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DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 1

[Docket No. USDA–2020–0006]

RIN 0503–AA64

Review and Issuance of Agency Guidance Documents

AGENCY: Office of the Secretary, USDA.

ACTION: Final rule; technical amendment.

SUMMARY: In a final rule published in the **Federal Register** on June 3, 2020, and effective on July 6, 2020, we amended the U.S. Department of Agriculture's administrative regulations by adding procedural regulations for the review and issuance of agency guidance documents as mandated by Executive Order. The final rule contained an incorrect email address and a provision that is inconsistent with the Executive Order and other provisions of the final rule. This document addresses those issues.

DATES: September 8, 2020.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen O'Neill, Office of Budget and Program Analysis, USDA, 1400 Independence Avenue SW, Washington, DC 20250–1400, (202) 720–0038.

SUPPLEMENTARY INFORMATION: In a final rule that was published in the **Federal Register** on June 3, 2020 (85 FR 34085–34087, Docket No. USDA–2020–0006), and effective on July 6, 2020, we amended the U.S. Department of Agriculture's (USDA's) administrative regulations by adding procedural regulations for the review and issuance of agency guidance documents as mandated by Executive Order (E.O.) 13891. These regulations were added to the USDA regulations in title 7, part 1, as a new subpart Q, Review and Issuance of Agency Guidance Documents (§§ 1.900 through 1.911).

In the final rule, § 1.904(c) referred to the proposing agency or USDA's Office of Budget and Program Analysis as making significance determinations for guidance documents, when in actuality, E.O. 13891 provides that it is the Office of Management and Budget that makes those determinations (a fact reflected in § 1.905). Accordingly, we are amending § 1.904(c) to bring it into alignment with the executive order and the rest of the regulations.

In addition, § 1.907 provided an incorrect email address for contacting USDA regarding guidance documents. We are correcting that error as well.

List of Subjects in 7 CFR Part 1

Administrative practice and procedure, Antitrust, Claims, Cooperatives, Courts, Equal access to justice, Fraud, Freedom of information, Government employees, Indemnity payments, Lawyers, Motion pictures, Penalties, Privacy.

Accordingly, we are amending 7 CFR part 1, subpart Q, as follows:

PART 1—ADMINISTRATIVE REGULATIONS

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

Authority: 5 U.S.C. 301, unless otherwise noted.

§ 1.904 [Amended]

■ 2. In § 1.904, paragraph (c) is amended by removing the words ''the proposing agency or OBPA'' and adding the word ''OMB'' in their place.

§ 1.907 [Amended]

■ 3. Section 1.907 is amended by removing the address ''*guidance.inquiries@usda.gov*'' and adding the address ''*OBPA-GuidanceInquiries@usda.gov*'' in its place.

Stephen L. Censky,

Deputy Secretary, U.S. Department of Agriculture.

[FR Doc. 2020–17652 Filed 9–4–20; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 905

[Doc. No. AMS–SC–19–0008; SC19–905–1 FR]

Oranges, Grapefruit, Tangerines, and Pummelos Grown in Florida; Establishment of Reporting Requirements and New Information Collection

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule implements a recommendation from the Citrus Administrative Committee (Committee) to establish reporting requirements under the Federal marketing order for oranges, grapefruit, tangerines, and pummelos grown in Florida. This action requires Florida citrus handlers who handle citrus grown within the production area to register with the Committee.

DATES: Effective October 8, 2020.

FOR FURTHER INFORMATION CONTACT: Jennie M. Varela, Marketing Specialist, or Christian D. Nissen, Regional Director, Southeast Marketing Field Office, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA; Telephone: (863) 324–3375, Fax: (863) 291–8614, or Email: *Jennie.Varela@usda.gov* or *Christian.Nissen@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, amends regulations issued to carry out a marketing order as defined in 7 CFR 900.2(j). This rule is issued under Marketing Order No. 905, as amended (7 CFR part 905), regulating the handling of oranges, grapefruit, tangerines, and pummelos grown in Florida. Part 905 (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 Committee locally administers the Order and is comprised of producers and handlers of citrus operating within the production area, and a public member.

The Department of Agriculture (USDA) is issuing this 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 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 rule has been reviewed under Executive Order 12988, Civil Justice Reform. This 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 a marketing order may file with USDA a petition stating that the marketing order, any provision of the marketing order, or any obligation imposed in connection with the marketing order, is not in accordance with law and request a modification of the marketing 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 rule establishes handler reporting requirements under the Order. This action requires Florida citrus handers to register annually with the Committee. This will allow the Committee to verify citrus handler information and assist with the administration of the Order, including compliance. These changes were unanimously recommended by the Committee at a public meeting on November 14, 2019.

Section 905.7 provides the authority to require handlers to be registered with the Committee pursuant to rules recommended by the Committee and approved by the Secretary. This action uses this authority to establish a new § 905.107 in the administrative provisions of the Order, which requires Florida citrus handlers to register with the Committee at the beginning of each fiscal year and establishes the requirements for registration. It also requires that handlers be registered and obtain the Committee's certification as a registered handler to ship any citrus outside the production area.

A final rule published in the **Federal Register** on March 1, 2016, (81 FR 10451) amended the Order to, in part, provide the authority to the Committee to require handlers to register with the Committee. Based on the formal rulemaking hearing record, the Committee recommended this action to provide an accurate and timely record of handlers for the purposes of fostering more efficient communication with handlers and strengthening the compliance provisions of the Order. The addition of this authority, along with the other amendments included in the 2016 amendatory action, were supported by 96 percent of the growers voting and by 99 percent of the volume voted in the amendatory grower referendum.

The Committee met on November 14, 2019, and discussed establishing a requirement for handlers to register with the Committee. The issue had been raised over the course of previous meetings and Committee members recognized the need to maintain an accurate list of handlers in operation for the purposes of administering the Order and communicating with the industry. The Committee believes requiring handlers to register with the Committee at the beginning of each fiscal period will provide current and accurate handler information, improve communication between the Committee and the handlers, and assist with administering the Order, including compliance.

Currently, the Committee depends on third-party handler data from the Florida Department of Agriculture and Consumer Services (FDACS). FDACS licenses handlers pursuant to a State program and carries out the inspections required by the Order. The Committee contracts with FDACS annually to provide handler data and shipment information used to calculate handler assessments. However, given the continuing changes in the industry, and the timing of when this information is collected by FDACS, it is not always current and accurate.

During the above-mentioned Committee meetings, participants discussed that consolidation and other changes within the Florida citrus handler community have made it difficult for the Committee to maintain accurate information. Implementing the handler registration in the Order will assist the Committee in its administration of the Order by updating handler contact information each fiscal period.

In recent years, citrus greening has significantly reduced Florida's fresh citrus production. For fiscal year 2012–2013, Committee data indicate fresh citrus production totaled 5.9 million boxes and was being handled by 45 handler businesses. By fiscal year 2018–2019, fresh citrus production dropped to 4.5 million boxes handled by approximately 20 handlers. These numbers obtained from the Committee represent a 24-percent decline in fresh production and a 60-percent decline in the number of handlers over a 5-year period.

Due to the rapid consolidation and changing resources within the fresh citrus industry, the Committee is concerned that FDACS may, at some point, stop collecting and providing handler information. Implementing a handler registration requirement will serve as an efficient means to obtain accurate and timely handler data and assist the Committee in administering the Order by relying on its own information and resources.

In accordance with the registered handler requirements, handlers will need to apply for registration with the Committee prior to beginning of each fiscal year on forms provided by the Committee. The application requires handler information, including: The address for each packing facility; contact information (including telephone and email if available); and handler business classification as an individual, partnership, corporation or cooperative. Handlers will submit this form to the Committee no later than August 1 of each fiscal period.

To meet the requirements to become a registered handler, the handler's facilities need to be in the production area in permanent, nonportable buildings with nonportable equipment for grading, sizing, washing and packing Florida-grown citrus. Additionally, each handler will be annually inspected by the Committee staff or its authorized agents to verify compliance with these requirements. The Committee indicated all current handlers already meet these criteria. Committee staff will also verify that all assessments, reporting, and any other Order requirements have been met by the handler prior to approval of the application. If the applicant meets all of the above criteria, the applicant will be

certified as a registered handler and be notified in writing by email or mail.

The Committee also agreed that the registered handler requirement will assist with administering compliance under the Order, including encouraging the timely payment of assessments. While the Committee and industry are not currently experiencing major compliance issues, given the ongoing changes to the industry and resource allocation, the Committee believes unforeseen compliance issues may arise. The handler registration requirement will serve as a preemptive measure for compliance and enforcement.

With this change, the Committee will be able to cancel or deny a handler's registration certification, for good cause, with approval of the Secretary. Should a handler fail to pay assessments within 90 days of the date of invoice, fail to provide required reports, or no longer have adequate facilities, the Committee will have the authority to cancel a registered handler's certification with the approval of the Secretary. Under the Committee's compliance plan, Committee staff currently refers cases of nonpayment of assessments to USDA for possible enforcement action at 60 days after the invoice is issued. The Committee determined that allowing an additional 30 days before cancellation of registration will afford handlers sufficient notice and opportunity to comply with the assessment requirements. The enforcement process for failure to submit required reports is similar.

Should a handler ship fruit without inspection, the handler's certification will be cancelled for a minimum of two weeks. In this type of situation where there is no opportunity to correct the violation, the Committee determined that a brief cancellation of certification was the most appropriate penalty. Handlers could remain in business but will not be able to ship regulated citrus out of State. The time period of cancellation could be extended, up to the maximum of the remainder of the shipping season, with the approval of the Secretary, if the violation is more serious or repetitive.

If a handler's certification is cancelled, the Committee will notify the handler in writing outlining the effective date and the reason(s) for the cancellation. If the handler corrects the deficiencies that resulted in cancellation, and notifies the Committee in writing of the correction, the Committee will recertify the handler after verification of compliance. If the handler opts to appeal the cancellation, the handler may do so by appealing to the Secretary.

If a handler is not certified as a registered handler, inspection certificates issued for lots handled by that handler will include a statement to that effect. The inspection certificate for all such lots will read ''Fails to meet the requirements of Marketing Order 905 because the handler is not a registered handler.'' These failing certificates will be issued, regardless of the grade, size or container of the citrus inspected. The Committee will keep FDACS apprised of each handler's certification status.

The FDACS Office of Agricultural Law Enforcement releases citrus shipments for interstate commerce only if the inspection certificates indicate the shipments meet the Order's requirements. Thus, handlers not certified as a registered handler by the Committee will not be able to ship regulated citrus outside of the regulated area. This should serve as a strong tool to encourage compliance with the Order requirements, helping the industry to avoid potential compliance issues moving forward, or to address compliance issues without having to move to other enforcement actions.

Any handler who is denied a registered handler certificate or has a registered handler certificate cancelled will be able to appeal to the Secretary for consideration. An appeal must be submitted in writing to the Secretary within 90 days of the denial. After the appeal request is reviewed and considered by the Secretary, the handler will be notified of the Secretary's decision in writing.

This action requires that all Florida citrus handlers register with the Committee annually. Establishing this handler registration requirement will help facilitate operations under the Order and assist with compliance, including ensuring that product is correctly inspected, and assessments are paid in a timely manner.

Final Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this final 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 the rules issued thereunder, are unique in that they are brought through group action of essentially small entities acting on their own behalf.

There are approximately 20 handlers of Florida citrus who are subject to regulation under the Order and approximately 500 citrus producers in the regulated area. Small agricultural service firms are defined by the Small Business Administration (SBA) as those having annual receipts of less than $30,000,000, and small agricultural producers are defined as those having annual receipts of less than $1,000,000 (13 CFR 121.201).

According to data from the National Agricultural Statistics Service (NASS), the industry, and the Committee, the weighted average free on board price for fresh Florida citrus for the 2018–19 season was approximately $16.69 per carton with total shipments of around 9 million cartons. Using the number of handlers, the majority of handlers have average annual receipts of less than $30,000,000 ($16.69 times 9,023,704 cartons equals $150,605,620 divided by 20 handlers equals $7,530,281 per handler).

In addition, based on the NASS data, the weighted average grower price for the 2018–19 season was estimated at $11.05 per carton of fresh citrus. Based on grower price, shipment data, and the total number of Florida citrus growers, the average annual grower revenue is below $1,000,000 ($11.05 times 9,023,704 million cartons equals $99,711,929 divided by 500 growers equals $199,424 per grower). Thus, the majority of Florida citrus handlers and growers may be classified as small entities.

This rule establishes handler reporting requirements in the Order. This action requires Florida citrus handlers to register annually with the Committee. This will allow the Committee to collect information to verify who is handling Florida citrus and will be used to assist with administering the Order, including compliance. This rule establishes a new § 905.107 in Subpart B, Administrative Requirements, of the Order using the authority provided in § 905.7.

It is not anticipated that this change will result in any significant cost to the industry. Requiring handlers to register with the Committee will impose an increase in the reporting burden on all Florida citrus handlers. However, the information requested is readily available and will only be required to be submitted once a year. Regarding the other requirements to qualify as a registered handler, such as nonportable buildings and having the necessary equipment to prepare fruit for market, all current handlers already meet these requirements. Consequently, no additional cost would be needed to

comply with the requirements to be a registered handler.

Should a handler fall out of compliance with Order requirements and lose its registered handler status, there could be some cost relative to not being able to ship regulated citrus outside of the regulated area. However, such a handler will still be able to market fruit within the regulated area and be able to address and rectify the problems that resulted in the cancellation of its registered handler status. Therefore, these costs should be minimal, and only impact handlers that have failed to comply with the requirements.

This action will assist the Committee in administering compliance with the Order, including the timely collection of assessments. The benefits of this rule are expected to be equally available to all citrus growers and handlers, regardless of their size.

The Committee discussed the alternative of not establishing a registered handler requirement but determined that obtaining current and accurate handler information and having another enforcement tool under the Order are important.

