when the use of such devices is permissible.'' There are a variety of facts to assess in connection with use of deployment device and potential for contribution to the orbital debris environment. In some uses, a deployment device may become debris, but serve to decrease the collision risk associated with the individual deployed objects. In the case of well-established deployment practices, such as use of a detachable separator ring for a GSO deployment, the disclosure should be relatively straightforward, and we would not expect operators to provide significant detail regarding utilization of such a deployment practice. In other instances, use of a deployment device may increase the risk of collision among satellites deployed from the device, as compared to other means of deployment, even where the device itself may present a low risk. The different factual scenarios presented here illustrate the difficulty in making a ''one-size-fits-all'' rule when it comes to determining what is an acceptable use of a deployment device. We conclude the more effective approach at this time is to adopt a disclosure requirement, and to continue to assess the specific uses on a case-by-case basis. Disclosure in this instance provides flexibility to address new developments in space station design and facilitates the Commission identifying facts to support decisions to grant, condition, or deny an authorization in a manner consistent with the Communications Act.

We also received a number of comments related to the best means in which to evaluate collision risk specifically associated with the deployment of multiple satellites from a deployment device (*e.g.,* re-contact analysis). We expect that recontact analysis will be conducted by operators, and that information will be provided to the Commission, but we do not adopt specific rules in this Order on how to conduct a re-contact analysis in the instance where a deployment device is deploying multiple satellites. Free-flying deployers releasing multiple satellites are still relatively new, and there is not consensus on what constitutes an adequate analysis of re-contact risk, and the extent to which re-contact risk is different from typical collision risk in terms of likelihood of creating debris. Accordingly, we will continue to assess this issue on a case-by-case basis in the context of a particular mission profile. In addition to compiling information regarding collision risk, however, we encourage operators of free-flying deployment devices to adopt practices that will help reduce risks associated with multi-satellite deployments—including formulating a deployment sequence that minimizes re-contact risks and making other operators with satellites nearby aware and updated on the scope of the deployment.[19]

Additionally, we do not adopt rules in this Order related to multi-satellite launches more generally, *i.e.* multi-satellite launches not involving separate, free-flying deployment devices. In the Notice, the Commission also sought comment on whether we should include in our rules any additional information requirements for satellite applicants that will be part of a multi-satellite launch. A number of commenters suggested that these issues should be handled by the launch licensing authority and/or that there would be other difficulties involved in requiring additional information regarding launch and deployment from an FCC applicant. We observe that there are a number of established practices for multi-satellite deployment that are associated with low risk of re-contact, or otherwise a low risk of debris creation since any recontact would occur at low velocities. While we decline to adopt any rules related to this topic at this time, we may revisit this issue in the future.

2. Minimizing Debris Generated by Release of Persistent Liquids

In the NPRM, the Commission proposed to update the rules to cover the release of liquids that, while not presenting an explosion risk, could nonetheless, if released into space,

[17] In the *NPRM,* we proposed that the rule cover any separate deployment devices ''not part of the space station launch.'' 33 FCC Rcd at 11396, Appendix A, Proposed Rules. In an effort to clarify the scope of the rule, we adopt a slightly different formulation here, which states that the rule covers any separate deployment devices that are ''distinct from the space station launch vehicle,that may become a source of orbital debris.'' *See* Appendix A, Final Rules.

[18] In *ex parte* filings, SIA expresses concern with the Commission's review of deployment devices on a case-by-case basis without identifying any criteria for their permissible use, such as required number of years for disposal. *See* Letter from Tom Stroup, President, Satellite Industry Association, to Marlene H. Dortch, Secretary, FCC, IB Docket No. 18–313, Attach. at 4 (email to Tom Sullivan, Chief of the International Bureau, FCC) (filed April 15, 2020) (SIA Apr. 15, 2020 *Ex Parte*). We would have concerns regarding use of a deployment device if the device constitutes a debris object that exceeds 25 years on orbit in the LEO region, or exceeds the 0.001 collision risk probability that would be assessed if it were an otherwise functional spacecraft, for example, as indicia associated with negatively contributing to the debris environment. *See also* Letter from Bruce A. Olcott, Counsel to the Boeing Company, to Marlene H. Dortch, Secretary, FCC, IB Docket No. 18–313, at 3 (filed April 16, 2020) (Boeing Apr. 16, 2020 *Ex Parte*). Boeing argues that deployment devices should be addressed in the Further Notice, *see id.,* but we find that the disclosure-based approach adopted here is appropriate for the limited number of cases and variety of factual scenarios involved.

[19] In this context, re-contact is the potential for two or more satellites or released as part of a multi-satellite deployment to subsequently collide with each other or with any free-flying deployment devices that may be used for the deployment.

cause damage to other satellites due to collisions. Specifically, the Commission proposed to include a requirement to identify any liquids that if released, either intentionally or unintentionally, will persist in droplet form. The Commission observed that there has been increasing interest in use by satellites (including small satellites) of alternative propellants and coolants, some of which would become persistent liquids when released by a deployed satellite. The NPRM also stated our expectation that the orbital debris mitigation plan for any system using persistent liquids should address the measures taken, including design and testing, to eliminate the risk of release of liquids and to minimize risk from any unplanned release of liquids.

Some commenters addressing this issue disagreed with the Commission adopting a rule to address this issue, with most expressing concern that there was not sufficient evidence that release of certain propellants, for example, would result in persistent droplets or create any additional risk in the orbital environment. Along these lines, Aerospace states that it is important to distinguish between releases that could result in droplets or solids that could be a collision threat and those that dissipate or are too small to cause damage on impact. Aerospace points out, for example, that there are a number of beneficial operations including venting or using excess propellant and oxidizer that constitute release of liquids that are less likely to cause impact damage. Aerospace recommends that the Commission's proposed rule be clarified to explicitly permit the venting of volatile liquids and pressurants that could create future risk of fragmenting the spacecraft if not released, but will not form hazardous droplets. We agree that it is important to distinguish between those releases that could result in a long-term risk to the orbital environment and those that are unlikely to create any significant additional risks, such as release of volatile propellants that are soon dispersed through natural processes. Additionally, we have long recognized the importance of operators limiting the risk of accidental explosions, including by venting pressurized systems at a spacecraft's end of life.[20]

We adopt our proposed disclosure requirement, but clarified to require that applicants must specify only the release of those liquids that may in fact persist in the environment and pose a risk.[21] Thus, the applicant will determine whether any liquids have a chemical composition that is conducive to the formation of persistent droplets. If so, then the applicant will disclose that fact to the Commission.[22] The main consideration in making this determination is whether the liquid, if released into space, will disperse through evaporation, or remain in droplet form, as is typical of some ionic liquids, such as NaK droplets. If the applicant determines that released liquids will not persist due to evaporation or chemical breakdown, for example, then the applicant need not address the release of such liquids.[23] We conclude that asking applicants—who have the most information regarding the operational profile of the mission and characteristics of the potentially released substances—to assess the risk will address the commenters' concerns that such a requirement may be overinclusive or premature. We clarify that this rule would apply to any liquids, not just propellants. In addition, we clarify that this rule will apply equally to release of liquids throughout the orbital lifetime. We further conclude that the benefit of identifying potential risks associated with use of certain liquids, if such liquids could become long-term debris objects, outweighs any costs to operators in assessing the chemical composition of any liquids to determine the physical properties of such liquids following release into the orbital environment.

E. Post-Mission Disposal

Post-mission disposal is an integral part of the mitigation of orbital debris, and the commercial space industry has increasingly recognized the importance of not leaving defunct objects in orbit after their useful life. In 2004, the Commission established specific rules for GSO space station disposal based on U.S. and international guidance, and in the absence of an anomaly, Commission-authorized space station operators have complied with those rules. In this Order, we adopt specific rules for disposal of NGSO space stations, and address reliability of post-mission disposal for NGSO space stations as well. As in 2004, we base these rules on updated sources of guidance, including the revised ODMSP, adapted for the commercial and otherwise non-governmental context.

The orbital lifetime of a particular space station affects the collision risk it presents and reduction in post-mission orbital lifetime reduces collision risk. Spacecraft that are unable to complete post-mission disposal, particularly when left at higher altitudes where they may persist indefinitely, will contribute to increased congestion in the space environment over the long-term and increase risks to future space operations.

[20] *See also* 47 CFR 25.114(d)(14)(ii); *2004 Orbital Debris Order,* 19 FCC Rcd at 11580–82, paras. 29–33. Boeing asks that we update our rules regarding removal of stored energy at the spacecraft's end-of-life to acknowledge that stored energy sources can be ''safed.'' Boeing Feb. 14, 2020 *Ex Parte* at 7–8. It is unclear exactly what Boeing requests, but to the extent that Boeing is concerned that the existing rule does not adequately address removal of stored energy, we note that our existing rules leaves various options for stored energy to be discharged or removed, including by indicating that ''other equivalent procedures'' or ''other appropriate measures'' may be used in addition to the enumerated examples provided in §§ 25.114(d)(14)(ii) and 25.283(c) of the Commission's rules, respectively. 47 CFR 25.114(d)(14)(ii), 25.283(c). We view our provisions on this topic as consistent with the ODMSP. Should an applicant seek to use measures not specifically listed in §§ 25.114(d)(14)(ii) and 25.283(c), we would expect that the applicants would provide documentation regarding the chosen method, consistent with the types of documentation that listed in the NASA Standard regarding eliminating stored energy sources. *See* NASA Standard 4.4.4.2.

[21] According to Boeing, the Commission must ensure that an adequate mechanism is in place to permit the submission of information regarding such liquids on a confidential basis, since satellite manufacturers treat their propellants as highly proprietary. Boeing Comments at 9. Similar to other contexts, we point out that there are means for applicants to submit information confidentially, in instances where they are able to justify confidential treatment under the Commission's rules. *See* 47 CFR 0.459.

[22] Boeing states that the Commission should provide clear and objective guidance regarding when the use of such liquids would be permitted. Boeing Comments at 9; Boeing Feb. 14, 2020 *Ex Parte* at 13. SIA similarly expresses concern with a case-by-case approach for reviewing these matters. SIA Apr. 15, 2020 *Ex Parte* Letter, Attach. at 4–5. Here, we believe a disclosure requirement should entail minimal costs for most operators and will provide flexibility to address new developments in space station design. As Boeing points out, there may be tradeoffs associated with use of certain new types of propellants in terms of orbital debris mitigation, and we believe these tradeoffs are best addressed on a case-by-case basis. *See* Boeing Comments at 10. Relevant considerations in cases involving use of persistent liquids may include, for example, design and testing of methods for containment of the liquid and prevention of release in space in droplet form. In a later *ex parte* filing, Boeing asks that we consider these issues in the Further Notice. *See* Boeing Apr. 16, 2020 *Ex Parte* at 3. For the reasons specified here, however, we believe that a case-by-case approach is sufficient at this time to address this relatively unique issue.

[23] Boeing asks that we state that the use of liquids that would result in persistent droplets if released is presumptively appropriate if reasonable measures are taken to prevent their release. Boeing Comments at 10. If the operator discloses that such liquids would present a risk to the orbital environment if accidentally released, then we would ask operators to describe the measures that are taken to prevent such accidental release. If unintentional release of the liquids would present a significantly greater risk to the orbital environment that would be otherwise posed by an accidental explosion of the spacecraft (not taking into account release of the liquids), for example, then the operator should expect to provide additional information to the Commission regarding measures taken to prevent release as well as potential alternatives.

1. Post-Mission Orbital Lifetime

In the NPRM, the Commission inquired whether the 25-year benchmark for completion of NGSO post-mission disposal by atmospheric re-entry remains a relevant benchmark, as applied to commercial or other non-Federal systems. The 25-year benchmark has been applied in Commission licensing decisions for NGSO systems. The NASA Standard and ODMSP specify a maximum 25-year post-mission orbital lifetime, with the revised ODMSP stating that for spacecraft disposed of by atmospheric reentry, the spacecraft shall be ''left in an orbit in which, using conservative projections for solar activity, atmospheric drag will limit the lifetime to as short as practicable but no more than 25 years.'' Most commenters supported a reduction in the 25-year benchmark as applicable to non-Federal systems, but disagreed on the length of time, and on whether a single benchmark was appropriate for all missions.

As a practical matter, space stations that conduct collision avoidance maneuvers would achieve the main goal of limitations on orbital lifetime—avoiding collisions with large objects. Even with no maneuver capability, spacecraft deployed to and operating below 400 km generally re-enter Earth's atmosphere as a result of atmospheric drag within, at most, several years. For such satellites, when functioning normally, specification of a maximum post-mission orbital lifetime may be unnecessary. We examine in the Further Notice a maneuverability requirement for satellites operating above 400 km. Given the practical reality that satellites with maneuvering capabilities are likely to meet the objectives of limitations on post-mission orbital lifetime, the need to incorporate a separate provision into our rules regarding post-mission orbital lifetime will depend on whether we adopt a maneuverability requirement, and therefore will be addressed in the Further Notice.

At this time, we will require that applicants planning disposal by atmospheric re-entry specify the planned time period for post-mission disposal as part of the description of disposal plans for the space station. We maintain the Commission's existing rule requiring a statement detailing post-mission disposal plans for the space station at end of life. The Commission also sought comment on whether we should account for solar activity in our rules or grant conditions. We note that the NASA Debris Assessment Software takes into consideration solar flux that may affect atmospheric drag, among other environmental factors. To the extent that the operator plans to rely on atmospheric drag for re-entry, reliance on NASA Debris Assessment Software or a higher fidelity assessment tool will meet the requirement on specifying the time period for post-mission disposal.

The Commission also sought comment on whether operators planning disposal through atmospheric re-entry should be required to continue obtaining spacecraft tracking information, for example by using radio facilities on the spacecraft to the greatest extent possible following the conclusion of the primary mission. Boeing argues that satellite operators should not be required to maintain communication links and active tracking with the satellite following the end of the missions unless they had initially indicated in the application that active tracking, rather than passive tracking, would be used to monitor the location of the spacecraft. Boeing also states that satellite operators should be required to continue to obtain spacecraft tracking information for retired satellites only if the satellite operator's original calculations regarding acceptable collision risk as the satellite's orbit decays depend upon the operator's ability to conduct collision avoidance. Iridium, on the other hand, suggests that satellites should be controlled all the way through atmospheric re-entry. We do not adopt a specific regulation specifying the extent to which an operator should be required to maintain communications links or otherwise obtain spacecraft tracking information following the conclusion of the satellite's main mission at this time, since absent any particular requirements to maintain maneuvering capabilities, for example, operators are likely to have a wide range of capabilities in this area such that it would not be reasonable to adopt a ''one-size-fits all'' rule absent other requirements such as requiring active tracking capabilities, which we decline to adopt above. We do, however, encourage all operators to maintain communications links for tracking, control, and collision avoidance purposes for as long as possible following the conclusion of the spacecraft's primary operations, even below 400 km, and to continue to provide location information to the 18th Space Control Squadron and other operators for as long as possible, in accordance with the operators' plan for sharing ephemeris.

2. Reliability and Post-Mission Disposal

In the NPRM, the Commission considered whether to add to the rules a specific metric for reliability of disposal in order to help us better evaluate the applicant's end-of-life disposal plan. The Commission proposed to require that applicants provide information concerning the expected reliability of disposal measures involving atmospheric re-entry, and the method by which the expected reliability was derived. The Commission also sought comment on whether we should specify a probability of no less than a certain standard, such as 0.90, and whether the evaluation should be on an aggregate basis if an operator plans to deploy multiple satellites, for example, in an NGSO constellation. The Commission also asked whether, for large constellation deployments, a more stringent metric should apply. The revised ODMSP states that the probability of successful post-mission disposal should be no less than 0.9, with a goal of 0.99 or better, and further states that each spacecraft in a large constellation of 100 or more operational spacecraft should have a probability of successful post-mission disposal at a level greater than 0.9 with a goal of 0.99 or better.

The majority of commenters addressing the issue agree with the Commission revising its rules to incorporate a standard for reliability of disposal. While the Commission sought comment on a broader design and fabrication reliability standard as well, many commenters suggest that focusing on disposal reliability is a more effective way to minimize the long-term impact of failed satellites on the orbital environment. With respect to the specific metric, NASA notes that it currently employs a 0.9 disposal reliability for individual spacecraft not part of a constellation, and, consistent with the revisions to the ODMSP, states that inter-agency discussions have concluded that constellations (100 or more spacecraft) should have a post-mission disposal reliability of greater than 0.9. NASA goes on to state that large constellations (1000 or more spacecraft) should have a post-mission disposal reliability goal of 0.99 or better. A number of commenters agree with a tiered approach to reliability, specifically, with a 0.9 reliability for individual satellites and a higher reliability for individual satellites that are part of a constellation.

We conclude that a baseline post-mission disposal reliability of 0.90 is appropriate for individual NGSO space stations, and that larger systems will be evaluated on a case-by-case basis for whether a higher per-spacecraft disposal reliability standard is necessary to avoid significant long-term impacts to the

orbital environment. The rule adopted specifies that NGSO applicants provide a demonstration that the probability of successful post-mission disposal is 0.9 or greater for any individual space station.[24] Consistent with the general approach taken in the revised ODMSP, the rule further states that for space systems consisting of multiple space stations, the demonstration should include additional information regarding efforts to achieve a higher per-spacecraft probability of successful post-mission disposal, with a goal of 0.99 or better for large systems. Under this approach, particular scrutiny will be given to larger deployments, including consideration of factors such as mass, collision probability, and orbital location. We believe this method will avoid some of the concerns associated with arbitrary cutoffs of numbers of space stations. and will allow assessment of acceptable post-mission disposal reliability taking into account all relevant factors.

Many commenters disagree with applying a disposal reliability standard in the aggregate. NASA recommends the use of a reliability metric expressed on a per-satellite basis. For purposes of post-mission disposal reliability, we agree that the target probability of successful post-mission disposal is best expressed on a per-satellite basis rather than in the aggregate. However, and as recognized in the ODMSP, consideration of the risks presented by deployment of large numbers of satellites supports higher per-satellite reliability, particularly for deployments involving larger numbers of satellites.

For purposes of calculating the probability of successful post-mission disposal, we define successful post-mission disposal for spacecraft in LEO as re-entry into the Earth's atmosphere within 25 years or less following completion of the spacecraft mission. We recognize that consistent with the discussion above on post-mission lifetime, 25 years will in almost all instances be a longer period than the planned post-mission lifetime of the spacecraft.[25] We believe this is an appropriate balance, however, by giving operators options to meet a performance-based post-mission disposal reliability standard while mitigating the long-term impact of spacecraft failures on the orbital environment. Absent unusual circumstances, this would allow spacecraft and systems deployed at low altitudes to achieve a 100% probability of successful post-mission disposal even if the satellites themselves fail immediately upon deployment. We observe that at lower deployment altitude, however, a high percentage of failed satellites could result in a high collision risk for a system as a whole.

Global NewSpace Operators suggests the Commission should not be prescriptive in how applicants meet post-mission disposal reliability requirements but should instead encourage innovative approaches to how this problem is solved. We agree and expect operators would include in their demonstration, for example, a description of any backup mechanisms or system redundancies that should be factored into assessment of post-mission disposal reliability.

We note that at some point, a very high level of reliability becomes difficult to achieve absent extraordinary cost and effort. We also note that in some instances, development of the spacecraft is likely to be a rapidly iterative process, involving more in-orbit testing than ground testing. In these scenarios, lower deployment altitudes may be required in order to achieve a post-mission disposal reliability consistent with the public interest. In other cases, where the applicant has demonstrated significant ground-based testing commensurate with a high reliability, the lower deployment altitudes may not be as significant a consideration.

Operators of large constellations replenishing on a regular basis or otherwise deploying a system through multiple launches should strive to improve reliability with each successive deployment, since it appears such improvements may have significant impact on the longer-term debris environment. Related to this point, Iridium suggests the Commission require all operators of space stations above 400 km to notify the Commission of any on-orbit satellite failures, whether such failures occur before or during operations. According to Iridium, once an operator makes such a notification, the Commission should require the operator to identify and correct the root causes of failure on the ground prior to launching any additional satellites. Other commenters similarly request the Commission address how it will verify compliance with operator disclosures on post-mission reliability and other issues. In instances where an applicant for a system consisting of multiple satellites submits information that the expected total probability of collision, post-mission disposal reliability, or casualty risk is close to the acceptable threshold, the Commission will require, as an initial condition of the license, that, in case a rate of failure that would result in values above the risk threshold(s) described in the application is observed, such occurrence be reported to the Commission. The Commission could also require reporting as a result of information that comes to the attention of the Commission during the licensee's operations. In appropriate circumstances, the Commission could subsequently modify the license in accordance with section 316 of the Communications Act to address a rate of failure that departs materially from the expected reliability level, since that departure would affect the public interest assessment underlying grant of the license.

a. Deployment Orbit

Initial Deployment Below 650 km. The Commission sought comment on whether applicants for space stations in LEO certify that the satellites that will operate at an altitude of 650 km or above would be initially deployed into an orbit at an altitude below 650 km and then, once it was established that the satellites had full functionality, they could be maneuvered up to their planned operational altitude. The Commission reasoned this may help to ensure that if satellites are found to be non-functional immediately following deployment, the satellites would re-enter the atmosphere within 25 years.

Commenters addressing this issue generally disagree with the NPRM proposal. NASA recommends that a post-mission disposal reliability metric be adopted rather than requiring an initial deployment altitude below 650 km, stating that the lower deployment would add to the complexity of the deployment of spacecraft and not significantly reduce risk. Other commenters suggested that this would create additional difficulties in development of a constellation and meeting of milestones, without significant benefits, and that the goal of reducing dead-on-arrival satellites could be met by other means. We decline to adopt a uniform requirement that NGSO satellites deploy first to 650 km and then raise their orbits to deployment altitude. We conclude that reliability of post-mission disposal and collision risk standards we adopt here more effectively address the same underlying issues regarding the long-term impact of non-functional satellites on the orbital

[24] Appendix A, Final Rules. We also note that the terms ''post-mission disposal reliability'' and ''probability of successful post-mission disposal'' have the same meaning and are used interchangeably in this Order.

[25] We also adopt a conforming rule regarding post-mission disposal reliability applicable to small satellites that would qualify for the part 25 streamlined process. *See* Appendix A, Final Rules.

environment. It should be noted, however, that in order to achieve post-mission disposal reliability objectives, the use of this strategy may be necessary, particularly for deployments involving larger numbers of satellites.

