

**§ 429.126 Administrative law judge hearing and appeal.**

(a) Pursuant to § 429.124, DOE shall refer a civil penalty action brought under § 429.122 to an Administrative law judge (ALJ), who shall afford the respondent an opportunity for an agency hearing on the record in accordance with the procedures of subpart D of this part.

(b) After consideration of all matters of record in the proceeding, the ALJ will issue a recommended decision and, if appropriate, recommend a civil penalty. The decision will include a statement of the findings and conclusions, and the reasons therefore, on all material issues of fact, law, and discretion.

(c)(1) The General Counsel (or delegatee) shall adopt, modify, or set aside the conclusions of law or discretion contained in the ALJ's recommended decision and shall issue a final order, which may assess a civil penalty. The General Counsel (or delegatee) shall include in the final order the ALJ's findings of fact and the reasons for the final agency actions.

(2) Any person against whom a penalty is assessed under this section may, within 60 calendar days after the date of the final order assessing such penalty, institute an action in the United States Court of Appeals for the appropriate judicial circuit for judicial review of such order in accordance with chapter 7 of title 5, United States Code. The court shall have jurisdiction to enter a judgment affirming, modifying, or setting aside in whole or in part, the final order, or the court may remand the proceeding to the Department for such further action as the court may direct.

■ 19. Section 429.128 is revised to read as follows:

**§ 429.128 Immediate issuance of order assessing civil penalty.**

(a) A respondent may elect within 30 calendar days of issuance of a notice of proposed civil penalty for DOE to issue an order assessing the civil penalty. In such case, the General Counsel (or delegatee) shall issue an order assessing the civil penalty proposed in the notice of proposed penalty under § 429.122, not sooner than 60 calendar days after the respondent's receipt of the notice of proposed penalty.

(b) If within 60 calendar days of receiving the assessment order in paragraph (a) of this section the respondent does not pay the civil penalty amount, DOE shall institute an action in the appropriate United States District Court for an order affirming the assessment of the civil penalty. The court shall have authority to review de novo the law and the facts involved and

shall have jurisdiction to enter a judgment enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part, such assessment.

■ 20. Section 429.132 is amended by adding paragraph (e) to read as follows:

**§ 429.132 Compromise and settlement.**

\* \* \* \* \*

(e) If a settlement is agreed to by the parties, a compromise agreement setting forth the terms of the agreement shall be signed by the respondent and DOE, and the General Counsel (or delegatee) shall set forth a final order adopting the compromise agreement and assessing any civil penalty. The case shall be closed in accordance with the terms of the settlement.

**Appendix A to Subpart C of Part 429 [Amended]**

■ 21. Appendix A to subpart C of part 429, paragraph (a), is amended by removing the reference “§ 429.57(e)(1)(i)” and adding in its place, “§ 429.111”.

**Appendix B to Subpart C of Part 429 [Amended]**

■ 22. Appendix B to subpart C of part 429, paragraph (a), is amended by removing the reference “§ 429.57(e)(1)(ii)” and adding in its place, “§ 429.111”.

**PART 431—ENERGY EFFICIENCY PROGRAM FOR CERTAIN COMMERCIAL AND INDUSTRIAL EQUIPMENT**

■ 23. The authority citation for part 431 continues to read as follows:

**Authority:** 42 U.S.C. 6291–6317; 28 U.S.C. 2461 note.

■ 24. Appendix A to subpart U of part 431 is redesignated as appendix E to subpart C of part 429.

■ 25. Revise the heading to newly redesignated appendix E to subpart C of part 429 to read as follows:

**Appendix E to Subpart C of Part 429—Sampling Plan for Enforcement Testing of Electric Motors and Small Electric Motors**

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**Subpart U—[Removed and Reserved]**

■ 26. Remove and reserve subpart U of part 431, consisting of §§ 431.381 through 431.387.

[FR Doc. 2020–16690 Filed 8–28–20; 8:45 am]

**BILLING CODE 6450–01–P**

**DEPARTMENT OF ENERGY****10 CFR Part 430**

[EERE–2020–BT–TP–0002]

RIN 1904–AE85

**Energy Conservation Program: Test Procedures for Showerheads**

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

**ACTION:** Notification of public meeting (webinar) and extension of comment period.

**SUMMARY:** On August 13, 2020, the U.S. Department of Energy (“DOE”) published in the **Federal Register** a notice of proposed rulemaking (“NOPR”) regarding proposals to amend the test procedures for showerheads and to request comment on the proposals. That NOPR also announced a webinar but did not announce a webinar date. DOE is announcing that the webinar will be held on September 3, 2020, from 12 p.m. to 4 p.m. Additionally, on August 18, 2020, DOE received a request from Plumbing Manufacturers International (PMI) to extend the comment period for the NOPR by 30 days. DOE is announcing the comment period is extended to September 30, 2020.

**DATES:** *Meeting:* DOE will hold a webinar on Thursday, September 3, 2020, from 12 p.m. to 4 p.m. See the “Public Participation” section of this notice for webinar registration information, participant instructions, and information about the capabilities available to webinar participants. The comment period for this NOPR published on August 13, 2020 (85 FR 49284) is extended to September 30, 2020.

**ADDRESSES:** *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 <http://www.regulations.gov/docket?D=EERE-2020-BT-TP-0002> and [https://www1.eere.energy.gov/buildings/appliance\\_standards/standards.aspx?productid=2&action=viewlive](https://www1.eere.energy.gov/buildings/appliance_standards/standards.aspx?productid=2&action=viewlive). The docket web page contains simple instructions on how to access all

documents, including public comments, in the docket.