The Committee considered multiple options regarding the potential problem of a handler shipping fruit without inspection. The Committee discussed cancelling a handler's certification indefinitely or for the rest of the fiscal period. However, the Committee recognized that there could be varying degrees of noncompliance with the inspection requirement. The Committee determined that the two-week cancellation minimum will serve as an appropriate deterrent and afford the Committee the flexibility to extend that period up to the maximum of the end of the shipping season, if the handler repeatedly violates the inspection requirements or any other requirements of the Order.

The Committee also discussed several options regarding the appeals process, ranging from 30 days to appeal to an open-ended process, and whether Committee members should review appeals themselves. After discussion, the Committee determined that a 90-day period from the date of denial or cancellation will allow the handler sufficient time to contact the Committee staff and resolve the issue in a timely manner. To maintain confidentiality of information, the Committee also agreed that members themselves will not be involved in the appeal review process. The Committee agreed that an appeal could be made to the Secretary. Thus, the alternatives were rejected.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Order's information requirements have been previously approved by OMB and assigned OMB No. 0581–0189 Fruit Crops. This final rule establishes one new reporting requirement for handlers and will require one new Committee form, which imposes a total annual burden increase of 3.3 hours. Therefore, this rule will impose an increase in the reporting burden for all handlers. The 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 rule. Further, the public comments received concerning the proposal did not address the initial regulatory flexibility analysis.

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 2019 Committee meeting was widely publicized throughout the citrus industry, and all interested persons were invited to attend the meeting and participate in Committee deliberations. Like all Committee meetings, the November 14, 2019 meeting was a public meeting, and all entities, both large and small, were able to express their views on this issue, and both producer and handler Committee members were able to assist in the development of the recommended form and procedures submitted to USDA.

A proposed rule concerning this action was published in the **Federal Register** on May 7, 2020 (85 FR 27159). Copies of the proposal were sent via email to Committee members and known citrus handlers. Finally, the proposal was made available through the internet by USDA and the Office of the Federal Register. A 60-day comment period ending July 6, 2020, was provided to allow interested persons to respond to the proposal.

Three comments were received. Although the comments do not specifically address the proposed registration of handlers, all three comments generally supported the regulation of the industry. Commenters stated that it was important for the Committee to regulate growers and handlers of Florida citrus, and that doing so would have a positive impact on quality. There were no comments regarding the information collection burden. Accordingly, no changes will be made to the proposed rule.

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.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule will tend to effectuate the declared policy of the Act.

List of Subjects 7 CFR Part 905

Grapefruit, Marketing agreements, Oranges, Pummelos, Reporting and recordkeeping requirements, Tangerines.

For the reasons set forth in the preamble, 7 CFR part 905 is amended as follows:

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND PUMMELOS GROWN IN FLORIDA

■ 1. The authority citation for 7 CFR part 905 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Add § 905.107 to read as follows:

§ 905.107 Registered handler certification.

Each handler who handles citrus grown in the production area must be certified as a registered handler by the Committee in order to ship such regulated citrus outside of the regulated area. A handler who is certified as a registered handler is a handler who has adequate facilities to meet the requirements for preparing citrus for market, obtains inspection on citrus handled, agrees to handle citrus in compliance with the Order's grade, size and container requirements, pays applicable assessments on a timely basis, submits reports required by the Committee, and agrees to comply with other regulatory requirements on the handling of citrus grown in the production area.

(a) *Eligibility.* Based on the criteria specified in this section, the Committee shall determine eligibility for certification as a registered handler. The Committee or its authorized agent shall inspect a handler's facilities to determine if the facilities are adequate for preparing citrus for market. To be

adequate for such purposes, the facilities must be permanent, nonportable buildings located in the production area with equipment that is nonportable for the proper washing, grading, sizing and packing of citrus grown in the production area.

(b) *Application for certification.* Application for certification shall be executed by the handler by August 1st of fiscal period and filed with the Committee on a form, prescribed by and available at the principal office of the Committee, containing the following information:

(1) Business name,

(2) Address of handling facilities (including telephone, email and facsimile number),

(3) Mailing address (if different from handling facility address),

(4) Number of years in the citrus business in Florida,

(5) Type of business entity, and

(6) Names of senior officers, partners, or principal owners with financial interest in the business.

(c) *Determination of certification.* If the Committee determines from available information that an applicant meets the criteria specified in this section, the applicant shall be certified as a registered handler and informed by written notice from the Committee. Certification is effective for a fiscal period unless the Committee determines, based on criteria herein, that cancellation is warranted. If certification is denied, the handler shall be informed by the Committee in writing, stating the reasons for denial.

(d) *Cancellation of certification.* A registered handler's certification shall be cancelled by the Committee, with the approval of the Secretary, if the handler fails to pay assessments within 90 days of the invoice date, fails to provide reports to the Committee, or no longer has adequate facilities as described in this section. Cancellation of a handler's certification shall be made in writing to the handler and shall specify the reason(s) for and effective date of the cancellation. Cancellation shall be for a minimum two-week period if a handler is found to be shipping without proper inspection. The Committee shall recertify the handler's registration at such time as the handler corrects the deficiencies which resulted in the cancellation and the Committee or its agent verifies compliance. The Committee shall notify the handler in writing of its recertification.

(e) *Inspection certification.* During any period in which the handling of citrus is regulated pursuant to this part, no handler shall obtain an inspection certifying that the handler's citrus meets the requirements of the Order unless the handler has been certified as a registered handler by the Committee. Any person who is not certified as a registered handler may receive inspection from the Federal-State Inspection Service, however, the inspection certificate shall state ''Fails to meet the requirements of Marketing Order No. 905 because the handler is not a registered handler.''

(f) *Contrary shipping.* The Committee may cancel or deny a handler's registration if the handler has shipped citrus contrary to the provisions of this part. The cancellation or denial of a handler's registration shall be effective for a minimum of two weeks and not exceed the applicable shipping season as determined by the Committee.

(g) *Appeals.* Any handler who has been denied a handler's registration or who has had a handler's registration cancelled, may appeal to the Secretary, supported by any arguments and evidence the handler may wish to offer as to why the application for certification or recertification should have been approved. The appeal shall be in writing and received at the Specialty Crops Program office in Washington, DC, within 90 days of the date of notification of denial or cancellation.

Bruce Summers,

Administrator, Agricultural Marketing Service.

[FR Doc. 2020–17576 Filed 9–4–20; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 990

[Doc. No. AMS–SC–19–0042; SC19–990–2 IR]

Establishment of a Domestic Hemp Production Program; Comment Period Reopened

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule; reopening of comment period.

SUMMARY: The Agricultural Marketing Service (AMS) is providing an additional thirty (30) days for public comments on the interim final rule (IFR) that established the Domestic Hemp Production Program on October 31, 2019. Reopening the comment period gives interested persons an additional opportunity to comment on the IFR. Comments are solicited from all stakeholders, notably those who were subject to the regulatory requirements of the IFR during the 2020 production cycle.

DATES: The comment period for the interim final rule published on October 31, 2019, at 84 FR 58522, is reopened. Comments must be received by October 8, 2020.

ADDRESSES: Interested persons are invited to submit written comments concerning this Notice. Comments should be submitted via the Federal eRulemaking Portal at *www.regulations.gov.* Comments may also be filed with Docket Clerk, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237; or mailed to USDA/AMS/Specialty Crops Program Hemp Branch, 470 L'Enfant Plaza SW, P.O. Box 23192, Washington, DC 20026. Comments may also be sent via electronic mail to *farmbill.hemp@usda.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: *www.regulations.gov.* All comments submitted in response to this rule will be included in the record and will be made available to the public.

FOR FURTHER INFORMATION CONTACT: Bill Richmond, Branch Chief, U.S. Domestic Hemp Production Program, 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: *William.Richmond@usda.gov* or Patty Bennett, Director, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA at the same address and phone number above or Email: *Patty.Bennett@usda.gov.*

Small businesses may request additional information on this Notice 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: The IFR (84 FR 58522, October 31, 2019) was issued under Section 10113 of Public Law 115–334 December 20, 2018, the Agriculture Improvement Act of 2018 (2018 Farm Bill). Section 10113 amended the Agricultural Marketing Act

of 1946 (AMA) by adding Subtitle G (sections 297A through 297D of the AMA). Section 297B of the AMA requires the Secretary of Agriculture (Secretary) to evaluate and approve or disapprove State or Tribal plans regulating the production of hemp. Section 297C of the AMA requires the Secretary to establish a Federal plan for producers in States and territories of Indian Tribes not covered by plans approved under section 297B. Lastly, section 297D of the AMA requires the Secretary to promulgate regulations and guidelines relating to the production of hemp in consultation with the U.S. Attorney General. USDA is committed to issuing the final rule expeditiously after reviewing public comments and obtaining additional information during the initial implementation.

Background

The IFR established a domestic hemp production program pursuant to the Agriculture Improvement Act of 2018. The IFR outlines provisions for the U.S. Department of Agriculture (USDA) to approve plans submitted by States and Indian Tribes for the domestic production of hemp. It also establishes a Federal plan for producers in States or territories of Indian Tribes that do not have their own USDA-approved plan. The program includes provisions for maintaining information on the land where hemp is produced, testing the levels of total tetrahydrocannabinol, disposing of plants not meeting necessary requirements, licensing requirements, and ensuring compliance with the requirements of the new part. As a supplement to statutory and regulatory requirements, USDA made available additional guidance documents on sampling and laboratory testing. In addition, on February 27, 2020, USDA delayed requirements for hemp testing laboratories to obtain Drug Enforcement Administration (DEA) registration and clarified allowable cannabis disposal methods.

This document notifies the public of the reopening of the comment period from September 8, 2020 to October 8, 2020. Comments previously submitted to USDA by stakeholders during the initial sixty day public comment period [October 31, 2019–December 30, 2019] or during the thirty day extension period [December 31, 2019–January 29, 2020] need not be resubmitted, as these comments are already incorporated into the public record and will be considered in the final rule.

Public Comment Requested

AMS received approximately 4,600 comments from stakeholders during the initial ninety-day public comment period. These comments represent the perspectives of various organizations and individuals within the stakeholder community and provided AMS additional context for decision making. AMS is reopening the public comment period for the IFR to encourage additional input on several topics identified by commenters during the initial ninety-day comment period. The reopening of the public comment period allows stakeholders to provide AMS with further insight gained from the 2020 hemp growing season. AMS is interested in this additional input for all aspects of the U.S. domestic hemp production program, and particularly interested in comments on the following topics:

1: Measurement of Uncertainty for Sampling

The IFR addresses the measurement of uncertainty (MU) in laboratory activities by requiring labs to report the MU as part of any hemp test results. However, the IFR does not address or provide an MU to account for the variability that may occur prior to a sample arriving at a laboratory during cutting, bagging, sealing, transporting, handling, and other ''pre-laboratory'' activities. Multiple commenters suggested the establishment of an additional MU to account for this variability in addition to the MU provided in the IFR applicable to ''in-laboratory'' activities. Commenters said that sampling uncertainty arises from the processes related to the collection and handling of the actual plant material to be tested, and the omission of sampling uncertainty in the MU will certainly result in inaccurate, incomplete, and otherwise invalid test results due to the nature of the hemp sampling. One potential way to address this, as presented in a comment, would add an additional MU for pre-laboratory activities (a), in addition to the measurement of uncertainty for in-laboratory activities (b), such that a total measurement of uncertainty (c) can be calculated as the square root of the sum of those squared values (a squared plus b squared = c squared). For example, if the in-laboratory measurement of uncertainty (b) is calculated as 0.0300 percent, and the pre-laboratory measurement of uncertainty (a) is estimated to be 0.0400 percent, then the total measurement of uncertainty (c) would be 0.0500 percent. AMS seeks additional information on this topic and alternative proposals on how to compute the MU for sampling. Numerical valuations or calculation formulas submitted with comments should clearly demonstrate how sampling uncertainty might be incorporated into the current THC tolerance threshold established by the IFR.

2: Liquid Chromatography Factor, 0.877

The 2018 Farm Bill mandates that all cannabis be tested for THC concentration levels using ''postdecarboxylation'' or similar methods. As explained in the IFR, ''postdecarboxylation'' means testing methodologies for THC concentration levels in hemp, where the total potential delta-9-tetrahydrocannabinol content, derived from the sum of the THC and THCA content, is determined and reported on a dry weight basis. The postdecarboxylation value of THC can be calculated by using a chromatograph technique using heat, known as gas chromatography, through which THCA is converted from its acid form to its neutral form, THC. The result of this test calculates total potential THC. The postdecarboxylation value of THC can also be calculated by using a high-performance liquid chromatograph technique (''LC or ''HPLC''), which keeps the THCA intact, and requires a conversion calculation of THCA to calculate total potential THC. As explained in the IFR, the decarboxylated value is calculated using a conversion formula that sums delta-9–THC (Δ^9-THC) and (87.7) percent of THC–A. Several commenters claim that this formula is inaccurate since it is based on a 100 percent conversion factor, which is nearly impossible to achieve in a laboratory setting. In other words, commenters claim that since the conversion of the THCA to Δ^9-THC is never perfectly complete without loss or degradation of starting material, the molar sum of Δ^9-THC and THCA–A measured by LC is always higher than the total Δ^9-THC measured by GC. To account for this, commenters presented several alternative computation methods, one of which would not multiply the THCA content by 87.7 percent, but rather by 52.62 percent, which is 60 percent of 87.7 percent. Based on comments questioning the accuracy of this figure, AMS seeks additional information from stakeholders regarding the use of this conversion formula. Any alternative factors provided should be clearly quantified and explained.