Testing. The Commission also sought comment on whether applicants for large NGSO constellations should be required to test a certain number of satellites in a lower orbit for a certain number of years before deploying larger numbers of satellites, in order to resolve any unforeseen flaws in the design that could result in the generation of debris. Several commenters pointed out that operators of new constellations of NGSO satellites have conducted testing of a few satellites to verify their performance before launching larger numbers. Boeing suggests that the Commission should not dictate the length of such test operations, since operators are usually able to determine fairly quickly whether satellites are operating as intended or whether any anomalies are apparent that may necessitate an extended period of monitoring. Other commenters agree that operators should be able to set their own timelines for in-orbit testing. Boeing further argues that operators have sufficient incentives to employ a testing approach to avoid the significant costs that would result from an unanticipated fault affecting a large number of satellites. OneWeb contends that required testing could impact an operator's ability to comply with the Commission's NGSO milestone rules.

We observe that there are tradeoffs with different testing modalities, and we expect that there will be some systems that will undergo a rapidly iterative development process following initial deployments. In such cases, those operators should consider deploying at lower altitudes and with smaller numbers of satellites, to ensure minimal impact on the orbital debris environment. We agree with those commenters suggesting that it may be difficult to fully determine on the ground how a satellite will perform in the space environment. As Boeing points out, several operators of planned NGSO systems have launched test satellites, usually consisting of just a few satellites, prior to any larger deployment. We believe the economic incentives are aligned to a certain extent to encourage such testing by operators of larger systems, given the costs involved in launching satellites. We may also revisit the basis for an applicant's license grant should it become evident that the licensee's satellite performance with respect to orbital debris mitigation is not consistent with what was specified in the application. In appropriate circumstances, the Commission could subsequently modify the license in accordance with section 316 of the Communications Act to address risks that depart materially from the expected level of risk or reliability, since that departure would affect the public interest assessment underlying grant of the license. We therefore at this time do not see the need for a regulatory specification regarding how much testing should be done before a certain level of constellation deployment. As discussed above, we expect that operators will be testing systems related to satellite disposal as well, and, if the operators conclude after deployment of a few satellites that they are not able to meet the reliability for post-mission disposal specified in their application, the operators will make changes to these systems to ensure that the required reliability is achieved.

b. Automatic Initiation of Disposal

In the NPRM, the Commission proposed that applicants seeking to operate NGSO space stations should provide a statement that the spacecraft disposal will be automatically initiated in the event of loss of power or contact with the spacecraft, or describe other means to ensure that reliability of disposal will be achieved, such as internal redundancies, ongoing monitoring of the disposal function, or automatic initiation of disposal if communications become limited. The Commission also sought comment on the costs and benefits associated with these design features. After review of the record, we decline to adopt any regulations at this time with respect to automatic de-orbit.

Most commenters addressing this issue disagreed with the Commission's proposal, although some expressed support. Commenters generally felt that a rule on this topic would not adequately address the wide range of factual scenarios involved in disposal operations, that technologies for automatic disposal are not sufficiently developed, or that autonomous systems may not provide true redundancy, which satellite operators already incorporate into their designs. Several commenters suggest future work in this area may be appropriate. One commenter suggests use of autonomous decommissioning devices on the satellite that would duplicate critical functions of the spacecraft. It states that such a device could ensure absolute capability to perform decommissioning maneuvers, and would avoid investment in re-designing the satellite platform itself. Although we decline to adopt a specific requirement for automatic initiation of disposal, we note that such operations could factor into the review described above with respect to post-mission disposal reliability. For example, to the extent that such devices can improve such reliability by way of back-up and redundancy, they can be considered. We observe that the development of robustly reliable autonomous systems could help to establish a high-level of reliability for post-mission disposal, but we will consider such technologies on a case-by-case basis.

c. Direct Spacecraft Retrieval

The Commission sought comment in the NPRM on what weight, if any, the Commission should give to post-mission disposal proposals relying on direct spacecraft retrieval, *i.e.,* the use of one spacecraft to retrieve another from orbit. As discussed in the Notice, this also includes activities referred to as ''active debris removal''. The Commission observed in the NPRM that there are a number of specific technologies under development for direct spacecraft retrieval, and sought comment on whether it should be considered as a valid debris mitigation strategy in certain circumstances. We observe that the revised ODMSP provides for direct retrieval of a structure preferably at the completion of the mission, but no more than 5 years after completion of mission. The revised ODMSP also provides that active debris removal operations should follow the objectives generally applicable to other operations.

We generally agree with those commenters stating that it would be premature to establish more detailed regulations in this area. To the extent that any applicants seek to rely on direct retrieval as a means to dispose of their spacecraft, the plan may be considered on a case-by-case basis, keeping in mind that the technology would need to be sufficiently developed at the time of the application for the Commission to be able to assess the reliability of the disposal method. Although the technology for direct retrieval is not sufficiently developed for commercial applications at the moment, in the future this type of technology may enable some missions that would not otherwise be possible currently.

3. MEO Disposal

In the NPRM, the Commission sought comment on whether to include provisions in the rules regarding disposal of certain NGSO satellites operating in orbits above LEO. Specifically, the Commission sought comment on whether there were

particular practices for post mission disposal above LEO that were sufficiently developed to formalize in our rules. We observe that the revised ODMSP addresses disposal of spacecraft in medium-Earth orbit (MEO), defined as the region between the LEO region (below 2,000 km) and the GEO region (between 35,586 and 35,986 km). The ODMSP provides options of both long-term storage between LEO and GEO, and removal from orbit using unstable disposal orbits that will result in atmospheric re-entry of the spacecraft.

Several commenters suggest that continuing a case-by-case assessment regarding disposal of spacecraft operating above LEO remains appropriate. Aerospace provides some additional technical detail regarding options for disposal above LEO, as well as with respect to high-eccentricity disposals. We will continue to assess disposal for spacecraft operating between LEO and GEO on a case-by-case basis. This includes those systems that would be considered to be operating in MEO as well as in highly-elliptical orbits (HEO). Applicants for such spacecraft should identify the planned method of disposal and explain their plans. In developing a description of the planned disposal, applicants should be aware of and address the issues described in Objective 4 of the ODMSP, including, for example, limiting collision risk, and limiting time spent by the spacecraft in certain zones. Applicants should also discuss the rationale for the selected disposal strategy. We observe that compared to storage strategies, which result in risk of debris generation that lasts essentially forever, the removal of satellites from orbit using eccentricity growth reduces the risk of debris generation over the long-term. This strategy should therefore be seriously considered by mission designers.

F. GSO License Extensions and Related Issues

Assessment of Request for Extension. In the NPRM, the Commission proposed to codify the current practice of requesting certain types of information from GSO licensees requesting license term extensions. The Commission proposed that the rule would specify that the applicants should state the duration of the requested license extension and the total remaining satellite lifetime, certify that the satellite has no single point of failure that could affect its ability to conduct end-of-life procedures as planned, that remaining fuel reserves are adequate to complete deorbit as planned, and that telemetry, tracking, and command links are fully functional. The Commission noted that in the event that an applicant is unable to make any of the certifications, the applicant could provide a narrative description justifying the extension. We adopt the proposed rule, modified to address commenter's concerns with the proposed certification concerning single point failures, as described below.

Commenters are concerned that the proposed certification that the satellite has ''no single point of failure or other malfunctions, defects, or anomalies during its operations that could affect its ability to conduct end-of-life procedures'' could unduly restrict the ability of operators to obtain extensions for satellites with years of useful life remaining and suggest a more flexible, case-by-case approach, as is currently followed. We modify our proposed rule on single points of failure or other malfunctions, defects, or anomalies to accommodate a description rather than a certification. An operator could specify, for example, that despite a single point of failure, the reliability of post mission disposal remains within acceptable levels. We will continue our case-by-case approach to assessing requests for license extensions, and the descriptive nature of this disclosure will enable an operator to provide additional information about potential risk and disposal reliability. Additionally, Space Logistics requests that the Commission adopt rules that would permit a GSO space station licensee to extend its satellite license term by the length of any mission extension service in lieu of such certifications. We would also address this under our case-by-case approach.

Limit of 5 Years Per Extension Request. The Commission proposed in the NPRM to limit license term extensions to no more than five years in a single modification application for any satellite originally issued a fifteen-year license term. Currently, the Commission receives license extension requests for varying numbers of years and processes those requests on a case-by-case basis. The Commission tentatively concluded that five years may be an appropriate limit for a single modification to help ensure reasonable predictions regarding satellite health while affording operators some flexibility. We adopt this rule as proposed.

A number of commenters, primarily operators or manufacturers of existing GSO satellites, oppose a cap on how many years may be requested at a time through an extension request. Telesat, for example, states the Commission should continue its current flexible approach because it minimizes regulatory proceedings and costs for the Commission and licensees. Although the limitation of a single license term extension to five years could potentially result in more modification requests being filed with the Commission as operators seek multiple license extensions, we conclude that the additional costs of preparing an application and paying a modification application fee are outweighed by the benefits of revisiting license extensions within five years—namely, ensuring that the extension continues to be consistent with the public interest by reevaluating the satellite health and functionality information that provides a basis for extending the license term. Lockheed Martin contends that it is not appropriate to limit extensions to five years if a longer term is justifiable based on a review of the provided specifics. Similarly, SIA argues that a five-year limit would significantly constrict the ability of GSO operators to leverage the full value of their in-orbit assets. According to SIA, the Commission should continue to permit GSO operators to demonstrate, through the modification application process, that the satellite is capable of continuing to serve the public interest for an appropriate additional term. We fully recognize that there are satellites capable of providing service well beyond the initial 15-year license term, and in appropriate cases will license those satellites for additional license extensions. Under the approach we adopt here, GSO satellite licenses may be extended for more than five years in total, but the extensions will be granted in increments of five years, at most, through applications for modification. While GSO space station licensees understandably want to provide service for as long as possible using their existing space station(s), they are not necessarily incentivized to make conservative estimates when requesting license term extensions. The five-year limit per extension will allow for reassessment of satellite health on a regularized basis even for those satellites with longer lifetimes, which serves the public interest.

Intelsat argues the Commission should not limit the duration of license extension requests because in some countries, such as Brazil, landing rights are granted for the term specified in the original U.S. license and only one renewal is permitted, and so the landing rights are limited to the duration of the initial U.S. license term plus the length of the extension. Therefore, Intelsat argues, the Commission's five-year cap on an individual license term extension would limit the maximum period for

landing rights in other countries. While we appreciate that operators are navigating regulatory processes in other nations as well as the United States, we cannot be responsible for the approach that other countries take with respect to landing rights—and have no control over whether and when another administration attaches significance to Commission decisions. We find that this rule change is in the public interest for the reasons discussed above, and if operators have concerns regarding the approaches of other administrations, they should address those issues with the relevant administration(s).

Sirius XM asks that we exempt Satellite Digital Audio Radio Service (SDARS) licensees with eight-year license terms from the proposed five-year limit on license extensions. Sirius XM states that it would unfairly disadvantage SDARS licensees since the initial license term for those operations is shorter. In the NPRM we proposed that the five-year limit on license extensions would apply to only those satellites with an initial 15-year license term. Given the limited number of SDARS licensees, we will continue the current case-by-case approach to the length of license extensions for these satellites, rather than imposing the five-year cap. AT&T requests a similar exemption for GSO direct broadcast satellite (DBS) space stations that were initially authorized for a license term of ten years. In a recent Report and Order, we updated the license term for DBS satellites operating on a non-broadcast basis from 10 years to 15 years, and concluded that the few existing non-broadcast DBS licensees that had not already had licenses extended may have their license extended to match a 15-year license term upon application to modify the license. Licensees with an initial term of less than 15 years will also be treated on a case-by-case basis for subsequent extensions, rather than being subject to the five-year cap.

Other Issues. In the NPRM, the Commission also sought comment on whether there are types of GSO satellite anomalies that should trigger immediate reporting, and whether there were any types of satellite buses that warrant heightened scrutiny for purposes of assessing license extensions. Those commenters addressing these issues disagreed with adoption of rules in either of these areas, and we decline to adopt any new rules on these topics at this time because we think it is unnecessary to adopt specific requirements in this area and can continue to address these issues on a case-by-case basis. With respect to GSO anomaly reporting, we observe that GSO operators typically already provide information informally to the Commission regarding anomalies, and the Further Notice seeks comment on incentives for GSO operators to maximize the probability of successful disposal. Additionally, regarding satellite design issues, we continue to expect that operators will disclose issues that may be systematic to a particular GSO satellite design as part of their license extension request—and note that the Commission may consider such systematic issues as they arise and when assessing requests for license extensions under its continued case-by-case approach.

G. Casualty Risk Assessment

In the NPRM, the Commission sought comment on two issues related to the human casualty risk assessment for space stations disposed of by re-entry into Earth's atmosphere. First, the Commission sought comment on whether to update our rules to specify that the human casualty risk assessment must include all objects that would have an impacting kinetic energy of 15 joules, consistent with the NASA Standard. Commenters generally supported including the 15 joule metric in the Commission's rule. We adopt the proposal.

Second, the Commission proposed that where the calculated risk of human casualty from surviving debris is determined to be greater than zero, as calculated using either the NASA Debris Assessment Software or a higher fidelity assessment tool, the applicant must provide a statement indicating the calculated human casualty risk, as well as the input assumptions used in modeling re-entry. The Commission further sought comment on whether to assess human casualty risk in the aggregate as well as on a per-satellite basis, and what metric should be used to evaluate such risk.

The revised ODMSP states that for those satellites disposed of by reentry into Earth's atmosphere, ''the risk of human casualty from surviving components with impact kinetic energies greater than 15 joules should be less than 0.0001 (1 in 10,000).'' The ODMSP also states that ''[d]esign-for-demise and other measures, including . . . targeted reentry away from landmasses, to further reduce reentry human casualty risk should be considered.'' With respect to ''large constellations,'' the ODMSP states that, ''[i]n developing the mission profile, the program should limit the cumulative reentry human casualty risk from the constellation.''

At this time, we adopt the approach advocated by some commenters and incorporate the 0.0001 (1 in 10,000) or less human casualty risk metric into our rules for those satellites that would be disposed of by atmospheric re-entry. This continues the approach followed in licensing since the adoption in 2004 of debris mitigation rules, and will provide in the codified rules an explicit reference point for applicants, consistent with the ODMSP and NASA Standard. In the Further Notice we seek additional comment on how the additional ODMSP guidance related to design-for-demise and other measures such as targeted reentry to further reduce human casualty risk should be addressed in our rules, as well as the guidance for large constellations that such constellations limit cumulative reentry human casualty risk. Thus, to the extent that some commenters suggest that we should apply a more stringent standard than 1 in 10,000 and consider total casualty risk on a system-wide basis, we address those topics in the Further Notice.

Several commenters suggest that NASA's Debris Assessment Software does not account for some potential sources of casualty risk adequately. NASA updates the Debris Assessment Software casualty risk assessment tool on an ongoing basis, including recently updating the reentry survivability model. To the extent that an applicant believes that its satellite design will not be adequately assessed with the Debris Assessment Software tool, it should submit a higher fidelity analysis that provides an improved assessment, and the rule revisions we adopt here are consistent with this approach.

H. Proximity Operations

In the NPRM, the Commission noted the increasing number of commercial missions proposed involving proximity operations and rendezvous of spacecraft. The Commission proposed that applicants be required to disclose whether the spacecraft is capable of, or will be, performing rendezvous or proximity operations. The Commission also sought comment on whether the rules should include anything more specific regarding information sharing about proximity operations with the 18th Space Control Squadron or any successor civilian entity.

We adopt a disclosure requirement that would identify situations where there are planned rendezvous and proximity operations and provide a vehicle for further review of those operations. The disclosure requirement follows the general approach in the revised ODMSP of analyzing such

operations within the framework of standard debris mitigation objectives—limiting debris release, preventing accidental explosions, and limiting collision risk.[26] Commenters generally supported this approach. We note the evolving and developing nature of these operations, and accordingly find that more specific technical or operational requirements are premature at this time.

I. Encryption and Security of Spacecraft Command

In the NPRM, the Commission proposed a rule requiring that operators of space stations having onboard propulsion systems encrypt telemetry, tracking, and command communications with the space station. The Commission noted concerns that a malevolent actor could take control of and command satellites. A particular scenario of direct relevance to this proceeding is if the commandeered satellite has propulsion capabilities and can be used to introduce additional debris into the space environment and/or threaten damage to other spacecraft. Commenters to the Notice express a variety of views on whether, and the extent to which, encryption should be undertaken to secure telemetry, tracking, and command links, both for spacecraft with propulsion and those without. While many recognize the need for securing commands, many also raise concerns about mandating the use of specific encryption standards. Based on the record established in this proceeding, we adopt a clarifying update to our existing rule on control of transmitting stations and the security of command communications applicable to commercial systems. We decline at this time to specifically include in our rules the more detailed and prescriptive security measures outlined in some comments, such as requiring use of a specific encryption standard.

Several commenters point out that most satellites do not have sufficiently precise guidance and navigation capabilities to be used effectively by a malevolent actor to target and collide with other satellites, thereby causing debris. At orbital velocities, the capabilities necessary to present a credible threat require advanced systems at a level of technical sophistication well beyond what is commonly deployed, particularly in typical low-cost small satellite missions. For this reason, we are not adopting the proposed rule focusing on those satellites with propulsion systems.

Many of the comments focus more generally on the issue of securing command communications. A number of commenters argue that the Commission should not impose detailed encryption requirements, particularly those tied to a single standard, because satellite operators already have sufficient incentives to protect their space assets through encryption and other methods for restricting access only to authorized users. We agree that given the diversity of satellite operations, requiring the use of a one-size-fits-all encryption standard is not appropriate at this time, and will continue to address concerns related to securing facilities through existing high-level performance obligations identified in FCC rules. As a matter of clarification, we are including specific language in the relevant part 25 rule to indicate that the rule applies to space stations.[27] We also encourage experimental and amateur licensees to continue to ensure that they are in full compliance with the Commission's existing rules applicable to experimental[28] and amateur licensees regarding control of transmitting stations.[29]

We recognize that the discussion regarding the security of TT&C communications is only one element of the broader topic of cybersecurity for satellite and ground station operations. There has been increasing discussion within the satellite industry regarding the importance of securing communications links. Commenters suggest that there is need for additional guidance and best practices on cyber security or cyber resiliency for satellite systems. Consideration of cybersecurity is an important part of their overall system development, and we encourage all operators to do so, including by following industry-developed best practices and government guidance, where applicable.

J. Frequency Coordination for Orbit-Raising

The Commission considered in the NPRM whether to modify its rule requiring authority for telemetry, tracking, and command functions to raise the satellite to its normal orbit following launch. Specifically, the rule limited such operations to a non-harmful interference, unprotected basis, and addressed only GSO operations. The rule made it clear that orbit-raising types of maneuvers in the pre-operational phase for GSO satellites are authorized operations, even though they may vary from the orbital parameters specified in the license. The Commission proposed to modify the rule such that satellite telemetry, tracking, and command communications for orbit raising must be coordinated between satellite operators for both GSO and NGSO satellites, rather than require those operations to be performed on a non-interference basis. The Commission also proposed to extend the rule generally to NGSO satellites, so that orbit-raising maneuvers in the pre-operational phase for NGSO satellites would be considered authorized operations, even though they may vary from the orbital parameters specified in the license. We address each of these proposals in turn.

Coordination Among Operators of Frequency Use During Orbit Raising. Most commenters agreed with the Commission revising its rules so that telemetry, tracking, and command operations would be entitled to interference protection if coordinated with potentially affected satellite networks. Some commenters asked for clarification, or minor modifications,

[26] *See, e.g.,* Space Logistics Comments at 2, 6–7; Consortium for Execution of Rendezvous and Servicing Operations Comments at 2; Aerospace Comments at 18. Space Logistics states that disclosures regarding on-orbit servicing specifically should be provided in the context of a satellite license application or a modification application of an existing license to operate a ''mission extension vehicle'' with a different client vehicle. Space Logistics Comments at 6, n.13. As adopted, the disclosure regarding such operations would be an application requirement, and would also be required of any operators as part of a license modification, if the modification involved such operations.

[27] *See* Appendix A, Final Rules, § 25.271(d). Operators have flexibility to adopt security strategies, including encryption and other measures, to ensure that their system is secure.

[28] Section 5.107 of the Commission's rules requires, in part, that each experimental licensee ''shall be responsible for maintaining control of the transmitter authorized under its station authorization, including the ability to terminate transmissions should interference occur[,]'' and that for conventional experimental radio stations the licensee ''shall ensure that transmissions are in conformance with the operating characteristics prescribed in the station authorization and that the station is operated only by persons duly authorized by the licensee.'' 47 CFR 5.107.

[29] Section 97.5 of the Commission's rules requires, in part, that amateur station apparatus ''must be under the physical control of a person named in an amateur station license grant on the [Universal Licensing System] consolidated license database or a person authorized . . . by § 97.107 . . . before the station may transmit on any amateur service frequency from any place that is . . . [w]ithin 50 km of the Earth's surface and at a place where the amateur service is regulated by the FCC[,] . . . or [m]ore than 50 km above the Earth's surface aboard any craft that is documented or registered in the United States.'' 47 CFR 97.5. Section 97.109 of the Commission's rules also addresses station control, including provisions for remote control of stations, 47 CFR 97.109. Specific to space stations, § 97.207(b) states that ''[a] space station must be capable of effecting a cessation of transmissions by telecommand whenever such cessation is ordered by the FCC[,]'' 47 CFR 97.207(b), and § 97.211(b) states that a space telecommand station may transmit special codes intended to obscure the meaning of telecommand messages to the station in space operation[,]'' 47 CFR 97.211(b).

such as requiring informal, rather than formal coordination between operators.

Under existing procedures, an operator is not strictly required to coordinate, but could simply accept interference from other operators. We find that this is not an ideal regime for telemetry, tracking, and command operations, and take this opportunity to clarify that operators should coordinate these operations to ensure that such operations are not subject to interference that could impact those critical communications links and affect physical space station operations. This rule change is appropriate as part of this proceeding because it implicates communications related to the physical location of the space station. This coordination should also ensure that satellites already in service are not subject to interference from satellites engaged in orbit-raising. We further clarify that the ''coordination'' specified in the revised rule is informal operator-to-operator coordination, rather than, for example, the formal procedures specified in the ITU regulations. Eutelsat points out that current practices involves discussion between operators to facilitate operations on a non-interference basis. Sirius XM states that we should not modify this rule with respect to GSO operators, because operators have conducted orbit raising for GSO satellites on a non-harmful-interference, unprotected basis for decades without issue. That may be the case, but we see no downside to clarifying that operators should be coordinating such operations. Sirius XM seems concerned that it would need to accept interference from satellites undertaking these operations, but that is not the case—we are simply ensuring that such operations are coordinated between operators, which appears largely to be a continuation of existing practices. We expect that the practice of coordination between operators will continue and the goal of our rule revision is to encourage such discussions, rather than requiring that the operator conducting orbit-raising activities operate on a non-interference basis. We decline to specify any particular requirements for the coordination process, other than that operators undertake coordination in good faith, with the goal of facilitating orbit-raising operations and ensuring the availability of the telemetry, tracking, and command links, while not unduly disrupting other ongoing operations.