**FOR FURTHER INFORMATION CONTACT:** Mr. John Cymbalsky, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE-2], 1000 Independence Avenue SW, Washington, DC 20585-0121. Telephone: (202) 287-1692. Email: [ApplianceStandardsQuestions@ee.doe.gov](mailto:ApplianceStandardsQuestions@ee.doe.gov).

Ms. Elizabeth Kohl, U.S. Department of Energy, Office of the General Counsel, GC-33, 1000 Independence Avenue SW, Washington, DC 20585-0121. Telephone: (202) 586-7796. Email: [Elizabeth.Kohl@hq.doe.gov](mailto:Elizabeth.Kohl@hq.doe.gov).

For further information on how to submit a comment, review other public comments and the docket, or participate in the webinar, contact the Appliance and Equipment Standards Program staff at (202) 287-1445 or by email: [ApplianceStandardsQuestions@ee.doe.gov](mailto:ApplianceStandardsQuestions@ee.doe.gov).

**SUPPLEMENTARY INFORMATION:** On August 13, 2020, DOE published in the **Federal Register** a NOPR and request for comment regarding proposals to amend the test procedures for showerheads, specifically proposals to amend the definition of a showerhead consistent with the most recent standard developed by the American Society of Mechanical Engineers in 2018. 85 FR 49284 (August 2020 NOPR). The August 2020 NOPR also announced a webinar but did not announce a webinar date.

This notice announces that DOE will hold a webinar to discuss the proposed amendments to the showerheads test procedures on Thursday, September 3, 2020. Additionally, on August 18, 2020, DOE received a request from PMI to extend the comment period for the NOPR by 30 days (<http://www.regulations.gov/docket?D=EERE-2020-BT-TP-0002-0011>). DOE announces that it is extending the comment period until September 30, 2020.

#### Public Participation

See section IV, "Public Participation," of the August 2020 NOPR for additional information on submitting written comments. *Id.* at 85 FR 49295.

#### A. Participation in the Public Meeting (Webinar)

The time and date of the webinar are listed in the **DATES** section at the beginning of this document. Webinar registration information, participant instructions, and information about the capabilities available to webinar participants will be published on DOE's

website: [https://www1.eere.energy.gov/buildings/appliance\\_standards/standards.aspx?productid=2&action=viewlive](https://www1.eere.energy.gov/buildings/appliance_standards/standards.aspx?productid=2&action=viewlive). If you plan to attend the webinar, please notify the Appliance and Equipment Standards Program staff at (202) 287-1445 or by email: [Appliance\\_Standards\\_Public\\_Meetings@ee.doe.gov](mailto:Appliance_Standards_Public_Meetings@ee.doe.gov).

Please note that foreign nationals participating in the public meeting are subject to advance security screening procedures which require advance notice prior to attendance at the public meeting. If a foreign national wishes to participate in the public meeting, please inform DOE of this fact as soon as possible by contacting Ms. Regina Washington at (202) 586-1214 or by email: [Regina.Washington@ee.doe.gov](mailto:Regina.Washington@ee.doe.gov) so that the necessary procedures can be completed.

#### B. Procedure for Submitting Prepared General Statements for Distribution

Any person who has plans to present a prepared general statement may request that copies of his or her statement be made available at the public meeting. Such persons may submit requests, along with an advance electronic copy of their statement in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format, by email to: [Appliance\\_Standards\\_Public\\_Meetings@ee.doe.gov](mailto:Appliance_Standards_Public_Meetings@ee.doe.gov). The request and advance copy of statements must be received at least one week before the public meeting via email. Please include a telephone number to enable DOE staff to make a follow-up contact, if needed.

A transcript of the public meeting will be included in the docket, which can be viewed as described in the Docket section at the beginning of this document. In addition, any person may buy a copy of the transcript from the transcribing reporter.

#### Signing Authority

This document of the Department of Energy was signed on August 25, 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 25, 2020.

**Treena V. Garrett,**

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

[FR Doc. 2020-19015 Filed 8-28-20; 8:45 am]

**BILLING CODE 6450-01-P**

## NATIONAL CREDIT UNION ADMINISTRATION

### 12 CFR Part 701

#### RIN 3133-AF24

#### Fees Paid by Federal Credit Unions

**AGENCY:** National Credit Union Administration (NCUA).

**ACTION:** Proposed rule.

**SUMMARY:** The NCUA Board (Board) proposes to amend its regulation governing assessment of an annual operating fee to federal credit unions (FCUs). First, for purposes of calculating the annual operating fee, the proposed rule would amend the current rule to exclude from total assets any loan an FCU reports under the Small Business Administration's Paycheck Protection Program (PPP) or similar future programs approved for exclusion by the NCUA Board. Second, the proposed rule would delete from the current regulation references to the Credit Union System Investment Program and the Credit Union Homeowners Affordability Relief Program, both of which no longer exist. Third, the proposed rule would amend the period used for the calculation of an FCU's total assets. Currently, total assets are calculated using the FCU's December 31st Call Report of the preceding year. Under the proposed rule, total assets would be calculated as the average total assets reported on the FCU's previous four Call Reports available at the time the NCUA Board approves the agency's budget for the upcoming year, adjusted for any excludable programs as determined by the Board. Finally, the proposed rule also would make some minor technical changes.

The Board has separately published a document and requested public comment about the methodologies it uses for computing the Overhead Transfer Rate and setting the annual operating fee schedule for fees charged to FCUs. Members of the public are encouraged to comment about these methodologies by responding to the appropriate **Federal Register** document.