3: Disposal and Remediation of Non-Compliant Plants

The IFR requires non-compliant cannabis plants be disposed of through a DEA-registered reverse-distributor or other law enforcement personnel. Under

the IFR, no part of a non-compliant plant may be retained or ''remediated'' for non-ingestible uses like fiber, seed, or pulp. Many comments on the IFR expressed concern about these disposal requirements. Because of this, in February 2020, AMS issued guidance relaxing the requirements for law enforcement-supervised disposal of non-compliant plants and provided examples of how disposal of non-compliant plants may occur on a farm.[1] AMS is now requesting additional comment on these disposal practices, including the potential for ''remediation'' of non-compliant plants. Commenters presented several ideas on how remediation might occur including separation of floral material, rendering plant material as ''non-consumable'', or ''non-ingestible'', removing THC from non-compliant plants using methods like filtering or other further processing, or allowing States and Tribes the option to establish their own allowable remediation practices. AMS is also requesting input on whether the on-farm disposal methods provided in the guidance issued on February 27, 2020, (plowing under, mulching, disking, mowing, burying, or burning) is adequate. AMS encourages the submission of quantitative and qualitative data to identify and demonstrate alternative disposal and remediation activities that ensure non-compliant plant material does not enter the stream of commerce.

4: Negligence

The 2018 Farm Bill establishes criteria to define certain negligent acts, including failing to provide a legal description of land where hemp is produced, not obtaining a license to produce hemp, or growing non-compliant plants. With regard to the production of non-compliant cannabis plants, the IFR states that ''hemp producers do not commit a negligent violation if they produce plants that exceed the acceptable hemp THC level and use reasonable efforts to grow hemp and the plant does not have a THC concentration of more than 0.5 percent on a dry weight basis.'' Commenters to the IFR suggested AMS increase the negligence threshold from 0.5 percent to 1.0 percent. AMS seeks additional stakeholder comments specific to this suggestion. Comments should include quantitative and qualitative data if available.

[1] *https://www.ams.usda.gov/rules-regulations/hemp/enforcement*

5: Interstate Commerce

The 2018 Farm Bill and IFR indicate that no State or Indian Tribe may prohibit the transportation or shipment of legally produced hemp across State or Tribal boundaries. Based on comments to the IFR, we are seeking additional input on whether the IFR is sufficient, or if additional regulatory requirements are needed, to facilitate domestic interstate commerce and transactions, particularly the potential need for national, comprehensive, documentation requirements. Commenters presented several proposals on the kinds of documentation that should be required to accompany raw hemp during transport from a farm to a processing and/or a drying facility. For example, commenters suggested that producers be required to include certain documentation such as copies of the laboratory testing report(s), hemp grower license, invoice/bill of lading, and contact information of buyer and seller. AMS is requesting comments on whether documentation of this nature should be required to accompany all shipments of hemp throughout the U.S.

6: 15-Day Harvest Window

The IFR requires that within 15 days prior to the anticipated harvest of cannabis plants, a producer shall have an approved Federal, State, or local law enforcement agency or other USDA-designated person collect samples from plants for the purpose of determining THC concentration. This requirement was established to ensure accuracy in THC testing, since THC concentration in cannabis increases the longer the plant is left in the ground. AMS received a significant number of comments on the 15-day requirement during the initial comment period. Commenters to the IFR suggested AMS increase the 15-day window to 30 days. AMS is seeking additional comments on this suggestion as well as explanations on why a 30-day window may be more appropriate. Any quantitative and qualitative data provided by stakeholders should be specific and clarify alternative recommended time frames.

7: Hemp Seedlings, Microgreens, and Clones

The 2018 Farm Bill and IFR established statutory and regulatory criteria for commercial hemp production, including sampling and testing of cannabis flower material from mature cannabis plants regardless of the intended final use of the plant. Based on comments submitted in response to the IFR, AMS now seeks additional information from stakeholders regarding agricultural operations that grow cannabis plants, but not to maturity, and without mature flowers. These facilities include seedling, seed, clone, microgreen, and other types of operations that do not grow hemp plants for harvesting mature hemp flowers, and are therefore unable to meet the sampling and testing requirements as described in the IFR. AMS is considering the inclusion of specific regulatory provisions to still require licensing but not subject licensees to the same sampling and testing criteria as required of traditional hemp growers that sell mature hemp into the stream of commerce. AMS is also requesting additional input on research associated with the THC concentration of immature hemp plants, and any other additional justification on why these types of facilities should not be subject to sampling and testing requirements.

8: Hemp Breeding and Research

The 2018 Farm Bill and IFR identify the legal requirement to dispose of non-compliant cannabis plants produced at commercial hemp farming facilities. The IFR does not speak to the requirements for hemp breeding and research facilities, many of which are operated by States and land-grant research institutions. These types of facilities are engaged in a wide range of research efforts to develop new hemp cultivars. USDA encourages this type of research and wants to establish a regulatory framework for researchers that is flexible and not burdensome. Based on comments submitted to the IFR on the need for regulatory clarity for these types of facilities, AMS requests input on how the final rule might regulate breeding and/or research facilities. AMS is considering establishing certain regulatory provisions for researchers and research facilities. Specifically, AMS is requesting input on whether employees of research facilities should be required to obtain a license, and whether these types of facilities should have certain disposal protocols for non-compliant plants. AMS is also considering an exemption for researchers and research facilities from the sampling and testing requirements required of traditional hemp growers who sell hemp into the stream of commerce.

9: Sampling Methodology—Flower vs. Whole Plant

Because THC is concentrated in the flower material of hemp plants, the IFR requires that hemp samples or ''cuttings'' be collected from the flowers of hemp plants. Comments received on

this topic suggested that samples should be collected from not only the flower material of the plant, but from a composite sample of the entire hemp plant, including flowers, stems, stalks, and potentially seeds. AMS is considering the inclusion of sampling provisions that allow for ''whole-plant'' sampling, as well as a specific requirement for the length of a sample (*ie.* ''two inches'' or ''20 centimeters''), and is requesting input on these specific topics. AMS is also requesting input on specific requirements for ''milling'' or preparation of a hemp sample prior to laboratory analysis. One comment suggested AMS revise regulations conform more closely to the practices recommended by AOAC, particularly those methods pertaining to grinding specifications (2018.11 [2]) and moisture content (930.04 [3]), or consider the protocols developed by the Division of Regulatory Services within the University of Kentucky's College of Agriculture, Food and Environment, specifically SOP#HMP–LB–001 [4] (Procedures for Receiving, Preparing and Releasing Hemp Samples), and SOP#HMP–LB–002 [5] (Procedures for Measuring Δ–^{9} THC Content in Industrial Hemp by Gas Chromatography with Flame Ionization Detection).

10: Sampling Methodology—Homogenous Composition, Frequency, and Volume

The IFR requires that sampling be conducted to ensure a representative sample of each lot. As part of this requirement, the number of samples collected must be sufficient so that, at a confidence level of 95 percent, no more than one percent of the plants in the lot would exceed the acceptable hemp THC level. The sampling requirements in the IFR do not take into account differences between varietals or different end uses of hemp plants.

Many commenters explained that the sampling requirements imposed by the IFR are expensive, burdensome, and nearly impossible to meet by State Departments of Agriculture and Tribal governments. Based on this input, AMS is considering several changes to the sampling requirements; these changes would modify the number of samples required to be collected, and/or provide for the States and Tribes to establish sampling requirements based on end-use.

AMS is considering establishing a specific number of plants to be sampled from every lot, regardless of the lot size, and is requesting input on how to establish these requirements. Specifically, AMS is requesting input on how to potentially establish a fixed sliding scale (for example, a lot of fewer than 10 acres requires a sample of five plants; a lot of between 10 and 20 acres requires six plants; etc.,) rather than leaving those calculations to each State and Tribe.

AMS is also considering establishment of different sampling and testing requirements for hemp based on end use (*i.e.,* risk-based.) AMS further seeks stakeholder comment on potential risk-based methods for hemp lot sampling for differing varietals intended for fiber, grain, seed, or biomass for extract. Methodology discussed should show quantitative and qualitative data and estimate potential risk levels (*i.e.,* the expected likelihood of growing non-compliant hemp) for different varietals based on the plant's intended end use.

11: Sampling Agents

The IFR requires that all hemp production must be sampled and tested for THC concentration levels, and that samples must be collected by a USDA-approved sampling agent or a Federal, State, or local law enforcement agent authorized by USDA to collect samples. Currently, sampling agents are required to complete a basic training module offered by AMS. AMS is now soliciting comment on the potential need for more rigorous training and/or certification requirements for sampling agents. For example, AMS is interested in whether sampling agents should be required to complete an online training module administered by AMS and pass an examination. Or, alternatively, whether States and Tribes should be able to develop and require the completion of specific training programs for sampling agents under their respective State or Tribal hemp programs. AMS is specifically requesting input on the content of sampling agent training, the frequency with which training should occur, and whether AMS should maintain a national list of trained sampling agents on the AMS website. The comments should clearly explain why additional requirements may be necessary and suggest what those additional requirements may entail.

12. DEA Laboratory Registration

The IFR requires that laboratory testing of hemp for the purpose of determining compliance under the U.S. Domestic Hemp Product Program be conducted by laboratories appropriately registered with the Drug Enforcement Administration (DEA).

On February 27, 2020, USDA announced guidance [6] delaying the requirement to use laboratories registered with DEA for testing (7 CFR 990.3(a)(3)(i) and 990.26(e)). Under this guidance, testing can be conducted by labs that are not yet DEA-registered until the final rule is published, or Oct. 31, 2021, whichever comes first. This change was intended to allow additional time to increase DEA-registered analytical lab capacity. AMS is now requesting additional input on whether the DEA laboratory registration requirement should be permanently removed, and if so, how lab disposal requirements of non-compliant hemp samples will adhere to the requirements of the Controlled Substances Act.

Bruce Summers,

Administrator, Agricultural Marketing Service.

[FR Doc. 2020–17659 Filed 9–4–20; 8:45 am]

BILLING CODE P

[2] *AOAC* Official Method of Analysis *2018.11.*

[3] *AOAC* Official Method of Analysis *930.04.*

[4] See *https://www.kyagr.com/marketing/hemp-law.html.*

[5] See: *https://www.kyagr.com/marketing/hemp-law.html.*

[6] *https://www.ams.usda.gov/rules-regulations/hemp/enforcement.*

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0551; Airspace Docket No. 20–ASW–6]

RIN 2120–AA66

Revocation, Establishment, and Amendment of Class E Airspace; Multiple Texas Towns

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revokes the Class E airspace extending upward from 700 feet above the surface at Ambassador Field, Big Sandy, TX; and establishes and amends Class E airspace extending upward from 700 feet above the surface at several Texas airports. This action is the result of airspace reviews caused by the decommissioning of the Quitman VHF omnidirectional range (VOR) navigation aid as part of the VOR Minimum Operational Network (MON) Program. The names and geographic coordinates of several airports are also being updated to coincide with the FAA's aeronautical database.

DATES: Effective 0901 UTC, November 5, 2020. The Director of the Federal Register approves this incorporation by reference action under Title 1 Code of

Federal Regulations part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.11E, 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 7400.11E 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 revokes the Class E airspace extending upward from 700 feet above the surface at Ambassador Field, Big Sandy, TX; establishes Class E airspace extending upward from 700 feet above the surface at Fox Stephens Field-Gilmer Municipal Airport, Gilmer, TX; Gladewater Municipal Airport, Gladewater, TX; and Winnsboro Municipal Airport, Winnsboro, TX; and amends the Class E airspace upward from 700 above the surface at Wood County Airport-Collins Field, Mineola/Quitman, TX, contained within the Mineola, TX, airspace legal description, and at Mount Pleasant Regional Airport, Mount Pleasant, TX, to support instrument flight rule operations at these airports.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (85 FR 35206; June 8, 2020) for Docket No. FAA–2020–0551 to revoke the Class E airspace extending upward from 700 feet above the surface at Ambassador Field, Big Sandy, TX; and establish and amend Class E airspace extending upward from 700 feet above the surface at several Texas airports. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Subsequent to publication of the NPRM, the FAA discovered typographical errors in the geographic coordinates of Gladewater Municipal Airport, Gladewater, TX, (''long. 94°58′19″ W'' should be ''long. 94°58′18″ W'') and Mount Pleasant Regional Airport, Mount Pleasant, TX (''lat. 33°06′49″ N'' should be ''lat. 33°05′49″ N''). These errors are corrected in this action. Additionally, it was discovered that the name of Mineola Wisener Field (previously Mineola-Wisener Airport), Mineola, TX, should have been updated. As this update does not affect the airspace dimensions contained in the proposal, this omission is included in this action.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020. FAA Order 7400.11E is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11E lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to Title 14 Code of Federal Regulations (14 CFR) part 71:

Removes the Class E airspace extending upward from 700 feet above the surface at Ambassador Field, Big Sandy, TX, as the instrument procedures at this airfield have been cancelled so the airspace is no longer required;

Establishes Class E airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Fox Stephens Field-Gilmer Municipal Airport, Gilmer, TX (This airspace was previously contained within the Big Sandy, TX, airspace legal description.);

Establishes Class E airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Gladewater Municipal Airport, Gladewater, TX (This airspace was previously contained within the Big Sandy, TX, airspace legal description.);

Amends the Class E airspace extending upward from 700 feet above the surface to within a 6.4-mile (increased from a 6.3-mile) radius of Wood County Airport-Collins Field, Mineola/Quitman, TX, contained within the Mineola, TX, airspace legal description; adds an extension 3.8 miles east and 5.7 miles west of the 182° bearing from Wood County Airport-Collins Field extending from the 6.4-mile radius to 21.3 miles south of Wood County Airport-Collins Field; removes the cities associated with the Mineola Wisener Field, Mineola, TX, and Wood County Airport-Collins Field to comply with changes to FAA Order 7400.2M, Procedures for Handling Airspace Matters; updates the name and geographic coordinates of the Wood County Airport-Collins Field (previously Mineola-Quitman Airport) to coincide with the FAA's aeronautical database; and updates the name of Mineola Wisener Field (previously Mineola-Wisener Airport) to coincide with the FAA's aeronautical database;

Amends the Class E airspace extending upward from 700 feet above the surface to within a 6.6-mile (increased from a 6.4-mile) radius of Mount Pleasant Regional Airport, Mount Pleasant, TX; removes the Quitman VORTAC and Mount Pleasant RBN and the associated extensions from the airspace legal description, as they are no longer required; removes Winnsboro Municipal Airport, Winnsboro, TX, from the Mount Pleasant, TX, airspace legal description as the airspace no longer adjoins the Mount Pleasant Regional Airport airspace; and updates the name and geographic coordinates of the Mount Pleasant Regional Airport (previously Mount Pleasant Municipal Airport) to coincide with the FAA's aeronautical database.