A few commenters raise other issues. Global NewSpace Operators suggests that the Commission consider the unique aspects of NGSO orbit raising, including that it is much faster and that a specific radiofrequency interference event may occur without impacting operations due to the short duration. Regardless of the possibly short duration of a potential interference event, when it comes to frequency use for NGSO orbit raising, we maintain that it is in the public interest for space stations operators to coordinate those operations, even if the result is an agreed-upon short period of interference. Lockheed Martin supports the proposed change, but suggests an exemption for non-Earth orbit missions. The rule, as modified here, will continue to refer to ''short-term, transitory maneuvers.'' Rather than carve-out an exemption for non-Earth orbiting missions, we simply note that frequency use associated with longer-term transitory maneuvers can be addressed on a case-by-case basis, including as part of the space station authorizing conditions.

CSSMA comments specifically regarding systems operating in the Earth-Exploration Satellite Service, Meteorological-Satellite Service, and Space Operations Service, and states that since those operations are generally on a non-exclusive basis, CSSMA does not believe regulated radiofrequency coordination requirements are necessary in those bands. We would not characterize our rule clarification here as ''regulated radiofrequency coordination requirements,'' but simply a change that would ensure coordination specifically is completed to the extent necessary for telemetry, tracking, and command operations to be reliable and not impact other existing operations. If use of a particular frequency band is already shared through geographic separation of earth stations, for example, and the communications used for orbit-raising would be within the scope of that established sharing, then the operations would be considered ''coordinated'' and the operator would not need to undertake any additional coordination activities. There could be situations, however, where orbit-raising communications might be outside the scope of the established sharing regime for regular operations, and those orbit-raising communications would be coordinated. Thus, we decline to establish a carve-out for frequency bands that are used on a non-exclusive basis.

Intelsat asks that the rule be expanded to cover all orbit-raising operations, including Earth-to-space launch and early orbit phase (LEOP) operations conducted by earth stations, which are currently authorized pursuant to special temporary authority. Since these radio frequency operations are authorized pursuant to special temporary authority, we declined to carve out an exception for earth station LEOP operations. We may revisit this issue in the future, however.

Inclusion of Communications for Orbit-Raising in Authorization for NGSOs. Although most commenters who address this issue agree with the proposal to extend authority to transmit to NGSO space stations during orbit-raising as part of a grant, without additional specific approval, upon further consideration we decline to adopt this proposal. Instead we will continue the existing case-by-case practice of addressing these operations as part of the initial grant or through a license modification or special temporary authority. The change that the rule revision would have made would be to include such authority automatically in the original grant as we do for GSOs. After further consideration, we conclude that the explicit authorization process gives us the ability to examine the individual facts more closely, given the diversity of the types of operations present for NGSO orbit-raising. For NGSO satellites there is a broad range of potential operations that could be characterized as transmissions in connection with short-term, transitory maneuvers directly related to post-launch, orbit-raising maneuvers, and we conclude that it is in the public interest for those types of operations to be explicitly authorized, rather than automatically included in the grant. This will give other operators more information regarding the nature of such operations and facilitate coordination between operators as well as coordination with government operations in frequency bands shared with Federal operations. For the same reasons, we decline to extend the rule to operators supporting orbit-raising of MEO spacecraft at the end of the satellite's mission, as requested by SES/O3b.

K. Liability Issues and Economic Incentives

1. Indemnification

In the NPRM, the Commission sought comment on whether Commission space station licensees should indemnify the United States against any costs associated with a claim brought against the United States related to the authorized facilities under international law, specifically the Outer Space Treaties. Almost all commenters addressing the proposed indemnification requirement raised

concerns, and several argued the proposal should be examined further before it is adopted. We conclude that further development of the record on this topic is warranted and we address this topic in the Further Notice.

2. Other Economic Incentives

Insurance. Separate from an indemnification requirement, the Commission had sought comment on the utility of insurance on its own as a means to incentivize operators to adhere to best practices in space. Specifically, the ability to obtain lower insurance premiums could provide an economic incentive for operators to adopt debris mitigation strategies that reduce risk. A number of commenters suggest that insurance generally would not necessarily incentivize good behavior in space, and provide information concerning the functioning of insurance markets that suggest they do not by themselves provide adequate incentives for debris mitigation. Given some of the limitations of insurance, we decline to adopt an insurance requirement on its own as a way of incentivizing ''good behavior'' in space. However, we seek comment in the Further Notice on whether a rule regarding indemnification will help to ensure that liability is considered as operators make decisions concerning satellite design and operation.

Other Incentives. In the Further Notice, we propose a performance bond for satellite disposal, which we tentatively believe would be in the public interest as an economic incentive. We decline, however, to adopt several of the other economic incentives proposed by commenters as ways to encourage best practices in orbital debris mitigation for Commission-authorized satellites and systems. None of the additional proposals have been developed sufficiently to demonstrate how they could be applied to the orbital debris mitigation context at this time. We do not discount these possibilities altogether, however, and may revisit other economic incentives at some point in the future.

NYU and Duke Science Regulatory Lab, for example, recommend that the FCC carefully consider employing ''market-based processes'' that ''harness the efficiencies of the market to achieve policy objectives'' by exploring the use of government created rights—commonly referred to as ''marketable permits.'' Examples of such marketable permits may include: ''a cap and trade'' system, auctioned launch permits, a ''credit trading system, ''and a ''priority review voucher.'' Such marketable permits could create a limited right to place a designated mass object into orbit during a specific time frame and, as such, may be used to deter and mitigate orbital debris. As noted by various commenters, however, establishing any such marketable permit would be a substantial undertaking, given the complexities of defining, for example, an appropriate and tradeable ''unit of exchange'' or a quantifiable and verifiable monitoring process. Additionally, it is not clear how this type of system would fit within the Commission's satellite licensing structure.

NYU suggests the use of a regulatory fee to deter and mitigate orbital debris. Such a regulatory fee, however, would require calibrating the dollar value of orbital debris; determining the amount of revenue that is required to achieve some orbital debris target, *e.g.,* the projected cost for removal, mitigation or better design to minimize debris; and then deciding how to allocate fees across these differing objectives. The Commission also has limitations on its authority under the Communications Act to impose new regulatory fees—and indeed, we may not take into account risks of orbital debris creation under existing law. These issues are compounded further by the fact that satellite operators are not homogenous and include large global satellite operators as well as smaller regional operators that supply services to distinct geographic regions thereby affecting differently scale economies and the intensity of competition. Accordingly, we do not adopt these models for reducing or mitigating orbital debris.

L. Scope of Rules

1. Amateur and Experimental Operations

The Commission proposed in the NPRM to amend the rules governing experimental satellite and amateur satellite authorizations to maintain consistency with the proposed revisions to the orbital debris mitigation rules for commercial systems.[30] These authorized satellites have long been subject to orbital debris mitigation rules—as the Commission concluded in 2004 that it was in the public interest to require a description of the design and operational strategies used to mitigate orbital debris from applicants seeking to conduct experimental or amateur satellite operations. In the NPRM, the Commission stated that it continues to believe that it is appropriate for amateur licensees and experimental applicants to provide a similar amount of disclosure regarding debris mitigation plans as will be required of commercial satellites, and sought comment. A number of commenters agreed that the amateur and experimental operations should be subject to the same orbital debris mitigation rules as commercial operations. Commenters with interest in amateur operations generally request that we carefully consider the impact of any proposed regulations on amateur satellite organizations and others building and operating space stations in the amateur satellite service.

In most instances, the issues relevant to amateur and experimental operations are discussed above in the context of specific rule changes. We address a few additional issues below. As a general matter, the Secure World Foundation asks us to clarify the intent and actual impact of the proposed rule changes on the experimental and amateur satellite communities. As part of our analysis on the specific rule changes above, we have taken into consideration any comments filed by parties with an interest in amateur satellites, or experimental satellite licensing, such as AMSAT and the University Small-Satellite Researchers. Where concerns have been raised about the application of rules to satellites and systems authorized under the experimental and amateur authorization processes, we have addressed those concerns. We note that, absent exceptions as noted in the discussion above, we will generally apply the same orbital debris mitigation rules to experimental and amateur-authorized stations because we conclude that these space stations can also pose risks to the on-orbit environment and to humans on the surface of the Earth, and so it is in the public interest to apply the same orbital debris requirements to satellites regardless of the type of authorization. We recognize as a general matter that amateur and experimental satellite operators may incur costs as a result of the revised orbital debris mitigation practices we adopt in this Order. However, given the potentially significant risks associated with any space station, we believe these costs are outweighed by the benefits of having orbital debris mitigation rules that are generally-applicable to non-government satellites, and that do not favor one type of system over another based solely on whether the application is filed under part 5, part 25, or part 97.

[30] *Notice,* 33 FCC Rcd at 11380, para. 82. The Commission noted that although it used the term ''commercial'' generally to refer to operations under part 25 of the Commission's rules, there is no requirement in part 25 that operations authorized under that part must be for an inherently commercial purpose. *Id.* at n.184.

Global NewSpace Operators suggests that an applicant should only be required to submit a collision analysis if it has the resources to do so, suggesting that some amateur or experimental space station operators may not. Since compliance can be demonstrated through use of the NASA Debris Assessment Software, which is available at no-cost, and has been used by many experimental applicants and amateur space station operators, we do not see an issue with applying this requirement to those types of space stations.

We also recognize that in some instances, space stations, particularly amateur and experimental stations, are co-located on spacecraft with other space stations. AMSAT requests that we consider certain exemptions from orbital debris requirements in this scenario. In instances where there are multiple space stations co-located on the same spacecraft, and information on orbital debris mitigation plans has been provided or will be provided by one or more of the space station applicants in conformance with the Commission's rules, applicants for other co-located space stations may satisfy the disclosure requirements through incorporation by reference. In other words, there is no need for space station applicants to submit multiple copies of the same documentation to the Commission.[31] We decline to adopt a blanket exemption from orbital debris disclosures for space stations co-located with U.S. government space stations, but suggest that applicants for such space stations could seek a waiver of our orbital debris mitigation disclosure requirements on the basis that the plans are being evaluated by another U.S. government entity. In such instances, the Commission would request that the FCC applicant or operator specify the U.S. government agency and contact for officials who would be responsible for the orbital debris mitigation component of the spacecraft operations. This should be a relatively straightforward process in many cases—for example, there is no reason for the Commission to independently evaluate the orbital debris mitigation plan for an experimental space station planned to be co-located on the ISS. Applicants and operators should be aware however, that additional information may be necessary in certain factual scenarios—such as where the governmental space station operations will conclude before the Commission-authorized operations.

2. Non-U.S.-Licensed Satellites

The Commission also proposed in the NPRM that the new and amended rules adopted should be applicable to non-U.S.-licensed satellites seeking access to the U.S. market. This approach is consistent with the Commission's current rules. A number of commenters support the Commission's proposal to continue applying orbital debris mitigation requirements to non-U.S. licensed satellites seeking authority to access the U.S. market, and some commenters also support the existing approach of allowing non-U.S.-licensed satellite operators seeking U.S. market access to satisfy orbital debris mitigation requirements by demonstrating that their orbital debris mitigation efforts are subject to direct and effective regulatory oversight by another national licensing authority. CSSMA suggests that operators be permitted to demonstrate that their system's orbital debris mitigation plans are subject to direct and effective regulatory oversight by their foreign national licensing administration in cases where the operator does not have a substantial U.S. commercial presence, but is using U.S.-based activities for telemetry, tracking, and command. Global NewSpace Operators, on the other hand, states that the degree of activity should not be a factor and that transmission and reception on a limited basis, such as telemetry, tracking, and command, still constitutes a commercial activity and those operators should be held to the same rules as a U.S.-licensed operator. We agree with Global NewSpace Operators, and we do not think it is useful to make degree of activity the deciding factor for how to assess an applicant's orbital debris mitigation plans.

Regarding orbital debris mitigation plans specifically, the Commission previously concluded that the disclosure requirements could be satisfied by showing that the satellite system's debris mitigation plans are subject to the direct and effective oversight by a non-U.S.-satellite system's national licensing authority—which could include submitting an English language version of the debris mitigation rules or regulations of the authority and indicating the current status of the national licensing authority's review. SpaceX asks that we extend this treatment to systems authorized by countries only with truly equivalent approaches to safe space. We decline to set the exact parameters here for what constitutes ''direct and effective oversight'' in every instance, since foreign administrations may have different approaches which ultimately achieve the same result. We note, however, that transparency of the other administration's process is an important part of this assessment, particularly since the Commission's rules include a number of disclosures that are meant to inform not only the Commission, but also other operators so that those operators can plan accordingly.

M. Other Issues

1. Lunar/Other Orbits

Several commenters suggested that we adopt rules relating to the protection of lunar and other orbits. We believe that regulations specific to lunar and other orbits is premature, and decline to establish any such rules at this time, particularly as they relate to satellite disposal. Operators will be required, however, to provide information in applications concerning limiting release of debris, limiting explosion risk, safe flight profiles, and plans for post-mission disposal, if any.

2. Implementation of the New Rules

Several commenters suggest that it is not practical to apply new debris mitigation requirements retroactively to operators already in-orbit. CSSMA, for example, asks that we take into account that any changes to existing rules must be phased in over a period of several years so that the U.S. industry has time to evolve its technology and business plans. We observe that most of the rules adopted in this proceeding are application rules. Except where otherwise specified in this Order, the rules will apply to new applicants and not retroactively to existing applicants.

In some specific instances, applications have been granted in part on the condition that the applicant file a modification application for Commission review including updated information on their orbital debris mitigation plan. These modification applications must provide information that satisfies the new rules that we adopt as part of this proceeding. Additionally, any other modifications filed by existing licensees or grantees seeking to modify their authorization as it relates to the orbital debris mitigation plan will be subject to rules adopted in this proceeding.

There is also one change to an operational rule regarding orbit-raising coordination. We do not anticipate that this will present any concerns to existing operators from a compliance

[31] This would only apply where the orbital debris mitigation information submitted for one space station would cover the orbital debris mitigation requirements associated for the other space station. It would not apply, for example, where a space station is only temporarily located on another spacecraft. *See* CSSMA Reply at 3 (cautioning that any exemptions should not apply to satellites temporarily co-located on deployment vehicles).

perspective, since the record suggests that many operators already coordinate orbit-raising activities with other potentially affected operators. Therefore, we require operators to comply beginning on the effective date of the rule, or if compliance is not possible, seek waiver of the rule.

N. Additional Topics From the Regulatory Impact Analysis

In the NPRM, as part of the Regulatory Impact Analysis, the Commission considered and sought comment on various regulatory alternatives to reducing debris in orbit. Some of these approaches were related to other specific proposals in the NPRM (*e.g.,* changes in operations and disposal procedures). Other alternatives (*e.g.,* fewer launches) were different from the proposals that the Commission otherwise proposed in the Notice. The Commission sought comment on six regulatory alternatives to address orbital debris: fewer launches, changes in satellite design, changes in operations and disposal procedures, use of economic incentives, active collision avoidance, and active debris cleanup. The majority of these involve some type of regulatory activity. Based on the record and as discussed below, we conclude that as a general matter, operators would not necessarily be incentivized on their own to take action that is beneficial for the prevention and reduction of orbital debris in orbit absent regulatory action.

As an introduction to the Regulatory Impact Analysis, the Commission provided some high-level analysis on the benefits of mitigating orbital debris, and how debris can be characterized as a negative externality. That is, that while the debris problem is a significant consideration for the joint use of orbital resources, such considerations may not play a sufficient role in economic decision-making by operators individually. Reductions in the amount of debris created can help preserve orbital resources over the long-term. The costs and benefits are difficult to quantify—but in a worst-case scenario, certain valuable orbits could become useable only at an extremely high cost, rendering them unusable for most operators. If there were large concentrations of debris in LEO, for example, certain areas could not be used to provide any satellite service. The same holds true for GEO, a particularly valuable orbit for satellite communications. These would be significant costs for the satellite industry overall, and may end up in the discontinuation of certain types of commercial satellites or systems, not to mention the potential impact on costs for U.S. government systems. Moreover, there is a tendency of debris to generate yet more debris through collisions—resulting in an escalating debris situation, even if no new debris is added as a result of ongoing operations. On the other hand, there are costs associated with practices such as collision avoidance and disposal—which we discuss in the context of each section above.

Additionally, there are considerations of how any U.S. regulations, specifically FCC regulations, can benefit the overall orbital debris environment, since the United States is only one among many spacefaring nations. Given the common pool nature of space, as previously explained, one country's decision to improve the efficiency with which space is used will convey a benefit to other countries that employ space even if that country does not employ such measures. That only the satellite operators of the country employing the measures designed to limit orbital debris are incurring the associated costs while the benefits are enjoyed by everyone, likely will create incentives for other countries to ''free-ride'' off of the efforts of the providers licensed by efficiency enhancing countries. In the Notice the Commission reiterated the Commission's 2004 statement that: ''we do not believe that the theoretical possibility that other countries could take ill-considered actions, at variance with international norms, in any way should prevent the Commission from adopting objective and transparent measures concerning orbital debris mitigation that serve the public interest.'' Furthermore, as discussed above, we will apply the same orbital debris mitigation rules to non-U.S.-licensed satellites and systems seeking market access as we apply to U.S.-licensed systems, so that both types of satellites and systems will be subject to the same orbital debris regulation.

Some of the commenters in this proceeding responded to specific aspects of the Regulatory Impact Analysis, and in particular, disagreed with the options of limiting launches and regulating how satellites or satellite systems are designed. For example, Eutelsat states, from the perspective of a GSO operator, that regulation of spacecraft design could inhibit innovation and competition by manufacturers regarding ways to limit orbital debris, improve satellite operations, and ensure reliable end-of-life operations. Eutelsat further states that it may be difficult to identify a meaningful list of design elements that should be limited by rule and frequently updated to reflect technological progress. Astranis also disagrees with the Commission regulating how satellites or satellite systems are designed, stating that in the case of GSO satellites, market forces (including manufacturer and operator commercial objectives) and well-settled international requirements are sufficient to drive reliable design elements. Global NewSpace Operators states that while the government has a role to play in incentivizing industry, it does not recommend mandating specific satellite design concepts or active collision avoidance, rather preferring that these elements emerge as industry best practices. The Secure World Foundation states that changes in satellite design, operations and disposal and procedures, and economic incentives should all be considered as part of strengthening orbital debris mitigation requirements, and that ensuring better post-mission disposal through design and procedures represents the best opportunity for reducing the future growth of the space debris population from new launches. The Secure World Foundation also notes that even with strong post-mission disposal, active debris removal or just-in-time collision avoidance of existing large debris objects will be required to prevent the collisions that will generate thousands of new pieces of debris. According to the Secure World Foundation and Global NewSpace Operators, it is difficult to determine what the exact right mix of these components will be, and suggests that the U.S. government consider funding more public research and analysis of the orbital debris problem and holistic approaches to addressing space sustainability. Many commenters also expressed views on the costs of certain rule revisions in the context of the discussion above, which we have considered as part of those analyses. Overall, we conclude that taking the action to adopt updates to our rules at this time balances the costs of requiring U.S. commercial and other non-governmental operators to address orbital debris mitigation as part of the current licensing process, with the benefit of limiting the increase in new debris in orbit. At the same time, we recognize the need for continued research and development in this area, and expect that given the pace of developments in the space industry and U.S. government, orbital debris regulation may become a more rapidly iterative process than it has been in the past. Given the record established both specific to the Regulatory Impact Analysis as well as specific to other

topics in the proceeding, we agree with Global NewSpace Operators that the most practical, cost-neutral, and immediate regulatory actions can come from requiring changes in operations and disposal procedures.

Ordering Clauses

It Is Ordered, pursuant to sections 1, 4(i), 301, 303, 307, 308, 309, and 310 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 301, 303, 307, 308, 309, and 310, that this Report and Order *is adopted,* the policies, rules, and requirements discussed herein *are adopted,* and parts 5, 25, and 97 of the Commission's rules *are amended* as set forth in Appendix A of the Report and Order.

It Is Further Ordered that the amendments of the Commission's rules to §§ 25.271(d) and 25.282, 47 CFR 25.271(d), 25.282, set forth in Appendix A of the Report and Order, *are adopted,* effective thirty days from the date of publication in the **Federal Register**. The other amendments to the Commission's rules set forth in Appendix A of this Order contain new or modified information collection requirements that require review and approval by the Office of Management and Budget under the Paperwork Reduction Act, and *will become effective* after the Commission publishes a notice in the **Federal Register** announcing such approval and the relevant effective date.

It Is Further Ordered that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this Report and Order the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

It Is Further Ordered that the Commission shall send a copy of this Report and Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A).

Final Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act of 1980, as amended (RFA), an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the Notice of Proposed Rulemaking, Mitigation of Orbital Debris in the New Space Age (Notice), released in November 2018 in this proceeding. No comments were filed addressing the IRFA. This present Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.

A. Need for, and Objectives of, the Proposed Rules

This Order adopts updates to the Commission's rules relating to the mitigation of orbital debris. This represents the first comprehensive update to our rules on orbital debris mitigation since their adoption in 2004. These rule changes are informed by the Commission's experience gained in the licensing process and address updates in mitigation guidelines and practices as well as market developments. Adoption of these rule revisions will ensure that applicants for a Commission space station license or authorization, or grant of market access, provide a complete statement concerning plans for orbital debris mitigation enabling the Commission to fully evaluate whether the proposed operations are consistent with the public interest. Adoption of these rules will also provide specific guidance on evaluation criteria for orbital debris mitigation plans in a number of areas, for both non-geostationary orbit (NGSO) and geostationary-orbit (GSO) space stations. This action will help to ensure that Commission decisions are consistent with the public interest in space remaining viable for future satellites and systems and the many services that those systems provide to the public.

The Order adopts several changes to 47 CFR parts 5, 25, and 97. Principally, it:

(1) Revises the Commission's application disclosure rules regarding mitigation of orbital debris to incorporate specific metrics for assessments of risk of collision with large objects, risk of collision with small objects, and re-entry casualty risk;

(2) Adopts application disclosures regarding protection of inhabitable spacecraft, maneuverability trackability, space station identification, and sharing of information regarding initial space station deployment, ephemeris, and/or planned maneuvers;

(3) Adopts a demonstration requirement for applicants for NGSO space stations that the probability of success of the chosen disposal method is 0.9 or greater for any individual space station, with the demonstration including efforts to achieve a higher probability of success for larger systems;

(4) Codifies the current practice of requesting certain types of information from GSO licensees requesting license term extensions, and limits most GSO licensees to license extensions in increments of five years; and

(5) Adopts other rules updates to address specific situations, including proximity operations, use of deployment devices, and certain types of plans for disposal of space stations.

B. Summary of Significant Issues Raised by Public Comments in Response to the IRFA

No comments were filed that specifically addressed the IRFA.

C. Response to Comments by the Chief Counsel for Advocacy of the Small Business Administration

Pursuant to the Small Business Jobs Act of 2010, which amended the RFA, the Commission is required to respond to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration (SBA), and to provide a detailed statement of any change made to the proposed rules as a result of those comments. The Chief Counsel did not file any comments in response to the proposed rules in this proceeding.

D. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

The RFA directs agencies to provide a description of, and, where feasible, an estimate of, the number of small entities that may be affected by the proposed rules and policies, if adopted herein. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A ''small business concern'' is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA). Below, we describe and estimate the number of small entities that may be affected by adoption of the final rules.

Satellite Telecommunications and All Other Telecommunications.

Satellite Telecommunications. This category comprises firms ''primarily engaged in providing telecommunications services to other establishments in the telecommunications and broadcasting industries by forwarding and receiving communications signals via a system of satellites or reselling satellite telecommunications.'' Satellite telecommunications service providers include satellite and earth station operators. The category has a small business size standard of $35 million or less in average annual receipts, under SBA rules. For this category, U.S.

Census Bureau data for 2012 show that there were a total of 333 firms that operated for the entire year. Of this total, 299 firms had annual receipts of less than $25 million. Consequently, we estimate that the majority of satellite telecommunications providers are small entities

All Other Telecommunications. The ''All Other Telecommunications'' category is comprised of establishments primarily engaged in providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation. This industry also includes establishments primarily engaged in providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to, and receiving telecommunications from, satellite systems. Establishments providing internet services or voice over internet protocol (VoIP) services via client-supplied telecommunications connections are also included in this industry. The SBA has developed a small business size standard for ''All Other Telecommunications'', which consists of all such firms with annual receipts of $35 million or less. For this category, U.S. Census Bureau data for 2012 show that there were 1,442 firms that operated for the entire year. Of those firms, a total of 1,400 had annual receipts less than $25 million and 15 firms had annual receipts of $25 million to $49,999,999. Thus, the Commission estimates that the majority of ''All Other Telecommunications'' firms potentially affected by our action can be considered small. These rule changes would also apply to experimental space station applicants under part 5 and amateur space station operators under part 97, and we estimate that in almost all cases these entities will qualify under the definition of small entities. Additionally, we estimate that some space station applicants applying under part 25 of the Commission's rules will qualify as small entities affected by these rule changes.

E. Description of the Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

The Order amended those rules that are applicable to space station operators requesting a licensee or authorization from the Commission, or entities requesting that the Commission grant a request for U.S. market access. These applicants must submit a debris mitigation plan to the Commission as part of the application process, and the Order revised in part the information to be included in that debris mitigation plan. These revisions codified a number of informational requirements that applicants were providing under the existing rules, including providing some specific metrics for operators to reference in preparing orbital debris mitigation plans. The Order also adopts some additional disclosure requirements related to orbital debris mitigation. Applicants requesting authorization from the Commission must comply with existing technical disclosure requirements, including those related to orbital debris mitigation. Much of the information covered in the revised rules is information that applicants already provide or that the Commission would currently seek from the applicant under its existing general disclosure requirements. Most applicants already prepare orbital debris mitigation plans using the National Aeronautics and Space Administration (NASA) Debris Assessment Software identified in the revised rules as an acceptable assessment tool. This assessment tool is available at no cost and documentation on how to use the software is made available online by NASA. The additional disclosure and certification requirements adopted in the Report and Order are consistent with the types of legal and technical requirements already specified in the Commission's application rules, and therefore we expect that all parties, including small entities, will have the resources to prepare and disclose orbital debris mitigation plans in accordance with the revised rules.

F. Steps Taken To Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered

The RFA requires an agency to describe any significant alternatives that it has considered in developing its approach, which may include the following four alternatives (among others): ''(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.''

(1) Differing compliance or reporting requirements or timetables. The Order requires all space station applicants to disclose plans to mitigate orbital debris at the application stage, and thus applicants may prepare and submit the information according to their schedule, so long as the information is part of the application to the Commission, and there is enough time for the Commission to review and act on the application prior to launch. Applicants for GSO license extensions similarly may prepare information in support of their request for an extension in accordance with their preferred timetable. As noted, the revised requirements overall are consistent with the level of technical analysis that applicants currently provide in preparing an application for Commission review. We do make a timetable modification in the amateur space station rules to accommodate the notification process for Part 97 amateur authorizations. Applicants for systems consisting of multiple space stations will need to provide some additional information at the application stage, recognizing the impact of a system consisting of multiple satellites on the orbital debris environment. As noted above, operation of multiple space stations is not always correlated with larger entities, however, since small entities may also plan to operate multiple space stations. As a general matter, we observe that space station operations by small entities can pose the same public interest concerns as those posed by large entities when it comes to contribution to the orbital debris environment, with the level of contribution to the debris environment being driven by factors other than the size of the entity.

(2) Clarification, consolidation, or simplification of compliance or reporting requirements. The Order clarifies a number of existing compliance requirements by providing specific metrics and guidance in a number of areas that inform an applicant's disclosures and certifications related to orbital debris mitigation. The Order also clarifies the authorization process by specifying additional disclosures in the rules, thereby providing applicants, including small entities, with a more complete view of the information that the Commission needs during a typical license or authorization process in order to adequately assess the applicant's orbital debris mitigation plan.

(3) Use of performance, rather than design, standards. The Order specifically addresses comments requesting the use of performance, rather than prescriptive, or design, standards. We have endeavored throughout the Report and Order to adopt a performance-based approach where feasible.

(4) Exemption from coverage of the rule, or any part thereof, for small entities. With respect to exemptions, we reiterate our observation that as a general matter, space station operations by small entities can present the same public interest concerns as those posed by large entities when it comes to contribution to the orbital debris environment, with the level of contribution to the debris environment being driven by factors other than the size of the entity. Therefore, we do not adopt exemptions from coverage of a rule for small entities.

Report to Congress

The Commission will send a copy of the Order, including this FRFA, in a report to Congress pursuant to the Congressional Review Act. In addition, the Commission will send a copy of the Order, including this FRFA, to the Chief Counsel for Advocacy of the SBA. A copy of the Order and FRFA (or summaries thereof) will also be published in the **Federal Register**.

List of Subjects in 47 CFR Parts 5, 25, and 97

Reporting and recordkeeping requirements, Satellites.

Federal Communications Commission.

Marlene Dortch,

Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends title 47 of the CFR, parts 5, 25, and 97 as follows:

PART 5—EXPERIMENTAL RADIO SERVICE

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

Authority: 47 U.S.C. 154, 301, 302, 303, 307, 336.

■ 2. Amend § 5.64, by revising paragraph (b) to read as follows:

§ 5.64 Special provisions for satellite systems.

* * * * *

(b) Except where the satellite system has already been authorized by the FCC, applicants for an experimental authorization involving a satellite system must submit a description of the design and operational strategies the satellite system will use to mitigate orbital debris, including the following information:

(1) A statement that the space station operator has assessed and limited the amount of debris released in a planned manner during normal operations. Where applicable, this statement must include an orbital debris mitigation disclosure for any separate deployment devices, distinct from the space station launch vehicle, that may become a source of orbital debris;

(2) A statement indicating whether the space station operator has assessed and limited the probability that the space station(s) will become a source of debris by collision with small debris or meteoroids that would cause loss of control and prevent disposal. The statement must indicate whether this probability for an individual space station is 0.01 (1 in 100) or less, as calculated using the NASA Debris Assessment Software or a higher fidelity assessment tool;

(3) A statement that the space station operator has assessed and limited the probability, during and after completion of mission operations, of accidental explosions or of release of liquids that will persist in droplet form. This statement must include a demonstration that debris generation will not result from the conversion of energy sources on board the spacecraft into energy that fragments the spacecraft. Energy sources include chemical, pressure, and kinetic energy. This demonstration should address whether stored energy will be removed at the spacecraft's end of life, by depleting residual fuel and leaving all fuel line valves open, venting any pressurized system, leaving all batteries in a permanent discharge state, and removing any remaining source of stored energy, or through other equivalent procedures specifically disclosed in the application;

(4) A statement that the space station operator has assessed and limited the probability of the space station(s) becoming a source of debris by collisions with large debris or other operational space stations.

(i) Where the application is for an NGSO space station or system, the following information must also be included:

(A) A demonstration that the space station operator has assessed and limited the probability of collision between any space station of the system and other large objects (10 cm or larger in diameter) during the total orbital lifetime of the space station, including any de-orbit phases, to less than 0.001 (1 in 1,000). The probability shall be calculated using the NASA Debris Assessment Software or a higher fidelity assessment tool. The collision risk may be assumed zero for a space station during any period in which the space station will be maneuvered effectively to avoid colliding with large objects.

(B) The statement must identify characteristics of the space station(s)' orbits that may present a collision risk, including any planned and/or operational space stations in those orbits, and indicate what steps, if any, have been taken to coordinate with the other spacecraft or system, or what other measures the operator plans to use to avoid collision.

(C) If at any time during the space station(s)' mission or de-orbit phase the space station(s) will transit through the orbits used by any inhabitable spacecraft, including the International Space Station, the statement must describe the design and operational strategies, if any, that will be used to minimize the risk of collision and avoid posing any operational constraints to the inhabitable spacecraft.

(D) The statement must disclose the accuracy, if any, with which orbital parameters will be maintained, including apogee, perigee, inclination, and the right ascension of the ascending node(s). In the event that a system will not maintain orbital tolerances, *e.g.,* its propulsion system will not be used for orbital maintenance, that fact should be included in the debris mitigation disclosure. Such systems must also indicate the anticipated evolution over time of the orbit of the proposed satellite or satellites. All systems must describe the extent of satellite maneuverability, whether or not the space station design includes a propulsion system.

(E) The space station operator must certify that upon receipt of a space situational awareness conjunction warning, the operator will review and take all possible steps to assess the collision risk, and will mitigate the collision risk if necessary. As appropriate, steps to assess and mitigate the collision risk should include, but are not limited to: contacting the operator of any active spacecraft involved in such a warning; sharing ephemeris data and other appropriate operational information with any such operator; and modifying space station attitude and/or operations.

(ii) Where a space station requests the assignment of a geostationary orbit location, it must assess whether there are any known satellites located at, or reasonably expected to be located at, the requested orbital location, or assigned in the vicinity of that location, such that the station keeping volumes of the respective satellites might overlap or touch. If so, the statement must include a statement as to the identities of those parties and the measures that will be taken to prevent collisions.

(5) A statement addressing the trackability of the space station(s). Space station(s) operating in low-Earth orbit will be presumed trackable if each individual space station is 10 cm or larger in its smallest dimension, exclusive of deployable components. Where the application is for an NGSO space station or system, the statement shall also disclose the following:

(i) How the operator plans to identify the space station(s) following deployment and whether space station tracking will be active or passive;

(ii) Whether, prior to deployment, the space station(s) will be registered with the 18th Space Control Squadron or successor entity; and

(iii) The extent to which the space station operator plans to share information regarding initial deployment, ephemeris, and/or planned maneuvers with the 18th Space Control Squadron or successor entity, other entities that engage in space situational awareness or space traffic management functions, and/or other operators.

(6) A statement disclosing planned proximity operations, if any, and addressing debris generation that will or may result from the proposed operations, including any planned release of debris, the risk of accidental explosions, the risk of accidental collision, and measures taken to mitigate those risks.

(7) A statement detailing the disposal plans for the space station, including the quantity of fuel—if any—that will be reserved for disposal maneuvers. In addition, the following specific provisions apply:

(i) For geostationary orbit space stations, the statement must disclose the altitude selected for a disposal orbit and the calculations that are used in deriving the disposal altitude.

(ii) For space stations terminating operations in an orbit in or passing through the low-Earth orbit region below 2,000 km altitude, the statement must disclose whether the spacecraft will be disposed of either through atmospheric re-entry, specifying if direct retrieval of the spacecraft will be used. The statement must also disclose the expected time in orbit for the space station following the completion of the mission.

(iii) For space stations not covered by either paragraph (b)(7)(i) or (ii) of this section, the statement must indicate whether disposal will involve use of a storage orbit or long-term atmospheric re-entry and rationale for the selected disposal plan.

(iv) For all NGSO space stations under paragraph (b)(7)(ii) or (iii) of this section, the following additional specific provisions apply:

(A) The statement must include a demonstration that the probability of success of the chosen disposal method will be 0.9 or greater for any individual space station. For space station systems consisting of multiple space stations, the demonstration should include additional information regarding efforts to achieve a higher probability of success, with a goal, for large systems, of a probability of success for any individual space station of 0.99 or better. For space stations under paragraph (b)(7)(ii) of this section that will be terminating operations in or passing through low-Earth orbit, successful disposal is defined as atmospheric re-entry of the spacecraft within 25 years or less following completion of the mission. For space stations under paragraph (b)(7)(iii) of this section, successful disposal will be assessed on a case-by-case basis.

(B) If planned disposal is by atmospheric re-entry, the statement must also include:

(*1*) A disclosure indicating whether the atmospheric re-entry will be an uncontrolled re-entry or a controlled targeted reentry.

(*2*) An assessment as to whether portions of any individual spacecraft will survive atmospheric re-entry and impact the surface of the Earth with a kinetic energy in excess of 15 joules, and demonstration that the calculated casualty risk for an individual spacecraft using the NASA Debris Assessment Software or a higher fidelity assessment tool is less than 0.0001 (1 in 10,000).

PART 25—SATELLITE COMMUNICATIONS

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

Authority: 47 U.S.C. 154, 301, 302, 303, 307, 309, 310, 319, 332, 605, and 721, unless otherwise noted.

■ 4. Amend § 25.114 by revising paragraph (d)(14) to read as follows:

§ 25.114 Applications for space station authorizations.

* * * * *

(d) * * *

(14) A description of the design and operational strategies that will be used to mitigate orbital debris, including the following information:

(i) A statement that the space station operator has assessed and limited the amount of debris released in a planned manner during normal operations. Where applicable, this statement must include an orbital debris mitigation disclosure for any separate deployment devices, distinct from the space station launch vehicle, that may become a source of orbital debris;

(ii) A statement indicating whether the space station operator has assessed and limited the probability that the space station(s) will become a source of debris by collision with small debris or meteoroids that would cause loss of control and prevent disposal. The statement must indicate whether this probability for an individual space station is 0.01 (1 in 100) or less, as calculated using the NASA Debris Assessment Software or a higher fidelity assessment tool;

(iii) A statement that the space station operator has assessed and limited the probability, during and after completion of mission operations, of accidental explosions or of release of liquids that will persist in droplet form. This statement must include a demonstration that debris generation will not result from the conversion of energy sources on board the spacecraft into energy that fragments the spacecraft. Energy sources include chemical, pressure, and kinetic energy. This demonstration should address whether stored energy will be removed at the spacecraft's end of life, by depleting residual fuel and leaving all fuel line valves open, venting any pressurized system, leaving all batteries in a permanent discharge state, and removing any remaining source of stored energy, or through other equivalent procedures specifically disclosed in the application;

(iv) A statement that the space station operator has assessed and limited the probability of the space station(s) becoming a source of debris by collisions with large debris or other operational space stations.

(A) Where the application is for an NGSO space station or system, the following information must also be included:

(*1*) A demonstration that the space station operator has assessed and limited the probability of collision between any space station of the system and other large objects (10 cm or larger in diameter) during the total orbital lifetime of the space station, including any de-orbit phases, to less than 0.001 (1 in 1,000). The probability shall be calculated using the NASA Debris Assessment Software or a higher fidelity assessment tool. The collision risk may be assumed zero for a space station during any period in which the space station will be maneuvered effectively to avoid colliding with large objects.

(*2*) The statement must identify characteristics of the space station(s)' orbits that may present a collision risk,

including any planned and/or operational space stations in those orbits, and indicate what steps, if any, have been taken to coordinate with the other spacecraft or system, or what other measures the operator plans to use to avoid collision.

(*3*) If at any time during the space station(s)' mission or de-orbit phase the space station(s) will transit through the orbits used by any inhabitable spacecraft, including the International Space Station, the statement must describe the design and operational strategies, if any, that will be used to minimize the risk of collision and avoid posing any operational constraints to the inhabitable spacecraft.

(*4*) The statement must disclose the accuracy, if any, with which orbital parameters will be maintained, including apogee, perigee, inclination, and the right ascension of the ascending node(s). In the event that a system is not able to maintain orbital tolerances, *e.g.,* its propulsion system will not be used for orbital maintenance, that fact must be included in the debris mitigation disclosure. Such systems must also indicate the anticipated evolution over time of the orbit of the proposed satellite or satellites. All systems must describe the extent of satellite maneuverability, whether or not the space station design includes a propulsion system.

(*5*) The space station operator must certify that upon receipt of a space situational awareness conjunction warning, the operator will review and take all possible steps to assess the collision risk, and will mitigate the collision risk if necessary. As appropriate, steps to assess and mitigate the collision risk should include, but are not limited to: Contacting the operator of any active spacecraft involved in such a warning; sharing ephemeris data and other appropriate operational information with any such operator; and modifying space station attitude and/or operations.

(B) Where a space station requests the assignment of a geostationary orbit location, it must assess whether there are any known satellites located at, or reasonably expected to be located at, the requested orbital location, or assigned in the vicinity of that location, such that the station keeping volumes of the respective satellites might overlap or touch. If so, the statement must include a statement as to the identities of those satellites and the measures that will be taken to prevent collisions;

(v) A statement addressing the trackability of the space station(s). Space station(s) operating in low-Earth orbit will be presumed trackable if each individual space station is 10 cm or larger in its smallest dimension, excluding deployable components. Where the application is for an NGSO space station or system, the statement shall also disclose the following:

(A) How the operator plans to identify the space station(s) following deployment and whether space station tracking will be active or passive;

(B) Whether, prior to deployment, the space station(s) will be registered with the 18th Space Control Squadron or successor entity; and

(C) The extent to which the space station operator plans to share information regarding initial deployment, ephemeris, and/or planned maneuvers with the 18th Space Control Squadron or successor entity, other entities that engage in space situational awareness or space traffic management functions, and/or other operators.

(vi) A statement disclosing planned proximity operations, if any, and addressing debris generation that will or may result from the proposed operations, including any planned release of debris, the risk of accidental explosions, the risk of accidental collision, and measures taken to mitigate those risks.

(vii) A statement detailing the disposal plans for the space station, including the quantity of fuel—if any—that will be reserved for disposal maneuvers. In addition, the following specific provisions apply:

(A) For geostationary orbit space stations, the statement must disclose the altitude selected for a disposal orbit and the calculations that are used in deriving the disposal altitude.

(B) For space stations terminating operations in an orbit in or passing through the low-Earth orbit region below 2,000 km altitude, the statement must disclose whether the spacecraft will be disposed of through atmospheric re-entry, specifying if direct retrieval of the spacecraft will be used. The statement must also disclose the expected time in orbit for the space station following the completion of the mission.

(C) For space stations not covered by either paragraph (d)(14)(vii)(A) or (B) of this section, the statement must indicate whether disposal will involve use of a storage orbit or long-term atmospheric re-entry and rationale for the selected disposal plan.

(D) For all space stations under paragraph (d)(14)(vii) (B) or (C) of this section, the following additional specific provisions apply:

(*1*) The statement must include a demonstration that the probability of success of the chosen disposal method will be 0.9 or greater for any individual space station. For space station systems consisting of multiple space stations, the demonstration should include additional information regarding efforts to achieve a higher probability of success, with a goal, for large systems, of a probability of success for any individual space station of 0.99 or better. For space stations under paragraph (d)(14)(vii)(B) of this section, successful disposal is defined as atmospheric re-entry of the spacecraft within 25 years or less following completion of the mission. For space stations under paragraph (d)(14)(vii)(C) of this section, successful disposal will be assessed on a case-by-case basis.

(*2*) If planned disposal is by atmospheric re-entry, the statement must also include:

(*i*) A disclosure indicating whether the atmospheric re-entry will be an uncontrolled re-entry or a controlled targeted reentry.

(*ii*) An assessment as to whether portions of any individual spacecraft will survive atmospheric re-entry and impact the surface of the Earth with a kinetic energy in excess of 15 joules, and demonstration that the calculated casualty risk for an individual spacecraft using the NASA Debris Assessment Software or a higher fidelity assessment tool is less than 0.0001 (1 in 10,000).

(E) Applicants for space stations to be used only for commercial remote sensing may, in lieu of submitting detailed post-mission disposal plans to the Commission, certify that they have submitted such plans to the National Oceanic and Atmospheric Administration for review.

(viii) For non-U.S.-licensed space stations, the requirement to describe the design and operational strategies to minimize orbital debris risk can be satisfied by demonstrating that debris mitigation plans for the space station(s) for which U.S. market access is requested are subject to direct and effective regulatory oversight by the national licensing authority.

* * * * *

■ 5. Amend § 25.121 by adding paragraph (f) to read as follows:

§ 25.121 License term and renewals.

* * * * *

(f) *Geostationary Satellite License Term Extensions.* (1) For geostationary space stations issued an initial license term for a period of 15 years, licensees may apply for a modification to extend the license term in increments of five years or less.

(2) Geostationary space station licensees seeking a license term

extension through a license modification application must provide a statement that includes the following:

(i) The requested duration of the license extension;

(ii) The estimated total remaining space station lifetime;

(iii) A description of any single points of failure or other malfunctions, defects, or anomalies during the space station operation that could affect its ability to conduct end-of-life procedures as planned, and an assessment of the associated risk;

(iv) A certification that remaining fuel reserves are adequate to complete de-orbit as planned; and

(v) A certification that telemetry, tracking, and command links are fully functional.

■ 6. Amend § 25.122 by revising paragraphs (c) and (d) to read as follows:

§ 25.122 Applications for streamlined small space station authorization.