And establishes Class E airspace extending upward from 700 feet above the surface within a 6.3-mile radius of Winnsboro Municipal Airport, Winnsboro, TX. (This airspace was previously contained within the Mount Pleasant, TX, airspace legal description but is being separated as the Winnsboro Municipal Airport airspace and Mount

Pleasant Regional airspace no longer adjoin.) This action is the result of airspace reviews caused by the decommissioning of the Quitman VOR, which provided navigation information for the instrument procedures these airports, as part of the VOR MON Program.

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

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, 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 only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ASW TX E5 Big Sandy, TX [Removed]

* * * * *

ASW TX E5 Gilmer, TX [Establish]

Fox Stephens Field-Gilmer Municipal Airport, TX
(Lat. 32°41′53″ N, long. 94°56′56″ W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Fox Stephens Field-Gilmer Municipal Airport.

* * * * *

ASW TX E5 Gladewater, TX [Establish]

Gladewater Municipal Airport, TX
(Lat. 32°31′44″ N, long. 94°58′18″ W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Gladewater Municipal Airport.

* * * * *

ASW TX E5 Mineola, TX [Amended]

Mineola Wisener Field, TX
(Lat. 32°40′36″ N, long. 95°30′39″ W)
Wood County Airport-Collins Field, TX
(Lat. 32°44′32″ N, long. 95°29′47″ W)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of Mineola Wisener Field, and within a 6.4-mile radius of Wood County Airport-Collins Field, and within 3.8 miles east and 5.7 miles west of the 182° bearing from the Wood County Airport-Collins Field extending from the 6.4-mile radius of Wood County Airport-Collins Field to 21.3 miles south of Wood County Airport-Collins Field.

* * * * *

ASW TX E5 Mount Pleasant, TX [Amended]

Mount Pleasant Regional Airport, TX
(Lat. 33°05′49″ N, long. 94°57′42″ W)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of Mount Pleasant Regional Airport.

* * * * *

ASW TX E5 Winnsboro, TX [Establish]

Winnsboro Municipal Airport, TX
(Lat. 32°56′20″ N, long. 95°16′44″ W)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of Winnsboro Municipal Airport.

Issued in Fort Worth, Texas, on September 1, 2020.

Martin A. Skinner,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2020–19606 Filed 9–4–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0548; Airspace Docket No. 20–ACE–10]

RIN 2120–AA66

Amendment of Class E Airspace; Clay Center, KS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class E airspace extending upward from 700 feet above the surface at Clay Center Municipal Airport, Clay Center, KS. This action is the result of an airspace review due to the decommissioning of the Clay Center non-directional beacon (NDB).

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

ADDRESSES: FAA Order 7400.11E, 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 7400.11E 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 amends the Class E airspace extending upward from 700 feet above the surface at Clay Center Municipal Airport, Clay Center, KS, to support instrument flight rule operations at this airport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (85 FR 37593; June 23, 2020) for Docket No. FAA–2020–0548 to amend the Class E airspace extending upward from 700 feet above the surface at Clay Center Municipal Airport, Clay Center, KS. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020. FAA Order 7400.11E is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11E lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 amends the Class E airspace extending upward from 700 feet above the surface at Clay Center Municipal Airport, Clay Center, KS, by removing the Clay Center NDB and associated extensions from the airspace legal description.

This action is due to an airspace review due to the decommissioning of the Clay Center NDB which provided navigation information to the instrument procedures at this airport.

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

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, 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 only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ACE KS E5 Clay Center, KS [Amended]

Clay Center Municipal Airport, KS
(Lat. 39°23′14″ N, long. 97°09′26″ W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Clay Center Municipal Airport.

Issued in Fort Worth, Texas, on August 31, 2020.

Martin A. Skinner,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2020–19555 Filed 9–4–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0549; Airspace Docket No. 20–ACE–11]

RIN 2120–AA66

Amendment of Class E Airspace; Harper, KS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class E airspace extending upward from 700 feet above the surface at Harper Municipal Airport, Harper, KS. This action is the result of an airspace review due to the decommissioning of the Anthony VHF omnidirectional range (VOR) navigation aid as part of the VOR Minimum Operational Network (MON) Program.

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

ADDRESSES: FAA Order 7400.11E, 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 7400.11E 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 amends the Class E airspace extending upward from 700 feet above the surface at Harper Municipal Airport, Harper, KS, to support instrument flight rule operations at this airport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (85 FR 37598; June 23, 2020) for Docket No. FAA–2020–0549 to amend the Class E airspace extending upward from 700 feet above the surface at Harper Municipal Airport, Harper, KS. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020. FAA Order 7400.11E is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11E lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 amends the Class E airspace extending upward from 700 feet above the surface to within a 6.4-mile (reduced from a 7.4-mile) radius of Harper Municipal Airport, Harper, KS; removes the Anthony VORTAC and associated extensions from the airspace legal description; removes the exclusion boundary, as it is no longer needed; and adds an extension 2 miles each side of the 175° bearing from the airport extending from the 6.4-mile radius to 10.1 miles south of the airport.

This action is due to an airspace review caused by the decommissioning of the Anthony VOR, which provided navigation information for the instrument procedures this airport, as part of the VOR MON Program.

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

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, 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 only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth

* * * * *

ACE KS E5 Harper, KS [Amended]

Harper Municipal Airport, KS
(Lat. 37°16′41″ N, long. 98°02′37″ W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Harper Municipal Airport, and within 2 miles each side of the 175° bearing from the airport extending from the 6.4-mile radius to 10.1 miles south of the airport.

Issued in Fort Worth, Texas, on August 31, 2020.

Martin A. Skinner,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2020–19554 Filed 9–4–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0550; Airspace Docket No. 20–AGL–23]

RIN 2120–AA66

Amendment of Class E Airspace; Park Rapids, MN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class E airspace extending upward from 700 feet above the surface at Park Rapids Municipal Airport-Konshok Field, Park Rapids, MN. This action as the result of an airspace review caused by the decommissioning of the Park Rapids VHF omnidirectional range (VOR) navigation aid as part of the VOR Minimum Operational Network (MON) Program. The name and geographic coordinates of the airport are also being updated to coincide with the FAA's aeronautical database.

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

ADDRESSES: FAA Order 7400.11E, 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 7400.11E 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 amends the Class E airspace extending upward from 700 feet above the surface at Park Rapids Municipal Airport-Konshok Field, Park Rapids, MN, to support instrument flight rule operations at this airport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (85 FR 37595; June 23, 2020) for Docket No. FAA–2020–0550 to amend the Class E airspace extending upward from 700 feet above the surface at Park Rapids Municipal Airport-Konshok Field, Park Rapids, MN. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020. FAA Order 7400.11E is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11E lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 amends the Class E airspace extending upward from 700 feet above the surface to within a 6.5-mile (reduced from a 7-mile) radius of Park Rapids Municipal Airport-Konshok Field, Park Rapids, MN; and updates the name (previously park Rapids Municipal Airport) and geographic coordinates of the airport to coincide with the FAA's aeronautical database.

This action is the result of an airspace review caused by the decommissioning of the Park Rapids VOR, which provided navigation information for the instrument procedures this airport, as part of the VOR MON Program.

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

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, 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 only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AGL MN E5 Park Rapids, MN [Amended]

Park Rapids Municipal Airport-Konshok Field, MN
(Lat. 46°54′04″ N, long. 95°04′23″ W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Park Rapids Municipal Airport-Konshok Field.

Issued in Fort Worth, Texas, on August 31, 2020.

Martin A. Skinner,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2020–19556 Filed 9–4–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No.: FAA–2018–0838; Amdt. No. 91–352A]

RIN 2120–AL57

Extension of the Prohibition Against Certain Flights in the Pyongyang Flight Information Region (FIR) (ZKKP)

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

ACTION: Final rule.

SUMMARY: This action extends the Special Federal Aviation Regulation (SFAR) prohibiting certain flight operations in the Pyongyang Flight Information Region (FIR) (ZKKP) by all: U.S. air carriers; U.S. commercial operators; persons exercising the privileges of an airman certificate issued by the FAA, except when such persons are operating U.S.-registered aircraft for a foreign air carrier; and operators of U.S.-registered civil aircraft, except when the operator of such aircraft is a foreign air carrier. The FAA finds this action necessary to address significant, continuing hazards to U.S. civil aviation associated with North Korean military capabilities and activities, including unannounced North Korean missile launches and air defense weapons systems. Additionally, the FAA republishes the approval process and exemption information for this SFAR, consistent with other recently published flight prohibition SFARs, and makes a minor administrative change to the wording of the applicability paragraph of the SFAR for consistency with other recently published flight prohibition SFARs.

DATES: This final rule is effective on September 8, 2020.

FOR FURTHER INFORMATION CONTACT: Dale E. Roberts, Air Transportation Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone 202–267–8166; email *dale.e.roberts@faa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

This action amends, by extending its expiration date, the prohibition against certain flight operations in the Pyongyang FIR (ZKKP) by all: U.S. air carriers; U.S. commercial operators; persons exercising the privileges of an airman certificate issued by the FAA, except when such persons are operating U.S.-registered aircraft for a foreign air carrier; and operators of U.S.-registered civil aircraft, except when the operator of such aircraft is a foreign air carrier. Specifically, this amendment extends the expiration date of SFAR No. 79, § 91.1615 of title 14 Code of Federal Regulations (CFR) from September 18, 2020, to September 18, 2023, due to the significant, continuing hazards to the safety of U.S. civil aviation operations in the Pyongyang FIR (ZKKP) associated with North Korean military capabilities and activities, including unannounced North Korean missile launches and air defense weapons systems, as described in the preamble to this final rule. This action also republishes, with minor revisions, the approval process and exemption information for this SFAR, consistent with other recently published flight prohibition SFARs. Finally, the FAA makes a minor administrative change to the wording of the applicability paragraph of the SFAR for consistency with other recently published flight prohibition SFARs.

II. Legal Authority and Good Cause

A. Legal Authority

The FAA is responsible for the safety of flight in the U.S. and for the safety of U.S. civil operators, U.S.-registered civil aircraft, and U.S.-certificated airmen throughout the world. Sections 106(f) and (g) of title 49, U.S. Code, subtitle I, establish the FAA Administrator's authority to issue rules on aviation safety. Subtitle VII of title 49, Aviation Programs, describes in more detail the scope of the agency's authority. Section 40101(d)(1) provides that the Administrator shall consider in the public interest, among other matters, assigning, maintaining, and enhancing safety and security as the highest priorities in air commerce. Section 40105(b)(1)(A) requires the Administrator to exercise this authority consistently with the obligations of the U.S. Government under international agreements.

The FAA is promulgating this rulemaking under the authority described in 49 U.S.C. 44701, General requirements. Under that section, the FAA is charged broadly with promoting safe flight of civil aircraft in air commerce by prescribing, among other things, regulations and minimum standards for practices, methods, and procedures that the Administrator finds necessary for safety in air commerce and national security.

This regulation is within the scope of the FAA's authority because it continues to prohibit the persons described in paragraph (a) of SFAR No. 79, § 91.1615, from conducting flight operations in the Pyongyang FIR (ZKKP) due to the continuing hazards to the safety of U.S. civil flight operations, as described in the preamble to this final rule.

B. Good Cause for Immediate Adoption

Section 553(b)(3)(B) of title 5, U.S. Code, authorizes agencies to dispense with notice and comment procedures for rules when the agency for ''good cause'' finds those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Section 553(d) also authorizes agencies to forgo the delay in the effective date of the final rule for good cause found and published with the rule. In this instance, the FAA finds good cause exists to forgo notice and comment because notice and comment would be impracticable and contrary to the public interest. In addition, it is contrary to the public interest to delay the effective date of this SFAR.

The risk environment for U.S. civil aviation in airspace other countries manage with respect to safety of flight is fluid due to the risks posed by weapons capable of targeting, or otherwise negatively affecting, U.S. civil aviation, as well as other hazards to U.S. civil aviation associated with fighting, extremist or militant activity, or heightened tensions. This fluidity and the need for the FAA to rely upon

classified information in assessing these risks make issuing notice and seeking comments impracticable and contrary to the public interest. With respect to the impracticability of notice and comment procedures, the potential for rapid changes in the risks to U.S. civil aviation significantly limits how far in advance of a new or amended flight prohibition the FAA can usefully assess the risk environment. Furthermore, to the extent these rules and any amendments to them are based upon classified information, the FAA is not legally permitted to share such information with the general public, who cannot meaningfully comment on information to which they are not legally allowed access.

Under these conditions, public interest considerations favor not providing notice and seeking comment for this rule. While there is a public interest in having an opportunity for the public to comment on agency action, there is a greater public interest in having the FAA's flight prohibitions, and any amendments thereto, reflect the agency's current understanding of the risk environment for U.S. civil aviation. This allows the FAA to protect the safety of U.S. operators' aircraft and the lives of their passengers and crews without over-restricting U.S. operators' routing options.

The FAA has determined extending the flight prohibition for U.S. civil aviation operations in the Pyongyang FIR (ZKKP) is necessary due to continued safety-of-flight hazards associated with North Korean military capabilities and activities, including unannounced North Korean missile launches and air defense weapons systems. These hazards continue to present significant risks to U.S. civil aviation operations in the Pyongyang FIR (ZKKP), as described in the preamble to this rule. Therefore, it is important the FAA's flight prohibition for U.S. civil aviation operations in the Pyongyang FIR (ZKKP) continue without interruption.

Accordingly, the FAA finds good cause exists to forgo notice and comment and any delay in the effective date for this rule.