* * * * *

(c) Applicants filing for authorization under the streamlined procedure described in this section must include with their applications certifications that the following criteria will be met for all space stations to be operated under the license:

(1) The space station(s) will operate only in non-geostationary orbit;

(2) The total in-orbit lifetime for any individual space station will be six years or less;

(3) The space station(s):

(i) Will be deployed at an orbital altitude of 600 km or below; or

(ii) Will maintain a propulsion system and have the ability to make collision avoidance and deorbit maneuvers using propulsion;

(4) Each space station will be identifiable by a unique signal-based telemetry marker distinguishing it from other space stations or space objects;

(5) The space station(s) will release no operational debris;

(6) The space station operator has assessed and limited the probability of accidental explosions, including those resulting from the conversion of energy sources on board the space station(s) into energy that fragments the spacecraft;

(7) The probability of a collision between each space station and any other large object (10 centimeters or larger) during the orbital lifetime of the space station is 0.001 or less as calculated using current National Aeronautics and Space Administration (NASA) software or other higher fidelity model;

(8) The space station(s) will be disposed of post-mission through atmospheric re-entry. The probability of human casualty from portions of the spacecraft surviving re-entry and reaching the surface of the Earth is zero as calculated using current NASA software or higher fidelity models;

(9) Operation of the space station(s) will be compatible with existing operations in the authorized frequency band(s). Operations will not materially constrain future space station entrants from using the authorized frequency band(s);

(10) The space station(s) can be commanded by command originating from the ground to immediately cease transmissions and the licensee will have the capability to eliminate harmful interference when required under the terms of the license or other applicable regulations;

(11) Each space station is 10 cm or larger in its smallest dimension;

(12) Each space station will have a mass of 180 kg or less, including any propellant;

(13) The probability that any individual space station will become a source of debris by collision with small debris or meteoroids that would cause loss of control and prevent disposal is 0.01 (1 in 100) or less; and

(14) Upon receipt of a space situational awareness conjunction warning, the licensee or operator will review and take all possible steps to assess the collision risk, and will mitigate the collision risk if necessary. As appropriate, steps to assess and mitigate the collision risk should include, but are not limited to: Contacting the operator of any active spacecraft involved in such a warning; sharing ephemeris data and other appropriate operational information with any such operator; and modifying space station attitude and/or operations.

(d) The following information in narrative form shall be contained in each application:

(1) An overall description of system facilities, operations, and services and an explanation of how uplink frequency bands would be connected to downlink frequency bands;

(2) Public interest considerations in support of grant;

(3) A description of means by which requested spectrum could be shared with both current and future operators, (*e.g.,* how ephemeris data will be shared, antenna design, earth station geographic locations) thereby not materially constraining other operations in the requested frequency band(s);

(4) If at any time during the space station(s)' mission or de-orbit phase the space station(s) will transit through the orbits used by any inhabitable spacecraft, including the International Space Station, a description of the design and operational strategies, if any, that will be used to minimize the risk of collision and avoid posing any operational constraints to the inhabitable spacecraft shall be furnished at the time of application;

(5) A statement identifying characteristics of the space station(s)' orbits that may present a collision risk, including any planned and/or operational space stations in those orbits, and indicating what steps, if any, have been taken to coordinate with the other spacecraft or system, or what other measures the licensee plans to use to avoid collision;

(6) A statement disclosing how the licensee or operator plans to identify the space station(s) following deployment and whether space station tracking will be active or passive; whether the space station(s) will be registered with the 18th Space Control Squadron or successor entity prior to deployment; and the extent to which the space station licensee or operator plans to share information regarding initial deployment, ephemeris, and/or planned maneuvers with the 18th Space Control Squadron or successor entity, other entities that engage in space situational awareness or space traffic management functions, and/or other operators;

(7) A description of the design and operation of maneuverability and deorbit systems, if any, and a description of the anticipated evolution over time of the orbit of the proposed satellite or satellites;

(8) If there are planned proximity operations, a statement disclosing those planned operations, and addressing debris generation that will or may result from the proposed operations, including any planned release of debris, the risk of accidental explosions, the risk of accidental collision, and measures taken to mitigate those risks;

(9) A demonstration that the probability of success of disposal is 0.9 or greater for any individual space station. Space stations deployed to orbits in which atmospheric drag will, in the event of a space station failure, limit the lifetime of the space station to less than 25 years do not need to provide this additional demonstration; and

(10) A list of the FCC file numbers or call signs for any known applications or Commission grants related to the proposed operations (*e.g.,* experimental license grants, other space station or earth station applications or grants).

■ 7. Amend § 25.123 by adding paragraph (b)(11) to read as follows:

§ 25.123 Applications for streamlined small spacecraft authorization.

* * * * *

(b) * * *

(11) Upon receipt of a space situational awareness conjunction warning, the operator will review and take all possible steps to assess the collision risk, and will mitigate the collision risk if necessary. As appropriate, steps to assess and mitigate the collision risk should include, but are not limited to: Contacting the operator of any active spacecraft involved in such a warning; sharing ephemeris data and other appropriate operational information with any such operator; and modifying space station attitude and/or operations.

* * * * *

■ 8. Amend § 25.271 by revising paragraph (d) to read as follows:

§ 25.271 Control of transmitting stations.

* * * * *

(d) The licensee shall ensure that the licensed facilities are properly secured against unauthorized access or use whenever an operator is not present at the transmitter. For space station operations, this includes securing satellite commands against unauthorized access and use.

* * * * *

■ 9. Amend § 25.282 by revising paragraph (b) as follows:

§ 25.282 Orbit raising maneuvers.

* * * * *

(b) The space station operator will coordinate on an operator-to-operator basis with any potentially affected satellite networks.

* * * * *

PART 97—AMATEUR RADIO SERVICE

■ 10. The authority citation for part 97 continues to read as follows:

Authority: 47 U.S.C. 151–155, 301–609, unless otherwise noted.

■ 11. Amend § 97.207 by revising paragraph (g)(1) to read as follows:

§ 97.207 Space station.

* * * * *

(g) * * *

(1) A pre-space notification within 30 days after the date of launch vehicle determination, but no later than 90 days before integration of the space station into the launch vehicle. The notification must be in accordance with the provisions of Articles 9 and 11 of the International Telecommunication Union (ITU) Radio Regulations and must specify the information required by Appendix 4 and Resolution No. 642 of the ITU Radio Regulations. The notification must also include a description of the design and operational strategies that the space station will use to mitigate orbital debris, including the following information:

(i) A statement that the space station operator has assessed and limited the amount of debris released in a planned manner during normal operations. Where applicable, this statement must include an orbital debris mitigation disclosure for any separate deployment devices, distinct from the space station launch vehicle, that may become a source of orbital debris;

(ii) A statement indicating whether the space station operator has assessed and limited the probability that the space station(s) will become a source of debris by collision with small debris or meteoroids that would cause loss of control and prevent disposal. The statement must indicate whether this probability for an individual space station is 0.01 (1 in 100) or less, as calculated using the NASA Debris Assessment Software or a higher fidelity assessment tool;

(iii) A statement that the space station operator has assessed and limited the probability, during and after completion of mission operations, of accidental explosions or of release of liquids that will persist in droplet form. This statement must include a demonstration that debris generation will not result from the conversion of energy sources on board the spacecraft into energy that fragments the spacecraft. Energy sources include chemical, pressure, and kinetic energy. This demonstration should address whether stored energy will be removed at the spacecraft's end of life, by depleting residual fuel and leaving all fuel line valves open, venting any pressurized system, leaving all batteries in a permanent discharge state, and removing any remaining source of stored energy, or through other equivalent procedures specifically disclosed in the application;

(iv) A statement that the space station operator has assessed and limited the probability of the space station(s) becoming a source of debris by collisions with large debris or other operational space stations.

(A) Where the application is for an NGSO space station or system, the following information must also be included:

(*1*) A demonstration that the space station operator has assessed and limited the probability of collision between any space station of the system and other large objects (10 cm or larger in diameter) during the total orbital lifetime of the space station, including any de-orbit phases, to less than 0.001 (1 in 1,000). The probability shall be calculated using the NASA Debris Assessment Software or a higher fidelity assessment tool. The collision risk may be assumed zero for a space station during any period in which the space station will be maneuvered effectively to avoid colliding with large objects.

(*2*) The statement must identify characteristics of the space station(s)' orbits that may present a collision risk, including any planned and/or operational space stations in those orbits, and indicate what steps, if any, have been taken to coordinate with the other spacecraft or system, or what other measures the operator plans to use to avoid collision.

(*3*) If at any time during the space station(s)' mission or de-orbit phase the space station(s) will transit through the orbits used by any inhabitable spacecraft, including the International Space Station, the statement must describe the design and operational strategies, if any, that will be used to minimize the risk of collision and avoid posing any operational constraints to the inhabitable spacecraft.

(*4*) The statement must disclose the accuracy, if any, with which orbital parameters will be maintained, including apogee, perigee, inclination, and the right ascension of the ascending node(s). In the event that a system is not be maintained to specific orbital tolerances, *e.g.,* its propulsion system will not be used for orbital maintenance, that fact should be included in the debris mitigation disclosure. Such systems must also indicate the anticipated evolution over time of the orbit of the proposed satellite or satellites. All systems must describe the extent of satellite maneuverability, whether or not the space station design includes a propulsion system.

(*5*) The space station operator must certify that upon receipt of a space situational awareness conjunction warning, the operator will review and take all possible steps to assess the collision risk, and will mitigate the collision risk if necessary. As appropriate, steps to assess and mitigate the collision risk should include, but are not limited to: Contacting the operator of any active spacecraft involved in such a warning; sharing ephemeris data and other appropriate operational information with any such operator; and modifying space station attitude and/or operations.

(B) Where a space station requests the assignment of a geostationary orbit location, it must assess whether there are any known satellites located at, or

reasonably expected to be located at, the requested orbital location, or assigned in the vicinity of that location, such that the station keeping volumes of the respective satellites might overlap or touch. If so, the statement must include a statement as to the identities of those parties and the measures that will be taken to prevent collisions.

(v) A statement addressing the trackability of the space station(s). Space station(s) operating in low-Earth orbit will be presumed trackable if each individual space station is 10 cm or larger in its smallest dimension, exclusive of deployable components. Where the application is for an NGSO space station or system, the statement shall also disclose the following:

(A) How the operator plans to identify the space station(s) following deployment and whether space station tracking will be active or passive;

(B) Whether, prior to deployment, the space station(s) will be registered with the 18th Space Control Squadron or successor entity; and

(C) The extent to which the space station operator plans to share information regarding initial deployment, ephemeris, and/or planned maneuvers with the 18th Space Control Squadron or successor entity, other entities that engage in space situational awareness or space traffic management functions, and/or other operators.

(vi) A statement disclosing planned proximity operations, if any, and addressing debris generation that will or may result from the proposed operations, including any planned release of debris, the risk of accidental explosions, the risk of accidental collision, and measures taken to mitigate those risks.

(vii) A statement detailing the disposal plans for the space station, including the quantity of fuel—if any—that will be reserved for disposal maneuvers. In addition, the following specific provisions apply:

(A) For geostationary orbit space stations, the statement must disclose the altitude selected for a disposal orbit and the calculations that are used in deriving the disposal altitude.

(B) For space stations terminating operations in an orbit in or passing through the low-Earth orbit region below 2,000 km altitude, the statement must disclose whether the spacecraft will be disposed of either through atmospheric re-entry, specifying if direct retrieval of the spacecraft will be used. The statement must also disclose the expected time in orbit for the space station following the completion of the mission.

(C) For space stations not covered by either paragraph (g)(1)(vii)(A) or (B) of this section, the statement must indicate whether disposal will involve use of a storage orbit or long-term atmospheric re-entry and rationale for the selected disposal plan.

(D) For all NGSO space stations under paragraph (g)(1)(vii)(B) or (C) of this section, the following additional specific provisions apply:

(*1*) The statement must include a demonstration that the probability of success of the chosen disposal method will be 0.9 or greater for any individual space station. For space station systems consisting of multiple space stations, the demonstration should include additional information regarding efforts to achieve a higher probability of success, with a goal, for large systems, of a probability of success for any individual space station of 0.99 or better. For space stations under paragraph (g)(1)(vii)(B) of this section that will be terminating operations in or passing through low-Earth orbit, successful disposal is defined as atmospheric re-entry of the spacecraft within 25 years or less following completion of the mission. For space stations under paragraph (g)(1)(vii)(C) of this section, successful disposal will be assessed on a case-by-case basis.

(*2*) If planned disposal is by atmospheric re-entry, the statement must also include:

(*i*) A disclosure indicating whether the atmospheric re-entry will be an uncontrolled re-entry or a controlled targeted reentry.

(*ii*) An assessment as to whether portions of any individual spacecraft will survive atmospheric re-entry and impact the surface of the Earth with a kinetic energy in excess of 15 joules, and demonstration that the calculated casualty risk for an individual spacecraft using the NASA Debris Assessment Software or a higher fidelity assessment tool is less than 0.0001 (1 in 10,000).

(viii) If any material item described in this notification changes before launch, a replacement pre-space notification shall be filed with the International Bureau no later than 90 days before integration of the space station into the launch vehicle.

* * * * *

[FR Doc. 2020–13185 Filed 8–24–20; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 5, 25, and 97

[IB Docket No. 18–313; FCC 20–54; FRS 16848]

Mitigation of Orbital Debris in the New Space Age

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Commission seeks comment through a Further Notice of Proposed Rulemaking adopted on April 23, 2020, on additional amendments to its rules related to satellite orbital debris mitigation. A related Final rule document, the Report and Order, which adopts amendments to the Commission's satellite orbital debris mitigation rules is published elsewhere in this issue of the **Federal Register**.

DATES: Comments are due October 9, 2020. Reply comments are due November 9, 2020.

ADDRESSES: You may submit comments, identified by IB Docket No. 18–313, by any of the following methods:

• *Federal Communications Commission's Website: http://apps.fcc.gov/ecfs.* Follow the instructions for submitting comments.

• *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: *FCC504@fcc.gov* or phone: 202–418–0530 or TTY: 202–418–0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Merissa Velez, 202–418–0751.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Further Notice of Proposed Rulemaking (*FNPRM*), IB Docket No. 18–313, FCC 20–54, adopted on April 23, 2020, and released on April 24, 2020. The full text of this document is available at *https://docs.fcc.gov/public/attachments/FCC-20-54A1.pdf.* To request materials in accessible formats for people with disabilities, send an email to *FCC504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

Comment Filing Requirements

Interested parties may file comments and reply comments on or before the dates indicated in the **DATES** section above. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).

• *Electronic Filers.* Comments may be filed electronically using the internet by accessing the ECFS, *http://apps.fcc.gov/ecfs.*

• *Paper Filers.* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

• Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW, Washington, DC 20554.

• Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID–19. See FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy, Public Notice, DA 20–304 (March 19, 2020). *https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy.*

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

Ex Parte Presentations

The Commission will treat this proceeding as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Paperwork Reduction Act

This document contains proposed new and modified information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget to comment on the information collection requirements contained in this document, as required by the Paperwork Reduction Act of 1995. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, we specifically seek comment on how we might further reduce the information collection burden for small business concerns with fewer than 25 employees.

Synopsis

Further Notice of Proposed Rulemaking

This Further Notice of Proposed Rulemaking (*FNPRM*) seeks comment on additional amendments to the Commission's rules related to satellite orbital debris mitigation. The Commission seeks comment on rule revisions related to probability of accidental explosions, collision risk for multi-satellite systems, maneuverability

requirements, casualty risk, indemnification, and performance bonds tied to successful spacecraft disposal.

A. Probability of Accidental Explosions

Our existing orbital debris rules require that applicants provide a statement that the space station operator has assessed and limited the probability of accidental explosions during and after the completion of mission operations. We had not proposed to change this rule as part of the Notice, but observe that the ODMSP now includes a metric for assessing this objective. The ODMSP states in relevant part that ''[i]n developing the design of a spacecraft or upper stage, each program should demonstrate, via commonly accepted engineering and probability assessment methods, that the integrated probability of debris-generating explosions for all credible failure modes of each spacecraft . . . (excluding small particle impacts) is less than 0.001 (1 in 1,000) during deployment and mission operations.'' We seek comment on inclusion of this metric in our rules. Specifically, we propose to modify our rule such that applicants must include in the orbital debris statement a demonstration concerning limiting risk from accidental explosions and associated orbital debris during mission operations, including the 0.001 threshold. We seek comment on how the Commission should assess such demonstrations, noting that the ODMSP states that the demonstration should be ''via commonly accepted engineering and probability assessment methods.'' We also seek comments on the costs and benefits of incorporating a specific metric on this topic into our application disclosure rules.

B. Total Probability of Collisions With Large Objects

In response to the Notice, we received a number of differing views regarding whether the Commission should consider collision risk with large objects on a system-wide, *i.e.,* aggregate, basis, and if so, how. We believe these issues merit further discussion and expansion of the record on how the Commission should analyze multi-satellite NGSO systems, and in particular, large constellations in this context. The NASA Standard, also incorporated into the revised ODMSP, provides that the probability of collision with large objects (10 cm or larger) not exceed 0.001 (1 in 1,000) during the orbital lifetime of a single satellite. With improved access to space, it is increasingly possible to launch constellations of satellites that number in the hundreds or thousands. For deployments of satellites in such numbers, analysis of whether individual satellites in the system satisfy the 0.001 (1 in 1,000) metric on a per-satellite basis, absent any additional analysis, might not adequately address the ultimate probability of collision. While we believe these concerns can in many cases be addressed through sufficiently reliable mitigation measures such as maneuverability and orbit selection, these types of concerns form the basis for seeking comment here on how the Commission should review the collision risks associated with multi-satellite systems from the perspective of sustaining the space environment while at the same time encouraging deployment of new and innovative satellite systems designed to provide beneficial services to the U.S. public.

The revised ODMSP includes a new objective titled ''clarification and additional standard practices for certain classes of space operations.'' This objective includes a discussion of ''large constellations'' and lists a number of factors to be considered when looking at various aspects of these large constellations. In the context of a threshold for post-mission disposal reliability, the ODMSP guidance states that ''factors such as mass, collision probability, orbital location, and other relevant parameters should be considered.'' As we consider the ODMSP to use as a reference in the commercial and otherwise non-governmental context,[1] we seek comment on the role that this guidance should play in our rules, including how to analyze collision risk specifically when it comes to multi-satellite constellations.

First, we ask how the Commission should consider the collision risks associated with a system in its entirety as part of the licensing process. Is assessing the total probability of collision on a system-wide basis consistent with the public interest? Assuming that the Commission should consider collision risks on a system-wide basis as part of its licensing process, we seek comment on the process through which such collision risks should be considered. We seek comment on the factors that could be considered in performing an analysis, and if there are metrics or thresholds that can provide additional certainty to applicants regarding the Commission's review process.[2] For example, one possible approach could be to identify a system-wide collision probability metric or other metric that, if exceeded, would trigger further review. Such an approach could provide applicants with a clear safe harbor when designing their systems. For applicants exceeding the threshold, additional specific factors could be identified that the Commission would take into consideration as part of its further review. We seek comment on this approach, or whether there are other suitable indicators that might help to categorize some systems as lower-risk and some as requiring further analysis. Would this approach provide adequate regulatory certainty or is a bright-line rule that applies in all cases preferable? How should we balance the certainty provided by a bright-line rule with the flexibility provided by a safe harbor approach?

We seek comment on the factors that could be relevant both in establishing a threshold or bright-line rule, and in assessing a system on a more detailed basis, for example, if the system risk exceeds a particular safe harbor. We seek comment on consideration of factors including per-satellite collision risk, maneuverability, number of satellites (potentially including constellation replenishment rate and replacement satellites), orbital lifetime, and/or size for NGSO satellites. Are there any other factors that could or should be considered? We note that as adopted in the Order, the calculation of the per-satellite collision risk using the NASA Debris Assessment Software, or higher fidelity model would already take into account the initial orbit and area-to-mass ratio of an individual satellite. When assessing total collision risk, should we attempt to make a bright-line distinction between large constellations and small systems, with different applicable metrics, or should we attempt to specify a metric that is scalable to both small and large multi-satellite systems? We also seek comment on whether we should establish a separate process for evaluation of system-wide collision risk for satellites that operate in the MEO region.[3]

[1] As noted, by its terms, the ODMSP applies to U.S. government activities, but provides a reference generally to promote efficient and effective space safety practices. ODMSP, Preamble.

[2] To the extent possible, we ask that commenters supporting or disagreeing with particular metrics provide analysis that includes sample constellation sizes, satellite area-to-mass ratio, deployment altitudes, and other potentially relevant considerations.

[3] We note that the ODMSP does not provide a separate metric for spacecraft operating in MEO for assessment of per-satellite probability of collision with large objects. *See* ODMSP, 3–1. The ODMSP does provide for a 100-year maximum orbital lifetime for use in the assessment, however, and as the *Order* specifies above, applicants planning to operate spacecraft in the MEO region can refer to

To the extent that we consider a particular threshold or safe harbor that would be applicable to multi-satellite NGSO systems, we seek comment on using total collision risk, *i.e.,* in the aggregate, as calculated as the sum of the probability of collision associated with each individual satellite in the system. Should we ask that applicants take into consideration replacement/replenishment satellites as part of this calculation, and if so, over what period of time? Is the 15 years that correlates with the typical licensing period for part 25 NGSO systems a reasonable period of time? [4] We observe that depending on the replenishment cycle of a constellation, the total number of satellites launched into orbit over the course of a license term could be significantly higher than the number of satellites authorized for operation at any given time. Are rapidly replenished satellites more likely to be deployed into lower orbits, however, where an individual satellite's collision risk would generally be lower? We seek comment on how the number of satellites could be calculated for purposes of analysis. In the Notice, we proposed to refer to the 0.001 probability of collision metric in assessing total collision probability as a whole. Some commenters agreed that total collision risk should be assessed, but disagreed about whether the 0.001 metric should apply. We seek comment on using a total collision probability metric as a threshold or safe harbor, and ask whether commenters may have different views on the application of a 0.001 probability of collision metric to the satellite constellation as a whole, if that metric was used only to identify those systems that would require additional review. In addition, is there a metric other than 0.001 that should be used as a threshold or safe harbor? We recognize that using a total collision risk metric would require that larger systems meet a lower per-satellite risk than smaller systems. Should the Commission consider another factor or factors entirely, such as number of satellites and mass?

We also seek comment on whether, and to what extent, reliability or failure rate of any maneuvering capabilities should be part of the Commission's review of collision risk. The Order specifies that for individual satellites, the probability of collision with large objects may be deemed zero, absent evidence to the contrary, during any period where the satellite is capable of maneuvering to avoid collisions. With respect to multi-satellite systems, we expect that most systems will have some maneuvering capabilities. We ask how we should evaluate or otherwise consider the likelihood that any individual satellites in a multi-satellite system will experience a failure of those maneuvering capabilities. Should we accept applicant's targeted reliability at face value, absent any evidence emerging to the contrary? Alternatively, are there methods for assessing proposed reliability rates or determining whether certain failure rates may raise concerns with collision risk? For purposes of developing a threshold or safe harbor, should the Commission ask applicants to assume a certain maneuverability failure rate when calculating total collision risk? An example of this would be if in processing applications, systems having a total collision probability of less than 0.001, calculated assuming a 10% failure of maneuvering capability, are considered low risk for total collision probability and thus deemed not to need any further analysis with respect to collision risk. We seek comment on this type of approach, whereby we consider an assumed failure rate value for purposes of a safe harbor, rather than the applicant's expected failure rate, since additional information may be required to support an expected maneuvering failure rate. We also seek comment on what might be a reasonable maneuverability failure rate for establishing a safe harbor, whether based upon an assumed reliability or expected reliability. Additionally, we ask how the collision risk associated with any failed satellites should be assessed. For example, should it be assumed that the maneuvering capability fails in the deployment orbit, in the orbit that presents the worst-case in terms of collision risk, some combination of both, or perhaps a range of orbits representing the expected range and duration of satellite operations? Are there methods by which we can apply historical data concerning the typical point in a satellite mission where failures occur in order to refine any analysis.

In the event that we were to adopt some type of safe harbor approach, we seek comment on the review process for those systems that may not meet the safe harbor. One aspect of a more detailed assessment might be taking a closer look at the possible failure rate of maneuverability. As an example, if an applicant did not satisfy the safe harbor, the applicant could provide a more detailed demonstration that its actual failure rate for its maneuvering capabilities is expected to be significantly lower than the assumed rate of the safe harbor. We seek comment. If the system is a larger one that will have multiple deployments, one approach could be to include a license condition that would require the applicant to provide additional demonstrations if the actual failure rate for the initial deployments is substantially higher than the expected failure rate expressed in its application. We seek comment on this approach and on other alternatives for assessing an expected failure rate on a more detailed basis.

We also seek comment on other aspects of a potentially more detailed review process for NGSO systems that cannot meet a particular safe harbor. Are there higher fidelity analyses that could provide the Commission with greater assurance that the risks are acceptable? Should applicants in these cases provide additional detail on the types of alternatives considered when designing their system, or measures that will be taken to reduce the total risk of collision? What measures might correlate with lower risk? Are there specific measures that can be specified in a rule, with a goal of minimizing the need for a case-by-case approach?

Some commenters suggest that operators may attempt to disguise the true size of their systems in order to accept risk in excess of any total or aggregate collision risk benchmark. Should we consider establishing additional rules, such as attribution rules, to address this concern, or could it can be adequately addressed on a case-by-case basis? In our experience, the operational characteristics of an application are often enough to indicate whether specific space stations are part of the same system or not, and we seek comment on addressing this issue through rule provisions at this time.

C. Maneuverability Above a Certain Altitude in LEO

In the Notice, the Commission sought comment on whether to adopt a requirement that all NGSO satellites

this 100-year value in calculating probability of collision on a per-satellite basis. *See also* Aerospace Comments at 8 (limiting the period of assessing collision probability to a finite time such as 100 years will make assessment feasible for satellites that have an orbital lifetime greater than 100 years).

[4] We note that any provisions regarding replacement satellites would only apply to systems authorized under part 25, excluding satellites licensed under the streamlined process, since replacement satellites are not contemplated as part of either a part 5 experimental or part 97 amateur space station authorization, or as part of the streamlined small satellite processes. Under the Part 25 rule, technically identical replacement satellites can be deployed without any limitation during a license term in order to maintain the authorized number of operational satellites. 47 CFR 25.113(i).

planning to operate above a particular altitude have propulsion capabilities reserved for station-keeping and to enable collision avoidance maneuvers, regardless of whether propulsion is necessary to de-orbit within 25 years. We received a number of comments suggesting that all NGSO satellites or systems deployed above 400 km in the LEO region should have the capability to maneuver sufficient to conduct collision avoidance during the time when the spacecraft are located above 400 km. We seek comment on adopting such a requirement, including the costs and benefits of such a requirement. Would requiring maneuverability above a particular altitude help to ensure that the burden for conducting collision avoidance maneuvers is more evenly distributed among operators, since all Commission-authorized satellites would have some collision avoidance capability when operating in the upper part of the LEO region? To what extent would such a requirement enhance space safety in the LEO region?

We recognize that the costs and benefits of this type of approach are likely to be contingent to some extent on the altitude selected as the cut-off for maneuvering capabilities. While the majority of commenters who agreed that a requirement was necessary suggested 400 km as an appropriate cut-off, some parties suggested alternative altitudes, such as 600 or 650 kilometers. We seek comment on these various options. We observe that in the Small Satellite Order, the Commission decided to adopt a 600 km cut-off for a propulsion requirement, but also that the Commission explicitly left open the topic for further discussion as part of this proceeding, stating that broader concerns about a safe operating environment in the LEO region, as well as issues related to satellites transiting through the ISS orbit would be addressed in this proceeding.[5] Some parties supporting a higher cut-off altitude note that academic and other research satellites, as well as commercial systems of small satellites, including CubeSats, are often deployed to altitudes between 400 km and 600 km. These commenters are generally concerned with the impact of a rule on the utility of CubeSats and on low-cost missions such as academic missions, since such small satellites may not have the volume or electrical capacity to support a propulsion system. Other commenters point out that a 400 km cutoff correlates with the approximate altitude where the ISS operates, and we seek comment on the extent to which a maneuverability requirement could help operators readily avoid the ISS, and thereby minimize the number of collision avoidance maneuvers that would need to be undertaken by the ISS. If we were to adopt a requirement tied to the operations of the ISS, we seek comment on requiring maneuverability during any period when satellites are ''located in the LEO region in an orbit with an apogee above 400 km,''[6] for example, or whether there would be an alternative way to specify a cut-off orbital altitude. We observe that objects deployed below 400 km will typically re-enter Earth's atmosphere in a very short time, within a few years at most, and in some cases CubeSats are deployed from the ISS, spending their mission below that altitude. We seek comment on balancing the potential benefits associated with requiring maneuverability for spacecraft located above 400 km with the potential impact to certain categories of satellite missions.

We also seek comment on whether the impact of a maneuverability requirement on certain small satellite missions could be minimized, such as through a gradual phase-in of a maneuverability requirement, with a grandfathering period of several years to accommodate those satellites already in advanced design and construction stages. As technology continues to develop, is it increasingly feasible that even very small satellites could eventually accommodate propulsion systems or other generally reliable maneuvering capabilities? Alternatively, should we only apply such a requirement to larger systems of satellites, 100 or more for example, so that the number of non-maneuverable satellites overall above the ISS would be decreased without impacting academic and research missions or small commercial systems? Or should we provide a blanket exception for certain categories of satellites?

Additionally, we seek comment on what types of maneuverability could be deemed sufficient to reliably conduct collision avoidance maneuvers for purposes of this type of rule. For example, comments from NASA suggest that space stations using differential drag may not in some instances be able to reliably perform collision avoidance, but other commenters suggest that differential drag should be deemed sufficient. Some parties suggest that the Commission adopt a particular performance-based threshold for maneuverability to ensure that satellites are capable of changing their trajectory to avoid collisions. For example, Amazon suggests that satellites should be capable of maneuvering at least 5 km within 48 hours of receiving a conjunction warning. We seek comment on whether there is a performance-based objective or other bright-line rule with respect to collision avoidance capabilities that the Commission could adopt that would provide certainty to applicants regarding their ability to satisfy any requirements in this area. Is the Amazon proposal in line with the type of maneuverability sufficient to conduct effective collision avoidance, or is a different demonstration of maneuverability appropriate? Should we consider how far in advance an operator would need to act if they deem a particular conjunction warning actionable? Do those operators with differential drag capabilities in fact use those capabilities to perform collision avoidance? Are there other indicia, such as ability of an operator to obtain accurate positional information for its satellites, that should be considered in assessing an applicant's ability to maneuver their satellites to avoid a collision? Is a bright line rule possible related to ''effective'' maneuverability, or a safe harbor provision? If case-by-case analysis is necessary, what type of analysis and/or supporting information should applicants provide to the Commission in order to facilitate review?

It is our understanding that on occasion a spacecraft will visit the ISS on a resupply mission, for example, then undock with the ISS and raise the spacecraft orbit to above the ISS before deploying satellites. If the Commission were to adopt a maneuverability requirement for space stations above 400 km, we seek comment on adopting a special exception for these types of missions, or addressing them on an ad hoc basis through the waiver process. We could consider factors such as whether these operations are already closely coordinated with NASA vis-à-vis the ISS, and are sufficiently unique that they are unlikely to result in a large numbers of non-maneuverable objects at altitudes above the ISS. We seek comment on these and any other relevant factors in evaluating

[5] *Small Satellite Order,* 34 FCC Rcd at 10392, 10394, 10395–96, paras. 42, 46, 48 Accordingly, we do not believe further consideration of the topic as part of this proceeding, including consideration of an altitude cut-off below 600 km, conflicts with the Commission's determination in the *Small Satellite Order.*

[6] For objects orbiting the Earth, the point in orbit that the object is farthest from the Earth is known as its ''apogee.'' The point in orbit that the object is closest to the Earth is known as the object's ''perigee.'' These terms are used in several places in part 25 of our rules. *See, e.g.,* 47 CFR 25.114(6).

exemptions or waiver requests for these special circumstances.

D. Post-Mission Orbital Lifetime

In the Notice, the Commission inquired whether the 25-year benchmark for completion of NGSO post-mission disposal by atmospheric re-entry remains a relevant benchmark, as applied to commercial or other non-Federal systems. The 25-year benchmark has been applied in Commission licensing decisions for NGSO systems. The NASA Standard and ODMSP specify a maximum 25-year post-mission orbital lifetime, with the revised ODMSP stating that for spacecraft disposed of by atmospheric reentry, the spacecraft shall be ''left in an orbit in which, using conservative projections for solar activity, atmospheric drag will limit the lifetime to as short as practicable but no more than 25 years.'' Most commenters support a reduction in the 25-year benchmark as applicable to non-Federal systems, but others suggest that a 25-year benchmark is sufficient. We seek comment on how to apply the ODMSP guidance that the post-mission lifetime be ''as short as practicable but no more than 25 years.'' Incorporating the 25-year metric into our rules may not incentivize commercial and other non-Federal operators to limit the post-mission orbital lifetime to ''as short as practicable.'' We ask whether a maximum 25-year limit on post-mission orbital lifetime would provide operators with any incentive to shorten post-mission time in orbit, or whether another approach might be preferable to encourage shorter post-mission orbital lifetimes to the extent possible.

As an initial matter, in the Order we observed that specifying post-mission orbital lifetime may be unnecessary for those satellites that would have maneuverability during the period when they are located above 400 km or for those satellites deploying and operating below 400 km, so any rule we adopt could apply just to those satellites in the Low Earth Orbit region not meeting those descriptions. Accordingly, if the Commission were to adopt the maneuverability requirements specified above that would apply to all satellites, we believe that it may be unnecessary to adopt a rule setting an upper limit for post-mission orbital lifetime for space stations in the LEO region. We believe that if maneuverability were required for space stations located above 400 km, or 600 km, for example, space stations will re-enter Earth's atmosphere ''as soon as practicable,'' and well within 25 years, either because the space station already planned to operate below the specified altitude from which it would re-enter in a few years, or because the space station would be maneuvered down to an altitude below 400 km or 600 km, from which it would reenter within a few years. We seek comment. This approach has the benefit of being consistent with a shorter than 25-year post-mission disposal lifetime for spacecraft being disposed of by atmospheric re-entry, and is therefore consistent with the view of many commenters that acceptable post-mission disposal lifetimes should be reduced below 25 years for LEO spacecraft.

If there were some limited scenarios in which spacecraft with maneuverability will remain in orbit for significant amounts of time following the conclusion of the mission, more than five years, for example, we seek comment on whether the Commission should seek more information from the operator regarding the planned post-mission disposal lifetime, such as the reliability of collision avoidance during that extended period. Is there another approach that the Commission should take in such circumstances? Would these scenarios be sufficiently unlikely that a case-by-case approach would be reasonable, or is there a bright-line rule that should apply in what we believe would be these limited circumstances?

If the Commission does not adopt a maneuverability requirement of the type described above, we seek comment on what should be incorporated into the Commission's rules regarding post-mission lifetime for space stations disposed of by atmospheric reentry that would not otherwise re-enter within a short period of time either because of maneuverability or very low deployment/operational altitude. We note that some commenters to the Notice suggest that post-mission orbital lifetimes on the order of five years may be appropriate in many cases. Some commenters also argue that the Commission should avoid adopting a ''one-size-fits all'' rule for post-mission orbital lifetime. Taking into consideration these views, should we encourage operators to dispose of their spacecraft ''as soon as practicable'' by adopting a presumptively acceptable post-mission orbital lifetime of five years, for example, but allow applicants to provide additional demonstrations in support of a longer post-mission lifetime in circumstances when they are unable to achieve a five-year disposal? Is five years the right length of time for this type of a safe-harbor provision? Demonstrations in support of a longer post-mission lifetime could include information demonstrating that the applicant considered reasonable alternatives, as well as information regarding planned deployment orbit, and the ratio of the mission lifetime to the post-mission lifetime. Would this type of safe harbor approach provide sufficient certainty to applicants will enabling flexibility? Using the ODMSP guideline, what factors should the Commission consider in determining whether a particular post-mission orbital lifetime is ''as short as practicable?'' Or, should we simply adopt a requirement that satellites in the LEO region be removed from orbit as soon as practicable, but no more than five years following the end of the mission?

E. Casualty Risk Assessment

Casualty Risk and Design for Demise or Targeted Re-entry. The revised ODMSP states that for those spacecraft disposed of by re-entry into Earth's atmosphere (either by disposal maneuver or using atmospheric drag alone) the risk of human casualty from surviving components with impact kinetic energies greater than 15 joules should be less than 0.0001 (1 in 10,000). The ODMSP also states that ''[d]esign-for-demise and other measures, including reusability and targeted reentry away from landmasses, to further reduce reentry human casualty risk should be considered.'' The Commission has long encouraged satellite designers to consider ''design for demise'' when choosing materials for satellite construction—and we observe that in some instances it may be relatively easy for a satellite design to select materials that will fully burn up in the atmosphere or have impact kinetic energies of less than 15 joules.

Given the guidance in the ODMSP, we seek comment on whether we should adopt additional rule revisions concerning strategies to lower casualty risk. For example, we could adopt a presumptively acceptable (*i.e.,* safe harbor) human casualty risk threshold of zero—achievable through either design for demise or planned targeted reentry, and only require additional information from applicants regarding casualty risk such as a description of whether the applicants had considered such strategies to lower casualty risk, where the calculated casualty risk is greater than zero. Under this approach, the Commission could approve satellites with casualty risk up to the maximum of 1 in 10,000, but asking applicants to provide additional information when the calculated casualty risk is greater than zero could help to ensure that applicants are considering strategies such as design for demise and targeted

re-entry, consistent with the ODMSP. We seek comment on the pros and cons of such an approach for ensuring that operators are not unnecessarily running casualty risk. As an alternative, are there other safe harbor approaches or bright-line rules with respect to design for demise and targeted re-entry that could be adopted by the Commission?

Cumulative Casualty Risk. We also seek to develop the record further on consideration of casualty risk on a system-wide basis. In response to the Notice, some commenters raised concerns with consideration of casualty risk on an aggregate basis. As noted, the revised ODMSP states, with respect to ''large constellations,'' that cumulative re-entry human casualty risk should be limited. Consistent with this guidance, we observe that large constellations could raise additional concerns about human casualty risk when calculated cumulatively for all the satellites in the constellation, even if each individual satellite has a casualty risk that is less than 1 in 10,000. While these concerns can in many cases be addressed through designing satellites for demise and direct re-entry strategies, we seek comment on reviewing the cumulative risk associated with larger systems to determine if such systems have in fact limited cumulative risk. We seek comment on whether there is a particular metric we should apply to multi-satellite systems? Should a cumulative metric apply based on the number of satellites in the system, similar to the ODMSP, which defines a ''large constellation'' as more than 100 satellites? Should the number of satellites include consideration of replacement/replenishment satellites over a 15-year license term? One approach could be a safe harbor similar to some of the concepts described above, wherein a system satisfying a 1 in 10,000, or other risk metric system-wide would satisfy the safe harbor threshold, such that no further analysis of risk would be required We seek comment on this safe harbor approach and a reasonable risk metric for a safe harbor. For systems not satisfying the safe harbor, applicants could provide the Commission with additional demonstrations that the applicants have limited the cumulative casualty risk associated with the system. In assessing these demonstrations, the Commission could consider factors such as the total number of satellites, the per-satellite casualty risk, and whether the applicant has considered factors such as targeted disposal—and, if so—the expected reliability of targeted disposal. We seek comment on this approach, and how the Commission should consider these or other factors in assessing cumulative casualty risk. Alternatively, should the Commission try to adopt a bright-line rule applicable in these cases, or is there a maximum cumulative risk above which the Commission should not authorize a system? Several commenters suggest that we consider a per-year or annualized casualty risk rate approach, and we alternatively seek comment on this approach and how it might be implemented as part of the licensing process. Similar to the discussion above regarding total collision risk, we additionally seek comment on whether we need to adopt attribution rules or other rules to address a situation where operators may attempt to disguise the true size of their systems in order to accept risk in excess of any cumulative risk benchmark.

F. Indemnification

In the Notice, we sought comment on the adoption of an indemnification requirement as part of a broader discussion of liability issues and economic incentives. In response to concerns and questions expressed by various commenters, we seek additional comments on this issue in order to obtain a fuller record. We also seek comment on whether any indemnification requirement should be addressed as a license condition and affirmed as part of the application process rather than as a separate agreement following licensing in order to address concerns raised by some commenters concerning the details of implementation.

As the Commission specified in the Notice and previously explained in detail in the 2004 Orbital Debris Order, under international law, the United States government could potentially be presented with a claim for damage resulting from private satellite operations. Specifically, the United States is party to two international treaties addressing liability arising from activities in outer space—the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (Outer Space Treaty) and the Convention on International Liability for Damage Caused by a Space Object (Liability Convention). The Outer Space Treaty and Liability Convention, were signed by the United States and ratified by Congress, and thus have the force and effect of federal law. Article VI of the Outer Space Treaty states in part that, ''State Parties to the Treaty shall bear international responsibility for national activities in outer space . . . whether such activities are carried on by governmental agencies or by non-governmental entities,'' and that, ''[t]he activities of non-governmental entities in outer space . . . shall require authorization and continuing supervision by the appropriate State Party to the Treaty.'' Under Article VII of the Outer Space Treaty, a State Party to the Treaty that ''launches or procures the launching of an object into outer space . . . and each State Party from whose territory or facility an object is launched, is internationally liable for damage to another State Party to the Treaty or its natural or juridical persons by such object or its component parts on the Earth, in air or in outer space[.]'' [7] The Liability Convention specifies that liability rests with a ''launching state,'' which is defined as either (1) a State which launches or procures the launching of a space object, or (2) a State from whose territory or facility a space object is launched. The Liability Convention contains both strict liability (Article II) and fault-based liability (Article III) provisions. The launching state is strictly liable for damage caused by its space object on the surface of the earth or to an aircraft in flight. In the event of damage being caused elsewhere than on the surface of the earth to a space object of one launching state or to persons or property on board such a space object by a space object of another launching state, the launching state ''shall be liable only if the damage is due to its fault or the fault of persons for whom it is responsible.'' The treaty also provides for joint and several liability in certain circumstances, including where more than one State can be considered a ''launching state.''

Regardless of whether a particular claim results in a payment of compensation, the United States would incur costs in addressing such claims, and those costs would be borne by U.S. taxpayers. Thus, there is a connection between the Commission's issuance of a license for satellite communications and exposure of the U.S. government to claims under international law, particularly because the Commission is often the only agency reviewing an operator's plans for on-orbit operations and orbital debris mitigation, including post-mission disposal activities. Under these circumstances, conditioning Commission authorization on indemnification of the U.S. government

[7] Outer Space Treaty, Article VII. As the Commission noted in the 2004 *Orbital Debris Order,* the definition of ''space object'' includes ''component parts of a space object,'' which would arguably incorporate orbital debris resulting from satellite operations. *Orbital Debris Order,* 19 FCC Rcd at 11612–13, para. 109.

may be a reasonable step, given the absence of protections under international law of the protection from liability under U.S. law related to a licensing authority's exercise of its discretionary functions. We seek comment on these considerations.

Some commenters question whether an indemnification requirement is necessary because the U.S. government could initiate a civil action to secure recovery from the relevant operator. Boeing states that the U.S. could recover under a claim of contribution, claim of equitable tort indemnification, or claim of equitable apportionment. It does not appear that the theories Boeing presents have been tested in the context of the treaty-based liability involved here. We seek comment and any supporting legal analysis concerning whether these alternative avenues are in fact an available means for recovery with respect to the full range of claims that might arise under international law related to space activities. If so, and as observed by some commenters, an FCC indemnification requirement may be an unnecessary formal step to acknowledge an existing legal obligation of licensees engaged in space activities. We seek comment on this view. We also seek comment and supporting legal analysis on whether there are any applicable limitations on liability inherent in these alternative approaches to recovery. For example, are there any provisions in the governing laws that express a legislative intent to limit or exempt from liability activities that may trigger a claim under international law or that are extra-territorial in scope?

Several commenters request that the Commission provide additional legal analysis regarding Commission authority for adopting an indemnification requirement, or otherwise question the Commission's jurisdiction in this area.[8] As discussed in the Order, our conclusion is that the Commission has authority, pursuant to the Communications Act, to review and assess orbital debris mitigation plans as part of its public interest analysis in issuing licenses for space station communications. As noted, Title III of the Act provides for the licensing of radio communications, including satellite communications, only upon a finding that the ''public convenience, interest, or necessity will be served thereby.'' We consider an applicant's plan to mitigate orbital debris risks to be a relevant public interest factor in approving an applicant's space station operations, and the analysis undertaken by the Commission is designed to ensure that space systems reviewed by the Commission have sufficient plans to mitigate orbital debris, consistent with the public interest. We seek additional comment on whether the same sources of authority provide a sufficient basis for an indemnification requirement. As a policy matter, a clear indemnification requirement may strengthen the incentives of applicants to mitigate risk, by ensuring that licensee's consider in their planning and decision making the costs that could be associated with any claim brought under the relevant Outer Space Treaties. In this way, ensuring that the licensee has agreed to indemnify the U.S. government in those circumstances could be viewed as an economic aspect of ensuring that the more technical aspects of orbital debris mitigation are fully considered by licensees. Additionally, incorporating indemnification as part of a sufficient orbital debris mitigation plan may further the public interest by ensuring that U.S. taxpayers are not ultimately responsible for defraying costs resulting from the activities of non-government entities in the event of a claim under international law. We seek comment on these questions.