The continued level of risk also requires extension of the expiration date of the rule for an additional three years.

III. Background

Since 1997, the FAA has prohibited U.S. civil aviation operations in the Pyongyang FIR (ZKKP), or portions thereof, and has issued various advisory Notices to Airmen (NOTAMs) regarding the Pyongyang FIR (ZKKP) and adjacent areas to warn U.S. civil aviation of hazards to their operations.[1] In 2014, North Korea initiated a ballistic missile test program involving frequent unannounced missile launches into the Sea of Japan. A number of the missiles impacted in the Pyongyang FIR (ZKKP) east of what was then the 132 degrees east longitude eastern boundary of SFAR No. 79 and in relatively close proximity to international air routes transiting the region. North Korea, as recently as April 2016, has also employed electronic jamming equipment on several occasions for intentional interference with aviation and maritime navigation and communication networks. While these intentional interference events primarily impacted flight operations in the Incheon FIR (RKRR), the associated capabilities and effects could also have affected operations in adjoining airspace, including the Pyongyang FIR (ZKKP).

Effective September 18, 2018, the FAA amended SFAR No. 79, § 91.1615, to incorporate the flight prohibition contained in KICZ NOTAM A0023/17 into the rule. Increased North Korean military capabilities and activities, including upgraded air defense weapons systems and unannounced North Korean missile launches, had increased the inadvertent risk of North Korea misidentifying U.S. civil aviation operating in the Pyongyang FIR (ZKKP) east of 132 degrees east longitude as a threat and inadvertently engaging it or striking a U.S. operators' aircraft with a missile or debris from an unannounced missile launch. Such events could involve loss of life, injuries, and property damage. In response to this situation, on November 3, 2017, the FAA issued NOTAM KICZ A0023/17 to prohibit flight operations in the entire Pyongyang FIR (ZKKP), including the area east of 132 degrees east longitude, by all: U.S. air carriers; U.S. commercial operators; persons exercising the privileges of an airman certificate issued by the FAA, except when such persons are operating U.S.-registered aircraft for a foreign air carrier; and operators of U.S.-registered civil aircraft, except where the operator of such aircraft is a foreign air carrier.

In September 2018, the FAA amended SFAR No. 79, § 91.1615, to incorporate the flight prohibition contained in KICZ NOTAM A0023/17 into the rule, due to the significant, continuing risk to U.S. civil aviation in the Pyongyang FIR (ZKKP), including the area east of 132 degrees east longitude, and the uncertainty about when the risks described in that final rule would abate sufficiently to allow for safe U.S. civil aviation operations in the Pyongyang FIR (ZKKP).[2]

IV. Discussion of the Final Rule

The FAA has determined the situation in the Pyongyang FIR (ZKKP) continues to present an unacceptable level of risk for U.S. civil aviation safety. North Korea continues to conduct no-notice ballistic missile launches to meet its weapons development program goals and to signal its resolve, and displeasure with the lack of a diplomatic breakthrough and sanctions relief, to the international community. As of March 28, 2020, four North Korean missile launch events had occurred in 2020. On March 28, 2020, North Korea launched at least two probable short-range ballistic missiles (SRBMs). These probable SRBMs impacted within the Pyongyang FIR (ZKKP). Previous salvos occurred on March 2, 9, and 21, 2020.

These events are consistent with North Korean missile test launch activity observed in 2019. On November 28, 2019, a salvo of two probable SRBMs impacted within the Pyongyang FIR (ZKKP). These probable SRBMs had possible trajectories and impact points near an international air route transiting the Pyongyang FIR (ZKKP), highlighting the continued risk to U.S. civil aviation if authorized to operate in the Pyongyang FIR (ZKKP). A total of 25 North Korean missile test launches occurred in 2019, including 12 salvos consisting of two SRBMs each and one possible submarine-launched ballistic missile test launch, which occurred in early October 2019.

For each of the 2019 and 2020 missile launch events, North Korea failed to issue any NOTAMs or other aeronautical information to warn civil aircraft operators of the hazards associated with these missile launches. In late 2019, North Korea made public statements indicating an end-of-year deadline for a diplomatic breakthrough. It is unclear whether North Korea will return to longer-range missile testing with impact areas beyond the Pyongyang FIR (ZKKP) that could pose a potential risk to U.S. civil aviation operating in adjacent FIRs. Additionally, North Korea maintains air defense and tactical aircraft capabilities that, if forward deployed, would have ranges covering the entire Pyongyang FIR (ZKKP). These weapons could present an inadvertent risk to U.S. civil

[1] For a more detailed history of SFAR No. 79, § 91.1615, see *Amendment of the Prohibition Against Certain Flights in the Pyongyang Flight Information Region (FIR) (ZKKP)* final rule, 83 FR 47059 (Sept. 18, 2018).

[2] *Id.*

aviation operations during periods of heightened tensions.

Therefore, as a result of the significant continuing risk to the safety of U.S. civil aviation in the Pyongyang FIR (ZKKP), the FAA extends the expiration date of SFAR No. 79, § 91.1615, from September 18, 2020 until September 18, 2023. Amendments to SFAR No. 79, § 91.1615, could be appropriate if the risk to aviation safety and security changes. In this regard, the FAA will continue to monitor the situation and evaluate the extent to which persons described in paragraph (a) of this rule might be able to operate safely in the Pyongyang FIR (ZKKP). The FAA may amend or rescind SFAR No. 79, § 91.1615, as necessary, prior to its expiration date.

The FAA also republishes the details concerning the approval and exemption processes in Sections V and VI of this preamble, with clarifications for consistency with other recently published flight prohibition SFARs, to enable interested persons to refer to this final rule for all relevant information about seeking relief from SFAR No. 79, § 91.1615. Lastly, the FAA makes minor administrative revisions, including updating the applicability paragraph of the regulatory text to make it consistent with other recently published flight prohibition SFARs.

V. Approval Process Based on a Request From a Department, Agency, or Instrumentality of the United States Government

A. Approval Process Based on an Authorization Request From a Department, Agency, or Instrumentality of the United States Government

In some instances, U.S. Government departments, agencies, or instrumentalities may need to engage U.S. civil aviation to support their activities in the Pyongyang FIR (ZKKP). If a department, agency, or instrumentality of the U.S. Government determines it has a critical need to engage any person described in SFAR No. 79, § 91.1615, including a U.S. air carrier or commercial operator, to conduct a charter to transport civilian or military passengers or cargo or other operations in the Pyongyang FIR (ZKKP), that department, agency, or instrumentality may request the FAA to approve persons described in SFAR No. 79, § 91.1615, to conduct such operations.

The requesting department, agency, or instrumentality of the U.S. Government must submit the request for approval to the FAA's Associate Administrator for Aviation Safety in a letter signed by an appropriate senior official of the requesting department, agency, or instrumentality.[3] The FAA will not accept or consider requests for approval from anyone other than the requesting department, agency, or instrumentality. In addition, the senior official signing the letter requesting FAA approval on behalf of the requesting department, agency, or instrumentality must be sufficiently positioned within the organization to demonstrate that the senior leadership of the requesting department, agency, or instrumentality supports the request for approval and is committed to taking all necessary steps to minimize operational risks to the proposed flights. The senior official must also be in a position to: (1) Attest to the accuracy of all representations made to the FAA in the request for approval, and (2) ensure that any support from the requesting U.S. Government department, agency, or instrumentality described in the request for approval is in fact brought to bear and is maintained over time. Unless justified by exigent circumstances, requests for approval must be submitted to the FAA no less than 30 calendar days before the date on which the requesting department, agency, or instrumentality wishes the proposed operation(s) to commence.

The requestor must send the request to the Associate Administrator for Aviation Safety, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591. Electronic submissions are acceptable, and the requesting entity may request that the FAA notify it electronically as to whether the FAA grants the approval request. If a requestor wishes to make an electronic submission to the FAA, the requestor should contact the Air Transportation Division, Flight Standards Service, at (202) 267–8166, to obtain the appropriate email address. A single letter may request approval from the FAA for multiple persons described in SFAR No. 79, § 91.1615, or for multiple flight operations. To the extent known, the letter must identify the person(s) expected to be covered under the SFAR on whose behalf the U.S. Government department, agency, or instrumentality seeks FAA approval, and it must describe—

- The proposed operation(s), including the nature of the mission being supported;
- The service that the person(s) covered by the SFAR will provide;
- To the extent known, the specific locations in the Pyongyang FIR (ZKKP) where the proposed operation(s) will be conducted, including, but not limited to, the flight path and altitude of the aircraft while it is operating in the Pyongyang FIR (ZKKP) and the airports, airfields, or landing zones at which the aircraft will take off and land; and
- The method by which the department, agency, or instrumentality will provide, or how the operator will otherwise obtain, current threat information and an explanation of how the operator will integrate this information into all phases of the proposed operations (*i.e.,* the pre-mission planning and briefing, in-flight, and post-flight phases).

The request for approval must also include a list of operators with whom the U.S. Government department, agency, or instrumentality requesting FAA approval has a current contract(s), grant(s), or cooperative agreement(s) (or its prime contractor has a subcontract(s)) for specific flight operations in the Pyongyang FIR (ZKKP). The requestor may identify additional operators to the FAA at any time after the FAA issues its approval. Neither the operators listed in the original request, nor any operators the requestor subsequently seeks to add to the approval, may commence operations under the approval until the FAA issues them an Operations Specification (OpSpec) or Letter of Authorization (LOA), as appropriate, for operations in the Pyongyang FIR (ZKKP). The approval conditions discussed below apply to all operators, whether included in the original list or subsequently added to the approval. Requestors should send updated lists to the email address to be obtained from the Air Transportation Division by calling (202) 267–8166.

If an approval request includes classified information, requestors may contact Aviation Safety Inspector Dale E. Roberts for instructions on submitting it to the FAA. His contact information is listed in the **FOR FURTHER INFORMATION CONTACT** section of this final rule.

FAA approval of an operation under SFAR No. 79, § 91.1615, does not relieve persons subject to this SFAR of the responsibility to comply with all other applicable FAA rules and regulations. Operators of civil aircraft must comply with the conditions of their certificates, OpSpecs, and LOAs, as applicable. Operators must also comply with all

[3] This approval procedure applies to U.S. Government departments, agencies, or instrumentalities; it does not apply to the public. The FAA describes this procedure in the interest of providing transparency with respect to the FAA's process for interacting with U.S. Government departments, agencies, or instrumentalities that seek to engage U.S. civil aviation to operate within the area in which this SFAR prohibits their operations.

rules and regulations of other U.S. Government departments or agencies that may apply to the proposed operation(s), including, but not limited to, regulations issued by the Transportation Security Administration.

B. Approval Conditions

If the FAA approves the request, the FAA's Aviation Safety organization will send an approval letter to the requesting department, agency, or instrumentality informing it that the FAA's approval is subject to all of the following conditions:

(1) The approval will stipulate those procedures and conditions that limit, to the greatest degree possible, the risk to the operator, while still allowing the operator to achieve its operational objectives.

(2) Before any approval takes effect, the operator must submit to the FAA:

(a) A written release of the U.S. Government from all damages, claims, and liabilities, including without limitation legal fees and expenses, relating to any event arising out of or related to the approved operations in the Pyongyang FIR (ZKKP); and

(b) The operator's written agreement to indemnify the U.S. Government with respect to any and all third-party damages, claims, and liabilities, including without limitation legal fees and expenses, relating to any event arising from or related to the approved operations in the Pyongyang FIR (ZKKP).

(3) Other conditions the FAA may specify, including those the FAA might impose in OpSpecs or LOAs, as applicable.

The release and agreement to indemnify do not preclude an operator from raising a claim under an applicable non-premium war risk insurance policy the FAA issues under chapter 443 of title 49, U.S. Code.

If the FAA approves the proposed operation(s), the FAA will issue an OpSpec or LOA, as applicable, to the operator(s) identified in the original request authorizing them to conduct the approved operation(s). In addition, the FAA will notify the department, agency, or instrumentality that requested the FAA's approval of any additional conditions beyond those contained in the approval letter.

VI. Information Regarding Petitions for Exemption

Any operations not conducted under an approval the FAA issues through the approval process set forth previously may only occur in accordance with an exemption from SFAR No. 79, § 91.1615. A petition for exemption must comply with 14 CFR part 11. The FAA will consider whether exceptional circumstances exist beyond those the approval process described in the previous section contemplates. To determine whether a petition for exemption from the prohibition this SFAR establishes fulfills the standard of 14 CFR 11.81, the FAA consistently finds necessary the following information:

- The proposed operation(s), including the nature of the operation;
- The service the person(s) covered by the SFAR will provide;
- The specific locations in the Pyongyang FIR (ZKKP) where the proposed operation(s) will be conducted, including, but not limited to, the flight path and altitude of the aircraft while it is operating in the Pyongyang FIR (ZKKP) and the airports, airfields, or landing zones at which the aircraft will take off and land;
- The method by which the operator will obtain current threat information and an explanation of how the operator will integrate this information into all phases of its proposed operations (*i.e.,* the pre-mission planning and briefing, in-flight, and post-flight phases); and
- The plans and procedures the operator will use to minimize the risks, identified in this preamble, to the proposed operations, to establish that granting the exemption would not adversely affect safety or would provide a level of safety at least equal to that provided by this SFAR. The FAA has found comprehensive, organized plans and procedures of this nature to be helpful in facilitating the agency's safety evaluation of petitions for exemption from flight prohibition SFARs.

The FAA includes, as a condition of each such exemption it issues, a release and agreement to indemnify, as described previously.

The FAA recognizes that, with the support of the U.S. Government, the governments of other countries could plan operations SFAR No. 79, § 91.1615, affects. While the FAA will not permit these operations through the approval process, the FAA will consider exemption requests for such operations on an expedited basis and in accordance with the order of preference set forth in paragraph (c) of SFAR No. 79, § 91.1615.

If a petition for exemption includes security-sensitive or proprietary information, requestors may contact Aviation Safety Inspector Dale E. Roberts for instructions on submitting it to the FAA. His contact information is listed in the **FOR FURTHER INFORMATION CONTACT** section of this final rule.