Several commenters to the Notice argue that in other regulatory contexts, Congress has directly addressed the role of regulatory agencies with respect to liability and indemnification issues, but argue that here, Congress has not provided the Commission with specific authority concerning indemnification. We seek comment and supporting legal analysis on whether these expressions of legislative intent preclude the adoption of an indemnification requirement for FCC. We observe that in several examples cited by commenters, Congress provided for indemnification related to specific types of activities and did not address FCC-licensed activities. We also note that in some instances, Congress has sanctioned acceptance of liability by the U.S. government within certain ranges. An example of this is the liability risk-sharing regime for commercial space transportation, addressed by statute and implemented by the FAA. Under the statute, launch or re-entry licensees obtain insurance to cover claims of third parties against launch or reentry participants, including the licensee, its customer, and the U.S. government and agencies and any contractors or subcontractors. The FAA sets insurance requirements based upon the FAA's determination of the maximum probable loss that would result from the licensed launch or reentry activities, within statutory ceilings. Subject to appropriations, the U.S. government may pay successful third-party liability claims in excess of the required maximum probable loss-based insurance, up to $1.5 billion (as adjusted for post-1989 inflation) above the amount of the maximum probable loss-based insurance. For claims in excess of the maximum probable loss-based insurance plus government indemnification, the licensee or legally liable party is responsible. We seek comment and any supporting legal analysis on whether the fact that Congress addressed third-party liability as it relates to, for example, launches authorized by the FAA, implies that Congress explicitly or implicitly precluded the Commission from addressing liability issues related its regulation under Title III, including review of on-orbit and disposal activities. We observe that the liability regime for launch activities specified by statute and in FAA rules does not appear to address post-launch issues arising from damages caused by a ''launch payload'' after a nominal launch is concluded.

In response to the Notice, Intelsat requests that the Commission conduct an analysis of whether other governmental agencies would be better suited to decide whether to impose indemnification requirements on space station licensees in the first instance. Specifically, Intelsat requests that we conduct an analysis with respect to the Department of State. We do not believe it is the Commission's role to opine on the suitability of agencies for particular activities. However, we seek comment on whether there are any authorities granted by statute or developed through regulation, in addition to those already identified in the record, that may have relevance to a possible FCC indemnification requirement. SIA also raises the question of whether there should be a distinction in an indemnification provision between liability based on fault and liability that results from the strict liability provision of the Outer Space Treaties. The Liability Convention includes some fault-based provisions, and some strict liability provisions (for damage caused

[8] *See* Intelsat Comments at 12; Space Logistics Comments at 13; Intelsat Comments at 12; Boeing Comments at 37–38; SIA Comments at 9; Telesat Comments at 11. *See also* SIA Apr. 15, 2020 *Ex Parte* Letter at 2 (stating that the Commission ''cites no statutory authority'' for this requirement); Space Logistics Comments at 13 (stating that the Commission cannot promulgate insurance or indemnification requirements under ancillary authority). Since we focus on the authority for the Commission to adopt an indemnification requirement as deriving from the same authority of the Commission to review debris mitigation plans, we do not address the issue of ancillary authority, but to the extent that commenters believe this issue may be relevant, we invite comment.

by its space object on the surface of the earth or to an aircraft in flight). For a claim brought under the Outer Space Treaties, a State party to the treaty could be found liable based upon the particular provision at issue, whether that provision was fault-based, or strict liability—in accordance with the terms of the treaty. SIA asks, in effect, whether, for strict liability, there should also be a determination of fault on the part of the non-governmental operator as a pre-condition to requiring indemnification, and if so, how such a determination might be made. We seek comment on the questions raised by SIA.

Costs. Most of the commenters addressing this issue in response to the Notice argue that the costs of the indemnification requirement to operators would outweigh any potential benefits. Some commenters argue that such a requirement would be contrary to U.S. national interests in promoting innovation and competitiveness and ensuring that the Unites States is the jurisdiction of choice for space activities. Along these lines, some parties suggest that an indemnification requirement could lead to forum shopping, wherein entities apply for licenses from foreign administrations rather than the United States. Some parties also ask the Commission consider including a cap on a U.S. licensee's potential liability, both in terms of timing and duration. We make several observations and seek additional comment on these issues, noting that we also seek to foster innovation and to encourage the development of new services and technology, and through the indemnification requirement would seek to achieve the goal of limiting taxpayer liability at a relatively minimal cost for responsible operators.

We seek comment on the actual costs that operators believe they will incur as a result of this requirement as proposed in the draft rule (*i.e.,* without adopting a ''cap'' on liability), including the costs to those entities that are publicly traded. We observe that operators would have the choice whether or not to purchase insurance to cover certain liabilities, depending on individualized needs. Although the Order does not adopt an insurance requirement at this time, we seek comment on the availability and costs of insurance, noting that some other countries require insurance for the types of activities that would be covered by the proposed indemnification requirement. Some parties characterize the uncertainty associated with liability as an issue from the perspective of filings with the Securities and Exchange Commission (SEC). Additionally, we seek comment on potential costs of indemnification for non-commercial entities, such as those that may be applying under the Commission's experimental or amateur rules, while observing that the operation of a space station, may present the same risks in terms of potential U.S. government liability regardless of whether the operator is an amateur, non-profit, commercial entity, etc.

We observe that several other countries require indemnification and insurance as part of their licensing processes. We seek comment and legal analysis on the extent to which indemnification and insurance requirements are used in the regulatory structures of other countries, and the extent to which these requirements are a substantial or dominant consideration as operators select the country in which they base their ''regulatory home.''

We seek comment on a concern raised by a number of commenters related to capping potential liability for a U.S. licensee under any indemnification requirement. We seek comment on whether a cap on the amount of any indemnification requirement, as included in a number of indemnification requirements adopted by other countries, would serve the public interest. We also seek comment on whether, to the extent any such cap implies that the Commission is making a determination concerning the scope of risk accepted on behalf of the United States, such a determination is within the scope of the Commission's authority. Additionally, if an upper limit on the indemnification were to be adopted, we seek comment on a value for that upper limit. We observe that the United Kingdom, for example, has adopted a cap of 60 million euros (per-satellite, since satellites are licensed individually) that applies to those missions not considered higher-risk. We seek comment on whether a comparable amount, converted to U.S. dollars, would be a reasonable cap on indemnification of the U.S. government by licensees in these circumstances.

Implementation. In the Notice, the Commission sought comment on the means to execute documents related to indemnification, and proposed rule text implementing the requirement. After further consideration and in response to comments that noted some potential issues with the procedures proposed, we are seeking comment on whether an indemnification requirement should be implemented through license condition, or through a document provided by the licensee prior to license grant. For example, should any indemnification requirement be implemented by having applicants include a signed statement regarding indemnification, which will be standardized, along with the other information provided in their application. We seek comment on this proposal and on any specific terms or conditions of indemnification that might be appropriate. In describing the obligation of licensees in our application rules, we propose language that is similar to what we proposed in the Notice, but in response to comments make clear that any indemnification obligation would be associated with claims brought under the Outer Space Treaties.

We also seek comment on any implementation issues related to any adoption of an indemnification requirements. As a possible approach, applicants whose applications for U.S. licenses are pending at the time the rule becomes effective could be required to file an amendment with the indemnification statement. We seek comment. We also seek comment on the treatment that should be afforded to existing licensees, including in the event of license modification filed after any requirement is adopted. Additionally, we seek comment on the appropriate approach for assignments and transfers of licenses.

Additionally, we seek comment on alternative implementation arrangements. SIA suggests that it may be appropriate for satellites in orbit or under construction as of November 15, 2018, the date the Notice was adopted, to be grandfathered. We seek comment on whether any indemnification requirement should be associated with the timing of licensing or construction of particular satellites, rather than with the timing of when the license is granted, or whether there are other benchmarks that should define applicability of any requirement adopted.

Market Access. We seek comment on the issue of indemnification by market access grantees, in other words, non-U.S.-licensed space stations granted access to the United States market.[9] In the majority of instances we would not require an indemnification agreement for a non-U.S.-licensed operator authorized for U.S. market access, as the relevant countries will have taken actions that associate the satellite operations with their national regulatory structure and will have identified the relevant State parties to the Outer Space Treaty. However, there are some cases

[9] We note that this could also include an application filed by an earth station operator requesting communications with a non-U.S.-licensed satellite, either under parts 5 or 25.

in which the goals of any indemnification requirement might be served by requiring indemnification from operators of satellites granted market access. For example, some countries submit filings to the ITU on behalf of a satellite operator, but decline to take any responsibility with respect to the provisions of the Outer Space Treaties. In a situation where there is no other country taking such responsibility, and the applicant has substantial connections to the United States, to the point that those predominate perception of the country that may be responsible for supervision, indemnification may be appropriate. We seek comment on whether in these cases, involving so-called ''flag of convenience,'' requiring indemnification may be appropriate for licensing purposes. We also seek comment on any specific factual and regulatory indicators that should be used to identify such cases. Should factors such as registration of the satellite with the United Nations, ownership and operation of the space station by a U.S. company from a U.S. network control center, or other factors be considered?

Other Unique Implementations. We observe that in some instances the United States, through a government contract promulgated by an agency or other entity (*e.g.,* NASA), may have agreed to indemnify an operator against certain claims. In these instances where an operator believes that the United States has indemnified the operator, we propose that the applicant could provide a demonstration of these circumstances, which would provide a basis for exempting the applicant from the indemnification requirement. We seek comment on this and any other unique situations in which an indemnification requirement might run contrary to allocations of responsibility between governmental and non-governmental actors, established in law or regulation. As an example, University Small-Satellite Researchers suggest that in some cases state institutions, such as universities, may not be able to accept liability and risk for third parties due to sovereign immunity provisions. We seek comment on any possible limitations in this area that should be considered. To the extent that the bar on indemnification of third parties is associated with concerns about waiving governmental immunity, we observe that the third party in this instance would be the federal government, and we believe this may present a different factual scenario for universities when it comes to waiving governmental immunity. However, we seek comment and supporting legal analysis on this point.

Additionally, AMSAT and ARRL suggest that we add the word ''owners'' to an indemnification provision in the amateur rules, so that the owners of an amateur satellite could be the indemnifying parties rather than the individual amateur licensees. We seek comment on this approach, and also on how to define ''owner'' for purposes of the amateur rules. We further seek comment on how we would ensure that the indemnification requirement remains valid in the event that the ownership changes for an amateur space station.

G. Performance Bond for Successful Disposal

In the Notice, the Commission had mentioned bonds as an example of an economic incentive, but had not made a specific proposal. In this Further Notice, we seek comment on whether a performance bond tied to successful post-mission disposal may be in the public interest, as applicable to space station licensees. Essentially, we seek comment on adopting a requirement that space station licensees post a surety bond, similar to what they already do for spectrum use, that would be returned once the space stations authorized have successfully completed post-mission disposal. What are the costs and benefits of a performance bond approach?

In response to the mention of a post-mission disposal bond in the Notice, some commenters expressed disagreement with the idea. According to Eutelsat, a performance bond requirement related to satellite end-of-life would cover what are typically unanticipated events that occur despite a proponent's best effort, and collection under a performance bond would not mitigate the result of such unanticipated events. We believe this topic is worth further discussion, however, and observe that there may be benefits to a performance bond, despite the fact that even where the bond is forfeited the unsuccessful satellites would remain in orbit. Several commenters to the Notice suggest that there is difficulty in ensuring that entities follow through with their planned orbital debris mitigation plan. SpaceX, for example, states that once the government adopts verifiable requirements, the government should tie its rules to a rigorous enforcement framework that penalizes the generation of debris and reflects the seriousness of the harm such debris inflicts. We observe, first, that while anomalous events are unanticipated, there are steps that an operator can take to reduce the probability of anomalous events, including testing, and design redundancies, and second, that with a bond in place tied to successful disposal, an operator may decide to begin end-of-life disposal procedures at an earlier stage if the satellite begins experiencing technical issues. We seek comment, however, on how to address situations where there may be a satellite anomaly or the disposal plan changes for reasons outside of an operator's control. We also observe that further developing the record could contribute to further conversations about how to fund future efforts toward active debris removal.[10] We seek comment on these potential benefits and on generally whether a post-mission disposal bond could help to ensure that operators comply with orbital debris mitigation best practices.

Additionally, we seek comment on the impact of a disposal bond on U.S. licensing of satellite systems and U.S. satellite industry innovation, including innovation by smaller providers, entrepreneurs, and new entrants to the satellite industry. We recognize that there may be complexities in structuring a bond that would cover satellite end-of-life, and that maintaining a bond over a longer period of time than is required our current bond regime could potentially result in increased costs to licensees. We seek comment. A disposal bond may need to be maintained for 15 years or longer, depending on the specific disposal plans for the satellite or system, and we seek comment on whether there are ways of structuring a bond requirement to reduce costs to licensees. Are there different issues that need to be considered with a longer time period? What happens if the ownership of the satellite/license changes over time? Although a performance bond tailored to this scenario may not currently exist, we also seek comment on whether a Commission rule could help to drive the market toward the creation of an

[10] The viability of forfeited performance bonds as a source of funding for active cleanup of debris in orbit is outside the scope of this proceeding. *See, e.g.,* ORBCOMM Comments at 20 (stating that it is not clear if the Commission could ever establish a program to use forfeited de-orbit bonds to pay for the retrieval of spacecraft that were not successfully de-orbited); Sirius XM Comments at 10 (stating that fees obtained from penalizing rogue operators could be used to fund debris removal efforts); Satellite DFR Comments at 4 (the Commission or other regulatory entity should develop and fund a comprehensive program to begin removing debris from Earth orbit); Secure World Foundation Comments at 9 (stating that the removal of debris will need to be funded by governments—and stating that a government-supported technology development program, coupled with government purchase of service contracts, is the best way to develop this capability).

appropriate bond instrument that would allow operators to satisfy this rule. Additionally, we seek comment on what other countries doing to ensure post-mission disposal. Would adoption of a bond requirement encourage entities to seek licenses outside the United States?

In addition to the orbital debris mitigation plan submitted by operators at the application-stage, there are a number of decisions by operators during and after the spacecraft mission which should be made in alignment with orbital debris mitigation best practices and culminate in successful disposal of the spacecraft. Are application-stage requirements sufficient in all cases to incentivize operators to make decisions consistent with orbital debris mitigation best practices throughout the mission and post-mission lifetime of the spacecraft? We seek comment on whether a performance bond can help to ensure post-mission disposal satellite reliability in instances where it may be difficult to assess, for example, where the operator's application-stage demonstration includes ensuring reliability through extensive testing of its satellites. Would a performance bond be another way to ensure the accuracy of the licensee's reliability estimate for post-mission disposal and to further discourage deployments that would potentially result in negative long-term impacts to the orbital environment? Should a potential bond requirement apply to both NGSO and GSO satellite licensees?

We also seek comment on some basic implementation issues that would be associated with a disposal bond requirement, such as the question of what constitutes a successful disposal. For NGSO systems, what factors would be considered in determining an appropriate upfront amount for the bond? To what extent would factors such as satellite mass, number of satellites, expected orbital lifetime of a failed satellite, or collision probability of a failed satellite over time be considered, and how would those factors be weighted? [11] Taking into consideration both the costs to licensees of a full or partially forfeited bond and the costs to future space operations associated with having failed satellites remain on orbit, what is a reasonable amount for a surety bond for an NGSO system? As one example, we seek comment on the following formula, where the forfeited amount would be based upon any undisposed objects remaining in orbit and undisposed at the conclusion of the license term, beyond those accounted for in the licensee's calculation of the probability of successful disposal. The amount of the bond would also take into consideration the mass of the objects and the number of years that an individual undisposed satellite would remain in orbit longer than 25 years, up to a maximum of 200 years per object. We seek comment on this approach generally, and welcome comment on any alternatives to the specifics of this proposal. For the actual forfeited bond calculation for NGSO licensees, the amount could be calculated as follows:

$$FA = ((M–EM) * ((Y–25) * (O–E.O.))$$

Where FA is the forfeited amount to be paid in dollars, M is the total undisposed mass in orbit in kilograms, EM is the expected undisposed mass in orbit in kilograms, and Y is the mean of the remaining years in orbit for any individual undisposed object, up to a maximum of 200 years per object, O is the total number of undisposed objects in orbit, and E.O. is the expected number of undisposed objects in orbit. The result would be rounded to the nearest $10,000. We observe that this formulation would result in a forfeited bond of zero for any space station or system deploying into an orbit in which, using conservative projections for solar activity, atmospheric drag will limit the spacecraft's time in orbit to 25 years or less. In this example, therefore, licensees of space stations fitting this description would not be required to post a surety bond. We seek comment. In addition, we seek comment on whether we should provide an exemption from the requirement to post a bond where the maximum forfeited bond under this formula or a different formulation would be less than a certain amount, for example, $10,000. We observe that the bond in this example would be most significant for those NGSO systems consisting of a large mass and which would have satellites remaining in orbit for a significant number of years beyond 25 years in the event of a failure. We also seek comment on whether we should incorporate the collision probability of the failed satellites over time, with a higher collision probability resulting in a higher forfeited bond.

Continuing with the example above, the initial surety bond for NGSO licensees could be calculated as follows:

$$BA = (TM)*((Y–25)(TO))$$

Where BA is the amount of the bond in dollars, TM = the total mass of the satellite system, Y = number of years that an individual satellite will remain in orbit if it fails in the deployment orbit, and TO = total number of objects in orbit. The bond amount (BA) could also be capped, for example, at a maximum of $100,000,000 for any system. We seek comment on this formula, including, whether certain variables should be modified to incorporate different factors such as individual satellite mass, as well as on the potential monetary amounts and whether those amounts are sufficient to provide an economic incentive for operators.

As a simpler alternative for NGSO systems, default could be based upon the failure to dispose according to the expected disposal reliability, or failure to dispose according to the expected disposal reliability taking into consideration satellite mass. Under this alternative, a licensee would post a bond of $10,000,000, for example, and forfeit the bond if the disposal did not satisfy the disposal reliability metric stated in the application. The amount of the initial bond could vary depending on factors such as mass, number of spacecraft, and number of years in orbit. What costs on both sides should be taken into account when determining a reasonable amount? Is, for example, $20,000 per satellite reasonable if the satellite is deployed to an orbit where it will remain for thousands of years? Should a bond be most significant for those NGSO systems consisting of a large mass and which would have satellites remaining in orbit for a significant number of years beyond 25 years in the event of a failure? We seek comment on these various alternatives, and on whether there is another approach that would incentivize NGSO operators to achieve high disposal reliability.

If a bond were applied to GSO licensees, a successful disposal could be based on disposal in accordance with § 25.283(a) of the Commission's rules within a certain period of time following the conclusion of operations, such as six months following the conclusion of operations. We seek comment on defining successful disposal for purposes of a GSO disposal bond. As one example, the bond could be forfeited based upon the length of time the space station was in orbit before it was determined that disposal could not be successfully completed. Under this approach, the longer the space station is maintained on-orbit before the attempted disposal or anomaly causing inability to dispose of the spacecraft, the higher the amount of the bond forfeited. We observe that the

[11] As one example, a surety bond could be calculated through a formula that takes into account the mean number of years on orbit for a potential failed satellite, the mean satellite mass, and the total number of satellites in the system. Such a formula could also take into account the collision probability of failed satellites over time.

longer that a GSO space station operates, generally the more susceptible that space station is to malfunction that could put successful disposal at risk. This example would take into consideration this observation, and the amount to be forfeited in the event of a failed disposal would be determined according to the following formula:

FA = $5,000,000*(Y)

Where FA is the amount to be paid in dollars, and Y is calculated as follows: If the satellite operates for less than 15 years then Y = 1; if the satellite operates between 15 and 20 years, then Y = 2; and if the satellite operates for more than 20 years, then Y = two plus the total number of operational years, minus 20. We seek comment.

As part of the above example, a GSO licensee could be required to post an initial surety bond, in the amount of, for example, $5,000,000. For each license extension thereafter, the GSO licensee would then increase the bond in an amount that would cover the additional five-year term, up to the maximum that would be forfeited if the satellite operates for that full five-year term.[12] In other words, if the operator seeks a five-year extension of the license, from 15 to 20 years, then the operator would increase the bond amount by an additional $5,000,000. We seek comment on this specific example, and on the concept of an increasing bond with successive license extensions. We also seek comment on the monetary amounts involved and whether those amounts, or alternative amounts would be sufficient to provide an economic incentive for operators. What are the factors that we should consider in setting a bond amount and structuring the bond for GSO licensees? Is there evidence to justify, for example, doubling the bond for extending a GSO satellite's license beyond 15 years or similarly, to support significant increases for each year beyond 20 years? As a simpler alternative, default could be based on whether or not the GSO licensee successfully disposed of the space station, with a single bond amount, $10,000,000 dollars, for example, due if the space station is not disposed of in accordance with the Commission's rules. We seek comments on these various alternatives, on the appropriate bond amount, and whether there is another approach that would incentivize GSO operators to achieve high disposal reliability.

We also seek comment on whether we should consider any other factors with respect to a failed disposal, such as failure to fully vent pressurized vessels, or failure to perform a targeted, controlled reentry into Earth's atmosphere. Additionally, we seek comment on the timing of a bond requirement, if one were to be adopted. For example, would it be reasonable to require licensees to post a surety bond related to post-mission disposal within 30 days following grant of their license? Or, would we require the operators to post a surety bond closer to the date of launch, for example, 90 days prior to launch? We further seek comment on how and when the Commission could make a determination that either the disposal was successful and the bond may be released or that the licensee would need to forfeit a certain amount. For example, should operators file a statement with the Commission specifying the details of the disposal, including those details relevant to determining whether the disposal was successful and to what extent?

Additionally, we seek comment on whether a bond should apply to grantees of U.S. market access. We observe that the post-mission disposal may be addressed in some instances by a different administration, and thus the post-mission disposal bond may overlap with existing requirements in this instance. If such a requirement did not apply to market access grantees, how would this impact U.S. operators? If such a requirement were to apply to both market access grantees and U.S.-licensed systems, how would this impact the availability of satellites services in the United States?

Under the NGSO example above referencing a specific formula, small-scale systems, including but not limited to those authorized under the experimental, amateur, or part 25 streamlined small satellite process are unlikely to need to post a bond, both because we would expect a typically small number of satellites in a particular system and because the deployment orbit for those types of missions often results in the spacecraft re-entering within 25 years as a result of atmospheric drag. We seek comment on whether we would still apply the bond to NGSO systems authorized under either an experimental or amateur authorization, and on whether a categorical exemption would be necessary for small systems licensed under part 25, such as under the NGSO streamlined small satellite process, since under certain formulations, those types of licensees would typically not be required to post a disposal bond as practical matter. Alternatively, if we adopt a simplified type of approach for NGSO systems that relies on the licensee meeting the disposal reliability metric indicated in the application, for example, we seek comment on the applicability of that alternative approach to experimental, amateur, or small-scale systems such as those that would be authorized through the part 25 streamlined small satellite process.

Finally, we seek comment on whether there are alternative approaches to a bond that should be considered, such as a corporate guarantee, and on the pros and cons of such alternative approaches.

Ordering Clauses

It is ordered, pursuant to sections 1, 4(i), 301, 303, 307, 308, 309, and 310 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 301, 303, 307, 308, 309, and 310, that this Further Notice of Proposed Rulemaking *is adopted*.

It is further ordered that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this Further Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

Initial Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Commission has prepared this present Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on a substantial number of small entities by the policies and rules proposed in this Further Notice of Proposed Rulemaking. Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines specified in the Notice for comments. The Commission will send a copy of this *FNPRM,* including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA). In addition, the *FNPRM* and IRFA (or summaries thereof) will be published in the **Federal Register**.

A. Need for, and Objectives of, the Proposed Rules

The *FNPRM* proposes several changes to 47 CFR parts 5, 25, and 97. Principally, it seeks comment on and proposes to:

(1) Include a metric in the Commission's rules regarding the probability of accidental explosions during and after the completion of satellite mission operations;

(2) Specify how the Commission will assess probability of collision with large

[12] Different increases in the bond amount for license extensions shorter than five years could also be considered.

objects and casualty risk on a system-wide basis;

(3) Adopt an applicant certification that NGSO space stations will have capability to perform collision avoidance maneuvers during any period when the space stations are located above 400 km in altitude;

(4) Adopt a requirement that space station licensees indemnify the United States against any costs associated with a claim brought under a provision of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, or the Convention on International Liability for Damage Caused by Space Objects related to the facilities that are the subject of the license; and

(5) Adopt a bond requirement for space station licensees under part 25 of the Commission rules, tied to successful disposal of the spacecraft following the end of the mission.

B. Legal Basis

The proposed action is authorized under sections 1, 4(i), 301, 303, 307, 308, and 309 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 301, 303, 307, 308, and 309.

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules May Apply

The RFA directs agencies to provide a description of, and, where feasible, an estimate of, the number of small entities that may be affected by adoption of proposed rules. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA). Below, we describe and estimate the number of small entity licensees that may be affected by adoption of the proposed rules.

Satellite Telecommunications and All Other Telecommunications

Satellite Telecommunications. This category comprises firms ''primarily engaged in providing telecommunications services to other establishments in the telecommunications and broadcasting industries by forwarding and receiving communications signals via a system of satellites or reselling satellite telecommunications.'' Satellite telecommunications service providers include satellite and earth station operators. The category has a small business size standard of $35 million or less in average annual receipts, under SBA rules. For this category, U.S. Census Bureau data for 2012 show that there were a total of 333 firms that operated for the entire year. Of this total, 299 firms had annual receipts of less than $25 million. Consequently, we estimate that the majority of satellite telecommunications providers are small entities.

All Other Telecommunications. The ''All Other Telecommunications'' category is comprised of establishments primarily engaged in providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation. This industry also includes establishments primarily engaged in providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to, and receiving telecommunications from, satellite systems. Establishments providing internet services or voice over internet protocol (VoIP) services via client-supplied telecommunications connections are also included in this industry. The SBA has developed a small business size standard for ''All Other Telecommunications'', which consists of all such firms with annual receipts of $35 million or less. For this category, U.S. Census Bureau data for 2012 show that there were 1,442 firms that operated for the entire year. Of those firms, a total of 1,400 had annual receipts less than $25 million and 15 firms had annual receipts of $25 million to $49, 999,999. Thus, the Commission estimates that the majority of ''All Other Telecommunications'' firms potentially affected by our action can be considered small. We estimate, however, that some space station applicants applying under part 25 of the Commission's rules would qualify as small entities affected by these rule changes. If the Commission were to apply the bond requirement to amateur and experimental space station licensees, then additional small entities would be affected by the rule changes.

D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

The proposed rules would contain a few additional application disclosures relevant to small entities, including certification of maneuverability and demonstration regarding probability of accidental explosions. With respect to the maneuverability certification, some applicants may need to consider modifications to their satellite design and operational plans to achieve the maneuverability certification.

We observe that most small entities do not launch and operate large satellite constellations and so we believe that proposals for operators to perform certain calculations in the aggregate are not likely to be burdensome. The rules proposed require a system-level assessment to be conducted in several areas for any systems consisting of more than one space station. Some small entities may apply for and operate multiple space stations, and thus this requirement would apply to some small entities as well. However, we believe conducting these assessments is not more significant than the type of technical analysis that an applicant will already be performing in preparing its application for Commission.

The bond requirement proposed in the *FNPRM* would require part 25 space station licensees to submit a demonstration to the Commission that they have posted a bond that meets the requirements specified in the Commission's rules. The space station licensee would then need to maintain the bond over the course of the license term, until the disposal of the spacecraft. The *FNPRM* seeks comment on methods to structure the bond requirement that may reduce costs, and on whether to exempt experimental, amateur, and other categories likely to be relevant to small entities.

E. Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

The RFA requires an agency to describe any significant, specifically small business, alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): ''(1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rules for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.''

The proposals in the *FNPRM* would further clarify the authorization process by specifying additional disclosures in the rules, thereby providing applicants, including small entities, with a more

complete view of the information that the Commission needs during a typical license or authorization process in order to adequately assess the applicant's orbital debris mitigation plan. The *FNPRM* also specifically seeks comment on the use of performance, rather than prescriptive, or design, standards in the context of the maneuverability certification.

We also seek comment on whether the impact of a maneuverability requirement on certain small satellite missions could be minimized, such as through a gradual phase-in of the requirement.

In addition to seeking comment regarding the structure of the bond, the *FNPRM* seeks comment on the appropriate monetary amount for the bond, which could affect the extent of the impact on small entities. Additionally, for NGSO licensees, the *FNPRM* seeks comment on whether default should be tied to a certain number of undisposed space stations or undisposed mass in orbit. The resolution of this question could affect the extent of the impact of default on small entities, which may in some instances have fewer NGSO space stations in orbit than large entities. The *FNPRM* seeks comment on some approaches that could eliminate a bond requirement altogether for most small entities.

F. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

None.

List of Subjects in 47 CFR Parts 5, 25, and 97

Reporting and recordkeeping requirements, Satellites.Federal Communications Commission.

Marlene Dortch,

Secretary.

Proposed Rules

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR parts 5, 25, and 97 as follows:

PART 5—EXPERIMENTAL RADIO SERVICE

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

Authority: 47 U.S.C. 154, 301, 302, 303, 307, 336.

■ 2. Amend § 5.64 by revising paragraphs (b)(3), (b)(4)(i) introductory text, (b)(4)(i)(A) and (D), (b)(7)(iv)(B)(*2*), and adding paragraph (c) to read as follows:

§ 5.64 Special provisions for satellite systems.

* * * * *

(b) * * *

(3) A statement that the space station operator has assessed and limited the probability, during and after completion of mission operations, of accidental explosions or of release of liquids that will persist in droplet form. This statement must include a demonstration that the integrated probability of debris-generating explosions for all credible failure modes of the space station (excluding small particle impacts) is less than 0.001 (1 in 1,000) during deployment and mission operations. Energy sources include chemical, pressure, and kinetic energy. This demonstration should address whether stored energy will be removed at the spacecraft's end of life, by depleting residual fuel and leaving all fuel line valves open, venting any pressurized system, leaving all batteries in a permanent discharge state, and removing any remaining source of stored energy, or through other equivalent procedures specifically disclosed in the application;

(4) * * *

(i) Where the application is for an NGSO space station or system, the following information must also be included:

(A) A demonstration that the space station operator has assessed and limited the probability of collision between any space station of the system and other large objects (10 cm or larger in diameter) during the total orbital lifetime of the space station, including any de-orbit phases, to less than 0.001 (1 in 1,000). The probability shall be calculated using the NASA Debris Assessment Software or a higher fidelity assessment tool. The collision risk may be assumed zero for a space station during any period in which the space station will be maneuvered effectively to avoid colliding with large objects. For systems consisting of multiple space stations, the statement must also include an assessment of the total probability of collision, calculated as the sum of the probability of collision associated with each individual space station. Where the total probability of collision exceeds 0.001 (1 in 1,000) assuming a 10% failure rate of any maneuvering capability at an orbit that presents the worst case for collision risk, the statement must include an additional demonstration of the expected failure rate of maneuverability, and the orbit where the operator would expect most failures to occur, and calculate the total probability of failure based on those assumptions.

* * * * *

(D) The statement must disclose the accuracy, if any, with which orbital parameters will be maintained, including apogee, perigee, inclination, and the right ascension of the ascending node(s). In the event that a system will not maintain orbital tolerances, *e.g.,* its propulsion system will not be used for orbital maintenance, that fact should be included in the debris mitigation disclosure. Such systems must also indicate the anticipated evolution over time of the orbit of the proposed satellite or satellites. All systems should describe the extent of satellite maneuverability, whether or not the space station design includes a propulsion system. For space stations deployed into the portion of the low-Earth orbit region above 400 km, the operator must certify that the space stations will be designed with the maneuvering capabilities sufficient to perform effective collision avoidance throughout the period when the space stations are above 400 km.

* * * * *

(7) * * *

(iv) * * *

(B) * * *

(*2*) An assessment as to whether portions of any individual spacecraft will survive atmospheric re-entry and impact the surface of the Earth with a kinetic energy in excess of 15 joules, and demonstration that the calculated casualty risk for an individual spacecraft using the NASA Debris Assessment Software or a higher fidelity assessment tool is less than 0.0001 (1 in 10,000). For systems consisting of multiple space stations, the statement must also include an assessment of the total casualty risk associated with the system, calculated as the sum of the casualty risk associated with each individual space station. If this total casualty risk exceeds 0.0001 (1 in 10,000), the statement must also include a description of strategies considered to reduce collision risk, such as designing the satellites with materials more likely to demise upon reentry and/or targeted re-entry, and the extent to which those strategies were incorporated into the mission profile.

(c) Applicants must submit a signed statement stating that upon issuance of a license by the Commission, the licensee will be responsible for indemnifying the United States against any costs associated with a claim brought under a provision of the Treaty on Principles Governing the Activities of States in the Exploration and Use of

Outer Space, including the Moon and Other Celestial Bodies or Convention on International Liability for Damage Caused by Space Objects related to the facilities that are the subject of the license.

PART 25—SATELLITE COMMUNICATIONS

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

Authority: 47 U.S.C. 154, 301, 302, 303, 307, 309, 310, 319, 332, 605, and 721, unless otherwise noted.

■ 4. Amend § 25.114 by revising paragraphs (d)(14)(iii), (d)(14)(iv)(A)(*1*) and (*4*), (d)(14)(vii)(D)(*2*)(*ii*),and (d)(14)(viii), and adding (d)(14)(ix) to read as follows:

§ 25.114 Applications for space station authorizations.

* * * * *

(d) * * *

(14) * * *

(iii) A statement that the space station operator has assessed and limited the probability, during and after completion of mission operations, of accidental explosions or of release of liquids that will persist in droplet form. This statement must include a demonstration that the integrated probability of debris-generating explosions for all credible failure modes of the space station (excluding small particle impacts) is less than 0.001 (1 in 1,000) during deployment and mission operations. Energy sources include chemical, pressure, and kinetic energy. This demonstration should address whether stored energy will be removed at the spacecraft's end of life, by depleting residual fuel and leaving all fuel line valves open, venting any pressurized system, leaving all batteries in a permanent discharge state, and removing any remaining source of stored energy, or through other equivalent procedures specifically disclosed in the application;

(iv) * * *

(A) Where the application is for an NGSO space station or system, the following information must also be included:

(*1*) A demonstration that the space station operator has assessed and limited the probability of collision between any space station of the system and other large objects (10 cm or larger in diameter) during the total orbital lifetime of the space station, including any de-orbit phases, to less than 0.001 (1 in 1,000). The probability shall be calculated using the NASA Debris Assessment Software or a higher fidelity assessment tool. The collision risk may be assumed zero for a space station during any period in which the space station will be maneuvered effectively to avoid colliding with large objects. For systems consisting of multiple space stations, the statement must also include an assessment of the total probability of collision, calculated as the sum of the probability of collision associated with each individual space station. The total estimated number of space stations deployed over a 15-year period, including any replacement space stations, must be used for this calculation. Where the total probability of collision exceeds 0.001 (1 in 1,000) assuming a 10% failure rate of any maneuvering capability at an orbit that presents the worst case for collision risk, the statement must include an additional demonstration of the expected failure rate of maneuverability, and the orbit where the operator would expect most failures to occur, and calculate the total probability of failure based on those assumptions.

* * * * *

(*4*) The statement must disclose the accuracy, if any, with which orbital parameters will be maintained, including apogee, perigee, inclination, and the right ascension of the ascending node(s). In the event that a system will not maintain orbital tolerances, *e.g.,* its propulsion system will not be used for orbital maintenance, that fact should be included in the debris mitigation disclosure. Such systems must also indicate the anticipated evolution over time of the orbit of the proposed satellite or satellites. All systems should describe the extent of satellite maneuverability, whether or not the space station design includes a propulsion system. For space stations deployed into the portion of the low-Earth orbit region above 400 km, the operator must certify that the space stations will be designed with the maneuvering capabilities sufficient to perform effective collision avoidance throughout the period when the space stations are above 400 km.

* * * * *

(vii) * * *

(D) * * *

(*2*) * * *

(*ii*) An assessment as to whether portions of any individual spacecraft will survive atmospheric re-entry and impact the surface of the Earth with a kinetic energy in excess of 15 joules, and demonstration that the calculated casualty risk for an individual spacecraft using the NASA Debris Assessment Software or a higher fidelity assessment tool is less than 0.0001 (1 in 10,000). For systems consisting of multiple space stations, the statement must also include an assessment of the total casualty risk associated with the system, calculated as the sum of the casualty risk associated with each individual space station. The total estimated number of space stations deployed over a 15-year period, including any replacement space stations, must be used for this calculation. For applications for either a single space station or multiple space stations, where portions of any individual spacecraft will survive atmospheric re-entry and impact the surface of the Earth with a kinetic energy in excess of 15 joules, the statement must also include a description of strategies considered to reduce casualty risk, such as use of materials designed to demise upon reentry and/or targeted re-entry, and the extent to which those strategies were incorporated into the mission profile.

(viii) Applicants must submit a signed statement stating that the licensee will be responsible for indemnifying the United States against any costs associated with a claim brought under a provision of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies or Convention on International Liability for Damage Caused by Space Objects related to the facilities that are the subject of the license.

(ix) For non-U.S.-licensed space stations, the requirement to describe the design and operational strategies to minimize orbital debris risk can be satisfied either by submitting the information required of U.S.-licensed space stations, or by demonstrating that debris mitigation plans for the space station(s) for which U.S. market access is requested are subject to direct and effective regulatory oversight by the national licensing authority.

* * * * *

■ 5. Add § 25.166 under the center heading ''*Forfeiture, Termination, and Reinstatement of Station Authorization*'' to read as follows:

§ 25.166 Surety bonds for successful post-mission disposal.

(a) For all space stations licenses issued after [DATE], the licensee must post a surety bond specific to successful post-mission disposal within 30 days of the grant of its license. Failure to post a bond will render the license null and void automatically.

(1) An NGSO licensee:

(i) Must have on file a surety bond requiring payment in the event of default as defined in paragraph (a)(1)(ii) of this section, determined according to

the following formula: BA = (TM)*((Y–25)(TO)). BA is the amount of the bond in dollars, TM is the total mass of the satellite system, Y is the number of years that an individual satellite will remain in orbit if it fails in the deployment orbit, and TO is the total number of objects in orbit. The bond amount (BA) would be capped at a maximum of $100,000,000 for any system.

(ii) Will be considered in default if any undisposed objects remain in orbit and undisposed at the conclusion of the license term, beyond those accounted for in the licensee's calculation of the probability of successful disposal. In the case of default, the NGSO licensee will be responsible for the amount determined according to the following formula, and rounded to the nearest $10,000. FA = (M–EM) * ((Y–25)*(O–EO)). FA is the amount to be paid in dollars, M is the total undisposed mass in orbit in kilograms, EM is the expected undisposed mass in orbit in kilograms, Y is the mean of the remaining years in orbit for any individual undisposed object, up to a maximum of 200 years per object, and O is the total number of undisposed objects in orbit, and EO is the expected number of undisposed objects in orbit.

(2) A GSO licensee:

(i) Must have on file a surety bond requiring payment in the event of default as defined in paragraph (a)(2)(ii) of this section in the amount of $5,000,000. If the licensee is granted a modification to extend the length of its license by up to five years, the surety bond on file must be increased by $5,000,000, and by an additional $5,000,000 for a subsequent extension of up to five years. For any additional years of license extension authorized by the Commission, the surety bond on file must be increased to an amount that would satisfy the formula in paragraph (a)(2)(ii) of this section.

(ii) Will be considered in default if the licensed space station is not disposed of in accordance with the statement specified in §§ 25.114(d)(14)(iv) and 25.283 within 6 months following conclusion of operations. In the case of default, the NGSO licensee will be responsible for the amount determined according to the following formula: FA = $5,000,000*(Y), where FA is the amount to be paid in dollars, and Y is calculated as follows: If the satellite operates for less than 15 years then Y = 1; if the satellite operates between 15 and 20 years, then Y = 2; and if the satellite operates for more than 20 years, then Y = two plus the total number of operational years, minus 20.

(b) The licensee must use a surety company deemed acceptable within the meaning of 31 U.S.C. 9304 *et seq.* (See, *e.g.,* Department of Treasury Fiscal Service, Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and As Acceptable Reinsurance Companies, 57 FR 29356, July 1, 1992.) The bond must name the U.S. Treasury as beneficiary in the event of the licensee's default. The licensee must provide the Commission with a copy of the performance bond, including all details and conditions.

PART 97—AMATEUR RADIO SERVICE

■ 6. The authority citation for part 97 continues to read as follows:

Authority: 47 U.S.C. 151–155, 301–609, unless otherwise noted.

■ 7. Amend § 97.207 by revising paragraphs (g)(1)(iii) introductory text, (g)(1)(iv)(A)(*1*) and (*4*), (g)(1)(vii)(D)(*2*)*(ii)* and adding paragraph (h), to read as follows:

§ 97.207 Space station.

* * * * *

(g) * * *

(1) * * *

(iii) A statement that the space station operator has assessed and limited the probability, during and after completion of mission operations, of accidental explosions or of release of liquids that will persist in droplet form. This statement must include a demonstration that the integrated probability of debris-generating explosions for all credible failure modes of the space station (excluding small particle impacts) is less than 0.001 (1 in 1,000) during deployment and mission operations. Energy sources include chemical, pressure, and kinetic energy. This demonstration should address whether stored energy will be removed at the spacecraft's end of life, by depleting residual fuel and leaving all fuel line valves open, venting any pressurized system, leaving all batteries in a permanent discharge state, and removing any remaining source of stored energy, or through other equivalent procedures specifically disclosed in the application;

(iv) * * *

(A) * * *

(*1*) A demonstration that the space station operator has assessed and limited the probability of collision between any space station of the system and other large objects (10 cm or larger in diameter) during the total orbital lifetime of the space station, including any de-orbit phases, to less than 0.001 (1 in 1,000). The probability shall be calculated using the NASA Debris Assessment Software or a higher fidelity assessment tool. The collision risk may be assumed zero for a space station during any period in which the space station will be maneuvered effectively to avoid colliding with large objects. For systems consisting of multiple space stations, the statement must also include an assessment of the total probability of collision, calculated as the sum of the probability of collision associated with each individual space station. Where the total probability of collision exceeds 0.001 (1 in 1,000) assuming a 10% failure rate of any maneuvering capability at an orbit that presents the worst case for collision risk, the statement must include an additional demonstration of the expected failure rate of maneuverability, and the orbit where the operator would expect most failures to occur, and calculate the total probability of failure based on those assumptions.

* * * * *

(*4*) The statement must disclose the accuracy, if any, with which orbital parameters will be maintained, including apogee, perigee, inclination, and the right ascension of the ascending node(s). In the event that a system is not be maintained to specific orbital tolerances, *e.g.,* its propulsion system will not be used for orbital maintenance, that fact should be included in the debris mitigation disclosure. Such systems must also indicate the anticipated evolution over time of the orbit of the proposed satellite or satellites. All systems should describe the extent of satellite maneuverability, whether or not the space station design includes a propulsion system. For space stations deployed into the portion of the low-Earth orbit region above 400 km, the operator must certify that the space stations will be designed with the maneuvering capabilities sufficient to perform effective collision avoidance throughout the period when the space stations are above 400 km.

* * * * *

(vii) * * *

(D) * * *

(2) * * *

(*ii*) An assessment as to whether portions of any individual spacecraft will survive atmospheric re-entry and impact the surface of the Earth with a kinetic energy in excess of 15 joules, and demonstration that the calculated casualty risk for an individual spacecraft using the NASA Debris Assessment Software or a higher fidelity assessment tool is less than 0.0001 (1 in 10,000). For systems consisting of multiple space stations, the statement must also include an assessment of the

total casualty risk associated with the system, calculated as the sum of the casualty risk associated with each individual space station. For applications for either a single space station or multiple space stations, where portions of any individual spacecraft will survive atmospheric re-entry and impact the surface of the Earth with a kinetic energy in excess of 15 joules, the statement must also include a description of strategies considered to reduce casualty risk, such as use of materials designed to demise upon reentry and/or targeted re-entry, and the extent to which those strategies were incorporated into the mission profile.

(h) At least 90 days prior to the planned launch of the space station, the licensee grantee or owner of each space station must submit a signed statement stating that upon issuance of a license by the Commission, the license grantee or owner will be responsible for indemnifying the United States against any costs associated with a claim brought under a provision of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies or Convention on International Liability for Damage Caused by Space Objects related to the facilities that are the subject of the license.

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