VII. Regulatory Notices and Analyses

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

In conducting these analyses, the FAA has determined this final rule has benefits that justify its costs. This rule is a significant regulatory action, as defined in section 3(f) of Executive Order 12866, as it raises novel policy issues contemplated under that Executive Order. This rule also complies with the requirements of the Department of Transportation's administrative rule on rulemaking at 49 CFR part 5. As 5 U.S.C. 553 does not require notice and comment for this final rule, 5 U.S.C. 603 and 604 do not require regulatory flexibility analyses regarding impacts on small entities. This rule will not create unnecessary obstacles to the foreign commerce of the United States. This rule will not impose an unfunded mandate on State, local, or tribal governments, or on the private sector, by exceeding the threshold identified previously.

A. Regulatory Evaluation

This action extends the expiration date of the SFAR prohibiting U.S. civil flights in the Pyongyang FIR (ZKKP) for an additional three years due to the

significant hazards to U.S. civil aviation described in the preamble of this final rule. U.S. Government departments, agencies, and instrumentalities may take advantage of the approval process on behalf of U.S. operators and airmen with whom they have a contract, grant, or cooperative agreement, or with whom their prime contractor has a subcontract. U.S. operators and airmen who seek to conduct operations in the Pyongyang FIR (ZKKP) without any of the foregoing types of arrangements with the U.S. Government may petition for exemption from this rule.

The FAA acknowledges this flight prohibition might result in additional costs to some U.S. operators, such as increased fuel costs and other operational-related costs. However, the FAA expects the benefits of this action exceed the costs because it will result in the avoidance of risks of deaths, injuries, and property damage that could occur if a U.S. operator's aircraft were shot down (or otherwise damaged) while operating in the Pyongyang FIR (ZKKP).

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), in 5 U.S.C. 603, requires an agency to prepare an initial regulatory flexibility analysis describing impacts on small entities whenever 5 U.S.C. 553 or any other law requires an agency to publish a general notice of proposed rulemaking for any proposed rule. Similarly, 5 U.S.C. 604 requires an agency to prepare a final regulatory flexibility analysis when an agency issues a final rule under 5 U.S.C. 553, after that section or any other law requires publication of a general notice of proposed rulemaking. The FAA concludes good cause exists to forgo notice and comment and to not delay the effective date for this rule. As 5 U.S.C. 553 does not require notice and comment in this situation, 5 U.S.C. 603 and 604 similarly do not require regulatory flexibility analyses.

C. International Trade Impact Assessment

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

The FAA has assessed the potential effect of this final rule and determined that its purpose is to protect the safety of U.S. civil aviation from risks to their operations in the Pyongyang FIR (ZKKP), a location outside the U.S. Therefore, the rule complies with the Trade Agreements Act of 1979.

D. Unfunded Mandates Assessment

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

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

E. Paperwork Reduction Act

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

F. International Compatibility and Cooperation

In keeping with U.S. obligations under the Convention on International Civil Aviation, the FAA's policy is to conform to International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA has determined no ICAO Standards and Recommended Practices correspond to this regulation. The FAA finds this action is fully consistent with the obligations under 49 U.S.C. 40105(b)(1)(A) to ensure the FAA exercises its duties consistently with the obligations of the United States under international agreements.

While the FAA's flight prohibition does not apply to foreign air carriers, DOT codeshare authorizations prohibit foreign air carriers from carrying a U.S. codeshare partner's code on a flight segment that operates in airspace for which the FAA has issued a flight prohibition for U.S. civil aviation. In addition, foreign air carriers and other foreign operators may choose to avoid, or be advised or directed by their civil aviation authorities to avoid, airspace for which the FAA has issued a flight prohibition for U.S. civil aviation.

G. Environmental Analysis

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

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

VIII. Executive Order Determinations

A. Executive Order 13132, Federalism

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

B. Executive Order 13211, Regulations that Significantly Affect Energy Supply, Distribution, or Use

The FAA analyzed this rule under Executive Order 13211. The agency has determined it is not a ''significant energy action'' under the executive order and will not be likely to have a significant adverse effect on the supply, distribution, or use of energy.

C. Executive Order 13609, Promoting International Regulatory Cooperation

Executive Order 13609, Promoting International Regulatory Cooperation, promotes international regulatory cooperation to meet shared challenges involving health, safety, labor, security, environmental, and other issues and to reduce, eliminate, or prevent unnecessary differences in regulatory

requirements. The FAA has analyzed this action under the policies and agency responsibilities of Executive Order 13609 and has determined that this action will have no effect on international regulatory cooperation.

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

This rule is not subject to the requirements of Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs, because it is issued with respect to a national security function of the United States.

IX. Additional Information

A. Availability of Rulemaking Documents

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

- Searching the docket for this rulemaking at *https://www.regulations.gov;*
- Visiting the FAA's Regulations and Policies web page at *https://www.faa.gov/regulations_policies;* or
- Accessing the Government Publishing Office's website at *https://www.govinfo.gov.*

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

Except for classified material, all documents the FAA considered in developing this rule, including economic analyses and technical reports, may be accessed from the internet through the docket for this rulemaking.

B. Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) (Pub. L. 104–121) (set forth as a note to 5 U.S.C. 601) requires FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within its jurisdiction. A small entity with questions regarding this document may contact its local FAA official, or the persons listed under the **FOR FURTHER INFORMATION CONTACT** heading at the beginning of the preamble. To find out more about SBREFA on the internet, visit *http://www.faa.gov/regulations_policies/rulemaking/sbre_act/.*

List of Subjects in 14 CFR Part 91

Air traffic control, Aircraft, Airmen, Airports, Aviation safety, Freight, North Korea.

The Amendment

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

PART 91—GENERAL OPERATING AND FLIGHT RULES

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

Authority: 49 U.S.C. 106(f), 106(g), 40101, 40103, 40105, 40113, 40120, 44101, 44111, 44701, 44704, 44709, 44711, 44712, 44715, 44716, 44717, 44722, 46306, 46315, 46316, 46504, 46506–46507, 47122, 47508, 47528–47531, 47534, Pub. L. 114–190, 130 Stat. 615 (49 U.S.C. 44703 note); articles 12 and 29 of the Convention on International Civil Aviation (61 Stat. 1180), (126 Stat. 11).

■ 2. Amend § 91.1615 by revising paragraphs (a)(3) and (e) to read as follows:

§ 91.1615 Special Federal Aviation Regulation No. 79—Prohibition Against Certain Flights in the Pyongyang Flight Information Region (FIR) (ZKKP).

(a) * * *

(3) All operators of U.S.-registered civil aircraft, except when the operator of such aircraft is a foreign air carrier.

* * * * *

(e) *Expiration.* This SFAR will remain in effect until September 18, 2023. The FAA may amend, rescind, or extend this SFAR, as necessary.

Issued in Washington, DC, under the authority of 49 U.S.C. 106(f) and (g), 40101(d)(1), 40105(b)(1)(A), and 44701(a)(5), on August 20, 2020.

Steve Dickson,

Administrator.

[FR Doc. 2020–19057 Filed 9–4–20; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 55

[EPA–R10–OAR–2019–0433; FRL–10006–99–Region 10]

Outer Continental Shelf Air Regulations; Consistency Update for Alaska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; consistency update.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to update a portion of the Outer Continental Shelf (OCS) Air Regulations. Requirements applying to OCS sources located within 25 miles of states' seaward boundaries must be updated periodically to remain consistent with the requirements of the corresponding onshore area (COA), as mandated by the Clean Air Act (CAA). The portion of the OCS air regulations that is being updated pertains to the requirements for OCS sources subject to requirements of the State of Alaska. The State of Alaska's requirements discussed in this document and listed in the appendix to the Federal OCS air regulations, are approved for incorporated into the compilation of state provisions that is incorporated by reference.

DATES: This rule is effective on October 8, 2020. The incorporation by reference of a certain publication listed in this rule is approved by the Director of the Federal Register as of October 8, 2020.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R10–OAR–2019–0433. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Natasha Greaves, (206) 553–7079, or by email at *greaves.natasha@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On December 2, 2019, EPA published a Notice of Proposed Rulemaking (NPRM) proposing to approve various Alaska air pollution control requirements for inclusion in the updated compilation of ''the State of Alaska Requirements Applicable to OCS Sources,'' dated September 15, 2018, which is incorporated by reference into 40 CFR part 55. 84 FR 65938 (December 2, 2019).

Pursuant to 40 CFR 55.12, consistency reviews will occur at least annually. Additionally, consistency reviews will occur upon receipt of a Notice of Intent (NOI) under 40 CFR 55.4 and when a State or local agency submits a rule to

EPA to be considered for incorporation by reference in 40 CFR part 55. This action is being taken in response to the submittal of a NOI on October 1, 2019, by Hilcorp Alaska, LLC.

Section 328(a) of the CAA requires that EPA establish requirements to control air pollution from OCS sources located within 25 miles of States' seaward boundaries that are the same as onshore requirements. To comply with this statutory mandate, EPA must incorporate applicable onshore rules into 40 CFR part 55 as they exist onshore. This limits EPA's flexibility in deciding which requirements will be incorporated into 40 CFR part 55 and prevents EPA from making substantive changes to the requirements it incorporates. As a result, EPA may be incorporating rules into 40 CFR part 55 that do not conform to all of EPA's state implementation plan (SIP) guidance or certain requirements of the CAA. Consistency updates may result in the inclusion of state or local rules or regulations into 40 CFR part 55, even though the same rules may ultimately be disapproved for inclusion as part of the SIP. Inclusion in the OCS rule does not imply that a rule meets the requirements of the CAA for SIP approval, nor does it imply that the rule will be approved by EPA for inclusion in the SIP.

EPA reviewed Alaska's rules for inclusion in 40 CFR part 55 to ensure that they are rationally related to the attainment or maintenance of Federal or state ambient air quality standards and compliance with part C of title I of the CAA, that they are not designed expressly to prevent exploration and development of the OCS, and that they are potentially applicable to OCS sources. *See* 40 CFR 55.1. EPA has also evaluated the rules to ensure they are not arbitrary or capricious. *See* 40 CFR 55.12(e). In addition, EPA has excluded administrative or procedural rules [1] and requirements that regulate toxics which are not related to the attainment and maintenance of Federal and state ambient air quality standards. EPA has also proposed to exclude those provisions that would not reasonably be expected to apply to an OCS source.

Other specific requirements of the consistency update and the rationale for EPA's proposed action are explained in the December 2, 2019 NPRM and will not be restated here.

II. Public Comments and EPA Responses

EPA received one comment on the December 2, 2019 NPRM during the public comment period. A summary of the comment and EPA's response is discussed in this Section. A copy of the comment can be found in the docket for this rulemaking action.

Comment: I recommend we employ the most stringent standards in order to protect the OCS and prevent any and all exploration.

EPA Response: EPA is required to perform consistency updates to maintain consistency with the regulations in onshore areas. EPA incorporates those onshore rules that comply with the statutory requirements of section 328 of the CAA that are rationally related to the attainment and maintenance of national or state ambient air quality standards and the prevention of significant deterioration of air quality. *See* 40 CFR 55.1. In updating 40 CFR part 55, EPA reviews the current onshore rules for consistency with part 55. In this instance, EPA reviewed Alaska's Air Quality Control Regulations at 18 AAC 50, as amended through September 5, 2018, to identify rules that are rationally related to the attainment or maintenance of federal or state ambient air quality standards (or part C of title I of the CAA) and applicable to OCS sources. Additionally, as noted in 40 CFR 55.1, in implementing, enforcing and revising this rule and in delegating authority hereunder, the EPA will ensure that there is a rational relationship to the attainment and maintenance of Federal and State ambient air quality standards and the requirements of part C of title I, and that the rule is not used for the purpose of preventing exploration and development of the OCS. *See* 57 FR 40792 at 40802 (September 4, 1992).

After reviewing Alaska's rules, EPA proposed incorporating by reference rules which are rationally related to the attainment or maintenance of federal or state ambient air quality standards or part C of title I of the CAA and, are not designed expressly to prevent exploration and development of the OCS and are applicable to OCS sources.

III. Final Action

EPA is taking final action today as discussed in the NPRM, with one minor change. The change is consistent with the approach detailed in the NPRM and does not materially alter the scope of the State of Alaska's requirements incorporated by reference. EPA is excluding from the incorporation by reference in this final action one additional Alaska regulatory provision found at 18 AAC 50.316(c) which relates to state procedures for preconstruction permitting approval. This provision is not appropriate for incorporation by reference because it is a procedural rule, and as explained in the NPRM such provisions should not be included in the scope of this action. EPA shall rely on its own procedural provisions in implementing the requirements applicable to OCS sources. The provision was inadvertently omitted from the list of excluded provisions at the NPRM stage.

EPA is taking final action to incorporate the rules potentially applicable to OCS sources for which the State of Alaska is the COA. The rules that EPA is taking final action to incorporate are applicable provisions of Title 18 of the Alaska Administrative Code, specifically, the provisions of Air Quality Control Chapter 50 identified below. The intended effect of incorporating by reference various Alaska air pollution control requirements for inclusion in the updated compilation of the ''State of Alaska Requirements Applicable to OCS Sources'' dated September 15, 2018, is to regulate emissions from OCS sources in accordance with the requirements for onshore sources. The rules that EPA is taking final action to incorporate will replace the rules previously incorporated into the ''State of Alaska Requirements Applicable to OCS Sources,'' dated December 10, 2010, which was incorporated by reference into 40 CFR part 55. *See* 76 FR 37274 (June 27, 2011).

IV. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of the ''State of Alaska Requirements Applicable to OCS Sources,'' dated September 15, 2018, which is a compilation of provisions of Chapter 50 of the Alaska Administrative Code described in the amendments to 40 CFR part 55 set forth below. EPA has made, and will continue to make, these materials available through *www.regulations.gov* and at the EPA Region 10 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

[1] Each COA which has been delegated the authority to implement and enforce 40 CFR part 55 will use its administrative and procedural rules as onshore. However, in those instances where EPA has not delegated authority to implement and enforce 40 CFR part 55, EPA will use its own administrative and procedural requirements to implement the substantive requirements. *See* 40 CFR 55.14(c)(4).

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to establish requirements to control air pollution from OCS sources located within 25 miles of states' seaward boundaries that are the same as onshore air pollution control requirements. To comply with this statutory mandate, the EPA must incorporate applicable onshore rules into 40 CFR part 55 as they exist onshore. *See* 42 U.S.C. 7627(a)(1); 40 CFR 55.12. Thus, in promulgating OCS consistency updates, EPA's role is to maintain consistency between OCS regulations and the regulations of onshore areas, provided that they meet the criteria of the CAA. Accordingly, this action simply updates the existing OCS requirements to make them consistent with requirements onshore, without the exercise of any policy direction by EPA. For that reason, this action:

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

In addition, this rule incorporating by reference sections of Title 18 of the Alaska Administrative Code, does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because this action is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

Under the provisions of the Paperwork Reduction Act, 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 unless it displays a currently valid OMB control number. OMB has approved the information collection requirements contained in 40 CFR part 55 and, by extension, this update to the rules, and has assigned OMB control number 2060–0249. OMB approved the EPA Information Collection Request (ICR) No. 1601.08 on September 18, 2017.[2] The current approval expires September 30, 2020. The annual public reporting and recordkeeping burden for collection of information under 40 CFR part 55 is estimated to average 643 hours per response, using the definition of burden provided in 44 U.S.C. 3502(2).

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this action 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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 9, 2020. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

EPA is incorporating the rules potentially applicable to sources for which the State of Alaska will be the COA. The rules that EPA is incorporating are applicable provisions of Title 18 of the Alaska Administrative Code, specifically, Air Quality Control Chapter 50.

List of Subjects in 40 CFR Part 55

Environmental protection, Administrative practice and procedure, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Outer continental shelf, Ozone, Particulate matter, Permits, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: February 26, 2020.

Christopher Hladick,

Regional Administrator, Region 10.

Part 55 of Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 55—OUTER CONTINENTAL SHELF AIR REGULATIONS

■ 1. The authority citation for part 55 continues to read as follows:

Authority: Section 328 of the Clean Air Act (42 U.S.C. 7401 *et seq.*) as amended by Public Law 101–549.

■ 2. Section 55.14 is amended by:
■ a. Revising paragraph (e)(2)(i)(A); and
■ b. Removing and reserving paragraph (e)(2)(ii)(A).

The revision reads as follows:

§ 55.14 Requirements that apply to OCS sources located within 25 miles of States' seaward boundaries, by State.

* * * * *

(e) * * *

(2) * * *

(i) * * *

(A) State of Alaska Requirements Applicable to OCS Sources, September 15, 2018.

* * * * *

■ 3. Appendix A to part 55 is amended by revising paragraph (a)(1) under the heading ''Alaska'' to read as follows:

Appendix A to Part 55—Listing of State and Local Requirements Incorporated by Reference Into Part 55, by State

* * * * *

[2] OMB's approval of the ICR can be viewed at *www.reginfo.gov.*

Alaska

(a) * * *

(1) The following State of Alaska requirements are applicable to OCS Sources, September 15, 2018, Alaska Administrative Code—Department of Environmental Conservation. The following sections of Title 18, Chapter 50:

Article 1. Ambient Air Quality Management

18 AAC 50.005. Purpose and Applicability of Chapter (effective 10/01/2004)
18 AAC 50.010. Ambient Air Quality Standards (effective 08/20/2016)
18 AAC 50.015. Air Quality Designations, Classification, and Control Regions (effective 04/17/2015) except (b)(3) and (d)(2)
Table 1. Air Quality Classifications
18 AAC 50.020. Baseline Dates and Maximum Allowable Increases (effective 08/20/2016)
Table 2. Baseline Areas and Dates
Table 3. Maximum Allowable Increases
18 AAC 50.025. Visibility and Other Special Protection Areas (effective 09/15/2018)
18 AAC 50.030. State Air Quality Control Plan (effective 09/15/2018)
18 AAC 50.035. Documents, Procedures, and Methods Adopted by Reference (effective 09/15/2018)
18 AAC 50.040. Federal Standards Adopted by Reference (effective 09/15/2018) except (h)(2)
18 AAC 50.045. Prohibitions (effective 10/01/2004)
18 AAC 50.050. Incinerator Emissions Standards (effective 07/25/2008)
Table 4. Particulate Matter Standards for Incinerators
18 AAC 50.055. Industrial Processes and Fuel-Burning Equipment (effective 09/15/2018) except (a)(4) through (a)(6), (a)(9), (b)(2)(A), (b)(3), (b)(5), and (e)
18 AAC 50.065. Open Burning (effective 03/06/2016)
18 AAC 50.070. Marine Vessel Visible Emission Standards (effective 06/21/1998)
18 AAC 50.080. Ice Fog Standards (effective 01/18/1997)
18 AAC 50.085. Volatile Liquid Storage Tank Emission Standards (effective 01/18/1997)
18 AAC 50.100. Nonroad Engines (effective 10/01/2004)
18 AAC 50.110. Air Pollution Prohibited (effective 05/26/1972)

Article 2. Program Administration

18 AAC 50.200. Information Requests (effective 10/01/2004)
18 AAC 50.201. Ambient Air Quality Investigation (effective 10/01/2004)
18 AAC 50.205. Certification (effective 10/01/2004) except (b)
18 AAC 50.215. Ambient Air Quality Analysis Methods (effective 09/15/2018)
Table 5. Significant Impact Levels (SILs)
18 AAC 50.220. Enforceable Test Methods (effective 09/15/2018)
18 AAC 50.225 Owner-Requested Limits (effective 09/15/2018) except (c) through (g)
18 AAC 50.230. Preapproved Emission Limits (effective 09/15/2018) except (d)
18 AAC 50.235. Unavoidable Emergencies and Malfunctions (effective 09/15/2018)
18 AAC 50.240. Excess Emissions (effective 12/29/2016)
18 AAC 50.245. Air Quality Episodes and Advisories for Air Pollution Other Than PM 2.5 (effective 02/28/2015)
Table 6. Concentrations Triggering an Air Quality Episode for Air Pollution Other Than PM 2.5
18 AAC 50.246. Air Quality Episodes and Advisories for PM 2.5 (effective 02/28/2015)
Table 6a. Concentrations Triggering an Air Quality Episode for PM 2.5

Article 3. Major Stationary Source Permits

18 AAC 50.302. Construction Permits (effective 09/14/2012)
18 AAC 50.306. Prevention of Significant Deterioration (PSD) Permits (effective 01/04/2013) except (c) and (e)
18 AAC 50.311. Nonattainment Area Major Stationary Source Permits (effective 09/15/2018) except (c)
18 AAC 50.316. Preconstruction Review for Construction or Reconstruction of a Major Source of Hazardous Air Pollutants (effective 12/01/2004) except (c)
18 AAC 50.321. Case-By-Case Maximum Achievable Control Technology (effective 10/06/2013)
18 AAC 50.326. Title V Operating Permits (effective 09/15/2018) except (c)(1), (h), (i)(3), (j)(5), (j)(6), (k)(1), (k)(3), (k)(5), and (k)(6)
18 AAC 50.345. Construction, Minor and Operating Permits: Standard Permit Conditions (effective 09/15/2018)
18 AAC 50.346. Construction and Operating Permits: Other Permit Conditions (effective 09/15/2018)
Table 7. Standard Operating Permit Condition

Article 4. User Fees

18 AAC 50.400. Permit Administration Fees (effective 09/15/2018) except (a)(2) through (a)(4), (a)(6), (a)(8), (i)(1), (i)(4), (i)(8), and (i)(9)
18 AAC 50.403. Negotiated Service Agreements (effective 09/26/2015)
18 AAC 50.410. Emission Fees (effective 09/15/2018)
18 AAC 50.499. Definition for User Fee Requirements (effective 09/26/2015)

Article 5. Minor Permits

18 AAC 50.502. Minor Permits for Air Quality Protection (effective 09/15/2018) except (b)(1) through (b)(3), (b)(5), (d)(1)(A) and (d)(2)(A)
18 AAC 50.508. Minor Permits Requested by the Owner or Operator (effective 12/09/2010)
18 AAC 50.510. Minor Permit—Title V Permit Interface (effective 12/09/2010)
18 AAC 50.540. Minor Permit: Application (effective 09/15/2018)
18 AAC 50.542. Minor Permit: Review and Issuance (effective 09/15/2018) except (a), (b), (c), and (d)
18 AAC 50.544. Minor Permits: Content (effective 12/09/2010)
18 AAC 50.546. Minor Permit Revision (effective 7/25/08)
18 AAC 50.560. General Minor Permits (effective 09/15/2018) except (b)

Article 9. General Provisions

18 AAC 50.990. Definitions (effective 09/15/2018)

* * * * *

[FR Doc. 2020–17572 Filed 9–4–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2019–0413; FRL–10013–02]

Tiafenacil; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of tiafenacil in or on multiple commodities which are identified and discussed later in this document. ISK Biosciences Corporation requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective September 8, 2020. Objections and requests for hearings must be received on or before November 9, 2020, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2019–0413, 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.*

FOR FURTHER INFORMATION CONTACT: Marietta Echeverria, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW,

Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

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).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Publishing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.* To access the OCSPP test guidelines referenced in this document electronically, please go to *http://www.epa.gov/test-guidelines-pesticides-and-toxic-substances.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2019–0413 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before November 9, 2020. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2019–0413, 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 CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/where-send-comments-epa-dockets.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of August 30, 2019 (84 FR 45702) (FRL–9998–15), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 8F8676) by ISK Biosciences Corporation, 7470 Auburn Road, Suite A., Concord, OH 44077. The petition requested that 40 CFR part 180 be amended by establishing tolerances for residues of the herbicide tiafenacil, methyl *N*-[2-[[2-chloro-5-[3,6-dihydro-3-methyl-2,6-dioxo-4-(trifluoromethyl)-1(2*H*)-pyrimidinyl]-4-fluorophenyl]thio]-1-oxopropyl]-β-alaninate, including its metabolites and degradates, in or on corn, which includes field corn and popcorn, at 0.01 parts per million (ppm); cottonseed subgroup 20C, gin byproducts at 3.0 ppm; cottonseed subgroup 20C, undelinted seed at 0.5 ppm; grape at 0.01 ppm; grape, raisin at 0.01 ppm; soybean seed at 0.01 ppm; and wheat grain at 0.01 ppm. That document referenced a summary of the petition prepared by ISK Biosciences Corporation, the registrant, which is available in the docket, *http://www.regulations.gov.* There were no comments received in response to the notice of filing.

Based upon review of the data supporting the petition, EPA has revised the tolerance expressions, revised tolerance values and definitions for some commodities, and established tolerances on livestock feed commodities. The reasons for these changes are explained in Unit IV.C.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for tiafenacil including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with tiafenacil follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

The available data indicate that exposure to tiafenacil caused consistent decreases in absolute body weights, alterations in the erythropoietic system, minor clinical chemical changes, and histopathological changes in the liver, bone marrow and the spleen of mice, rats and dogs. There was no evidence of carcinogenicity, genotoxicity, mutagenicity, dermal toxicity, neurotoxicity, or immunotoxicity.

There was evidence of an increased fetal quantitative susceptibility in rats

but not rabbits. In rats, no maternal effects were observed up to the highest dose tested, while there was a decrease in fetal weights at the high dose. The decrease in fetal body weights is not considered a single dose effect. No adverse effects were observed in rabbits in maternal or fetal animals. There was no evidence of increased postnatal susceptibility in the 2-generation reproductive study up to the highest dose tested. Increased levels of porphyrin were observed in the liver at the highest doses tested in parents and offspring. While not adverse, this effect is consistent with the hematotoxicity observed throughout the database at higher doses. At the highest dose in the 1-generation reproductive study, parental effects included pale skin, decreased body weight and food consumption, low hemoglobin concentrations, hematocrit, mean corpuscular volume, and mean corpuscular hemoglobin and platelet count. F1 offspring were not generated based upon the effects in adults as it was predicted that similar effects and increased mortality would occur.

Tiafenacil has low acute lethality through oral, dermal, and inhalation routes. It is not an ocular or dermal irritant, nor is it a dermal sensitizer.

Specific information on the studies received and the nature of the adverse effects caused by tiafenacil as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in the document, ''Tiafenacil. Human Health Risk Assessment for the Section 3 Registration Action of the New Active Ingredient on Grapes, Corn, Cotton, Soybeans, and Wheat''. First Food Use. in docket ID number EPA–HQ–OPP–2019–0413.

B. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/assessing-human-health-risk-pesticides.*

The toxicological endpoints used to assess safety of exposures to tiafenacil are discussed in the Human Health Risk Assessment mentioned above.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to tiafenacil, EPA considered exposure under the petitioned-for tolerances. EPA assessed dietary exposures from tiafenacil in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. No such effects were identified in the toxicological studies for tiafenacil; therefore, a quantitative acute dietary exposure assessment is unnecessary.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment, EPA used the food consumption data from the United States Department of Agriculture (USDA) National Health and Nutrition Examination Survey, What We Eat in America, (NHANES/WWEIA; 2003–2008). As to residue levels in food, EPA assumed 100% CT and tolerance-level residues for all commodities.

iii. *Cancer.* Based on the data summarized in Unit III.A., EPA has concluded that tiafenacil does not pose a cancer risk to humans. Therefore, a dietary exposure assessment for the purpose of assessing cancer risk is unnecessary.

iv. *Anticipated residue and percent crop treated (PCT) information.* EPA did not use anticipated residue and/or PCT information in the dietary assessment for tiafenacil. Tolerance level residues and/or 100% CT were assumed for all food commodities.

2. *Dietary exposure from drinking water.* The Agency used screening-level water exposure models in the dietary exposure analysis and risk assessment for tiafenacil in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of tiafenacil. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/about-water-exposure-models-used-pesticide.*

Modeled estimates of drinking water concentrations based on the Pesticides in Water Calculator (PWC) version 1.52 were directly entered into the dietary exposure model. For chronic dietary risk assessment, the highest estimated drinking water concentration of 66 parts per billion was used to assess the contribution to drinking water from groundwater sources.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets). There are no uses for tiafenacil that will result in residential exposure.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA has not found tiafenacil to share a common mechanism of toxicity with any other substances, and tiafenacil does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that tiafenacil does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's website at *http://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/cumulative-assessment-risk-pesticides.*

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the

completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* There is evidence from a rat developmental study of an increased quantitative fetal susceptibility following *in utero* exposure to tiafenacil in rats. Although a 2-generation reproductive study would typically further characterize this susceptibility, no effects were observed in parents and offspring in the definitive study. Therefore, EPA conducted a weight-of-evidence (WOE) analysis taking into consideration a 1-generation reproductive study and determined that the concern for the observed effects is low because: (1) The effects are well characterized and clear NOAELs were established; (2) the PODs selected for risk assessment are protective for the effects observed in the rat developmental and 1-generation reproductive studies; (3) the 2-generation reproductive study and the 1-generation reproductive study are considered co-critical based upon similar doses allowing them to be considered together; (4) the parental effects were observed in the 1-generation reproductive study are six to seven-fold higher than the NOAEL; (5) increased porphyrin levels which are thought to be a precursor to hematotoxicity occur at the same dose in parental animals and offspring in the 2-generation reproductive study and not the lower two doses; and (6) quantitative susceptibility was not observed in the two-generation reproductive study for a similar chemical saflufenacil.

3. *Conclusion.* EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1X. That decision is based on the following findings:

i. The toxicity database for tiafenacil is complete.

ii. There is no indication that tiafenacil is a neurotoxic chemical and there is no need for a developmental neurotoxicity study or additional UFs to account for neurotoxicity.

iii. The selected endpoints are protective of the observed increased fetal and offspring susceptibilities in rats. They are also protective of potential offspring effects which are expected to occur at the same dose as parental effects or higher.

iv. There are no residual uncertainties identified in the exposure databases. The dietary food exposure assessments were performed based on 100% CT and tolerance-level residues. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to tiafenacil in drinking water. These assessments will not underestimate the exposure and risks posed by tiafenacil.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists. There are no residential uses for tiafenacil.

1. *Acute risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. No adverse effect resulting from a single oral exposure was identified and no acute dietary endpoint was selected. Therefore, tiafenacil is not expected to pose an acute risk.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to tiafenacil from food and water will utilize 14% of the cPAD for the general population, and 36% of the cPAD for infants (<1 year old), the population group receiving the greatest exposure.

3. *Short- and intermediate-term risks.* Short- and intermediate-term aggregate exposures takes into account short- and intermediate-term residential exposures plus chronic exposure to food and water (considered to be a background exposure level). Because there are no residential uses for tiafenacil, short- and intermediate-term aggregate exposures are equivalent to the chronic dietary exposure.

4. *Aggregate cancer risk for U.S. population.* Based on the lack of evidence of carcinogenicity in two adequate rodent carcinogenicity studies, tiafenacil is not expected to pose a cancer risk to humans.

5. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to tiafenacil residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology (high-performance liquid chromatography method with tandem mass spectrometry detection (LC/MS/MS), Method No. GPL–MTH–113) is available to enforce the tolerance expression for determination of residues of tiafenacil and metabolites M–36 (2-(2-chloro-4-fluoro-5-(3-methyl-2,6-dioxo-4-(trifluoromethyl)-2,3-dihydropyrimidin-1(6*H*)-yl)phenylsulfinyl)propanoic acid) and M–56 (2-(2-chloro-5-(2,6-dioxo-4-(trifluoromethyl)-2,3-dihydropyrimidin-1(6*H*)-yl)-4-fluorophenylsulfinyl)propanoic acid) in crop commodities.

The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level. The Codex has not established any MRL for tiafenacil.

C. Revisions to Petitioned-for Tolerances

Based upon review of supporting residue data, EPA has made several modifications to the petition. The petitioner did not propose tolerances for residues in or on the livestock feed raw agricultural commodities (RACs) associated with the use of tiafenacil on corn, wheat, and soybeans; however, EPA has determined that tolerances for

residues in these RACs are needed based on the tolerances requested, as the crop field trial data showed quantifiable residues of tiafenacil and its metabolites. For livestock feed items (both preplant and desiccation), significant amounts of metabolites M–01, M–10, M–52, M–53, M–36, and/or M–56 were found in the corn, cotton, soybean, and wheat field trials. For tolerance enforcement in livestock feed items, tiafenacil, M–36, and M–56 are appropriate marker compounds as the metabolites are common to these RACs following preplant use and tiafenacil is the major residue following desiccation treatment. Therefore, EPA is establishing a separate tolerance expression for livestock feed RACs by including the sum of tiafenacil, M–36, and M–56 for compliance with the tolerance values specified. In addition to establishing the petitioned-for tolerance on cotton gin byproducts under this separate tolerance expression, EPA also established tolerances on livestock RACs for corn (field, forage and stover; pop, stover), soybean (forage and hay), and wheat (forage, hay, straw). The tolerance values for cottonseed subgroup 20C undelinted seed and cottonseed subgroup 20C gin byproducts were corrected by removing the trailing zero to be consistent with EPA's Rounding Class Practice and the commodity definitions were revised to be consistent with Agency practice. All livestock feed RAC tolerance values were calculated using the Organization for Economic Co-operation and Development's (OECD) MRL calculation procedures.

The proposed tolerance expression was revised for primary crops by removing the metabolite M–01 (3-(2-(2-chloro-4-fluoro-5-(3-methyl-2,6-dioxo-4-(trifluoromethyl)-2,3-dihydropyrimidin-1(6*H*)-yl)phenylthio)propanamido)propanoic acid), as parent tiafenacil was the predominant residue and is thus the residue of concern for tolerance enforcement purposes. Residues in these human consumption commodities (seeds, grains, and fruits) will result only from desiccation use.

A lower tolerance value was established for the cottonseed subgroup 20C after adjusting the residue levels using proportionality to account for the exaggerated rate used in the cotton field trials and using the OECD MRL calculation procedures. The submitted processing studies indicate that a tolerance for residues of tiafenacil is not required for grape, raisin (*i.e.,* no concentration of residues was observed).

V. Conclusion

Therefore, tolerances are established for residues of tiafenacil, methyl *N*-[2-[[2-chloro-5-[3,6-dihydro-3-methyl-2,6-dioxo-4-(trifluoromethyl)-1(2*H*)-pyrimidinyl]-4-fluorophenyl]thio]-1-oxopropyl]-β-alaninate, including its metabolites and degradates, in or on Corn, field, forage at 0.05 ppm; Corn, field, grain at 0.01 ppm; Corn, field, stover at 0.05 ppm; Corn, pop, grain at 0.01 ppm; Corn, pop, stover at 0.05 ppm; Cotton, gin byproducts at 3 ppm; Cottonseed subgroup 20C at 0.3 ppm; Grape at 0.01 ppm; Soybean, forage at 0.15 ppm; Soybean, hay at 0.3 ppm; Soybean, seed at 0.01 ppm; Wheat, forage at 0.05 ppm; Wheat, grain at 0.01 ppm; Wheat, hay at 0.08 ppm; and Wheat, straw at 0.07 ppm.

VI. Statutory and Executive Order Reviews

This action establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), or Executive Order 13771, entitled ''Reducing Regulations and Controlling Regulatory Costs'' (82 FR 9339, February 3, 2017). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or Tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or Tribal Governments, on the relationship between the National Government and the States or Tribal Governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian Tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (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 in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: August 23, 2020.

Edward Messina,

Acting Director, Office of Pesticide Programs.

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

PART 180—TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES IN FOOD

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Add § 180.713 to subpart C to read as follows:

§ 180.713 Tiafenacil; tolerances for residues.

(a) *General.* (1) Tolerances are established for residues of the herbicide tiafenacil, including its metabolites and degradates, in or on the commodities in the table below. Compliance with the tolerance levels specified below is to be determined by measuring only tiafenacil, methyl *N*-[2-[[2-chloro-5-[3,6-dihydro-3-methyl-2,6-dioxo-4-(trifluoromethyl)-1(2*H*)-pyrimidinyl]-4-fluorophenyl]thio]-1-oxopropyl]-β-alaninate, in or on the following commodities:

TABLE 1 TO PARAGRAPH (a)(1)

Commodity	Parts per million
Corn, field, grain	0.01
Corn, pop, grain	0.01
Cottonseed subgroup 20C	0.3
Grape	0.01
Soybean, seed	0.01
Wheat, grain	0.01

(2) Tolerances are established for residues of the herbicide tiafenacil, including its metabolites and degradates, in or on the commodities in the table below. Compliance with the tolerance levels specified below is to be determined by measuring only the sum of tiafenacil, methyl *N*-[2-[[2-chloro-5-[3,6-dihydro-3-methyl-2,6-dioxo-4-(trifluoromethyl)-1(2*H*)-pyrimidinyl]-4-fluorophenyl]thio]-1-oxopropyl]-β-alaninate and its metabolites 2-(2-chloro-4-fluoro-5-(3-methyl-2,6-dioxo-4-(trifluoromethyl)-2,3-dihydropyrimidin-1(6*H*)-yl)phenylsulfinyl)propanoic acid and 2-(2-chloro-5-(2,6-dioxo-4-(trifluoromethyl)-2,3-dihydropyrimidin-1(6*H*)-yl)-4-fluorophenylsulfinyl)propanoic acid, calculated as the stoichiometric equivalent of tiafenacil, in or on the following commodities:

TABLE 2 TO PARAGRAPH (a)(2)

Commodity	Parts per million
Cotton, gin byproducts	3
Corn, field, forage	0.05
Corn, field, stover	0.05
Corn, pop, stover	0.05
Soybean, forage	0.15
Soybean, hay	0.3
Wheat, forage	0.05
Wheat, hay	0.08
Wheat, straw	0.07

(b)–(d) [Reserved]

[FR Doc. 2020–19673 Filed 9–4–20; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Parts 402, 403, 411, 412, 422, 423, 460, 483, 488, and 493

[CMS–6076–RCN2]

RIN 0991–AC07

Medicare and Medicaid Programs; Adjustment of Civil Monetary Penalties for Inflation; Continuation of Effectiveness and Extension of Timeline for Publication of the Final Rule

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Continuation of effectiveness and extension of timeline for publication of the final rule.

SUMMARY: This document announces the continuation of, effectiveness of, and the extension of the timeline for publication of a final rule. We are issuing this document in accordance with section 1871(a)(3)(C) of the Social Security Act (the Act), which allows an interim final rule to remain in effect after the expiration of the timeline specified in section 1871(a)(3)(B) of the Act if the Secretary publishes a notice of continuation explaining why we did not comply with the regular publication timeline.

DATES: Effective September 4, 2020, the Medicare provisions adopted in the interim final rule published on September 6, 2016 (81 FR 61538), continue in effect and the regular timeline for publication of the final rule is extended for an additional year, until September 6, 2021.

FOR FURTHER INFORMATION CONTACT: Steve Forry (410) 786–1564 or Jaqueline Cipa (410) 786–3259.

SUPPLEMENTARY INFORMATION: Section 1871(a) of the Social Security Act (the Act) sets forth certain procedures for promulgating regulations necessary to carry out the administration of the insurance programs under Title XVIII of the Act. Section 1871(a)(3)(A) of the Act requires the Secretary, in consultation with the Director of the Office of Management and Budget (OMB), to establish a regular timeline for the publication of final regulations based on the previous publication of a proposed rule or an interim final rule. In accordance with section 1871(a)(3)(B) of the Act, such timeline may vary among different rules, based on the complexity of the rule, the number and scope of the comments received, and other relevant factors. However, the timeline for publishing the final rule, cannot exceed 3 years from the date of publication of the proposed or interim final rule, unless there are exceptional circumstances. After consultation with the Director of OMB, the Secretary published a document, which appeared in the December 30, 2004 **Federal Register** on (69 FR 78442), establishing a general 3-year timeline for publishing Medicare final rules after the publication of a proposed or interim final rule.

Section 1871(a)(3)(C) of the Act states that upon expiration of the regular timeline for the publication of a final regulation after opportunity for public comment, a Medicare interim final rule shall not continue in effect unless the Secretary publishes a notice of continuation of the regulation that includes an explanation of why the regular timeline was not met. Upon publication of such notice, the regular timeline for publication of the final regulation is treated as having been extended for 1 additional year.

On September 6, 2016 **Federal Register** (81 FR 61538), the Department of Health and Human Services (HHS) issued a department-wide interim final rule titled ''Adjustment of Civil Monetary Penalties for Inflation'' that established new regulations at 45 CFR part 102 to adjust for inflation the maximum civil monetary penalty amounts for the various civil monetary penalty authorities for all agencies within the Department. HHS took this action to comply with the Federal Civil Penalties Inflation Adjustment Act of 1990 (the Inflation Adjustment Act) (28 U.S.C. 2461 note 2(a)), as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (section 701 of the Bipartisan Budget Act of 2015, (Pub. L. 114–74), enacted on November 2, 2015). In addition, this September 2016 interim final rule included updates to certain agency-specific regulations to reflect the new provisions governing the adjustment of civil monetary penalties for inflation in 45 CFR part 102.

One of the purposes of the Inflation Adjustment Act was to create a mechanism to allow for regular inflationary adjustments to federal civil monetary penalties. Section 2(b)(1) of the Inflation Adjustment Act. The 2015 amendments removed an inflation update exclusion that previously

applied to the Social Security Act as well as to the Occupational Safety and Health Act. The 2015 amendments also ''reset'' the inflation calculations by excluding prior inflationary adjustments under the Inflation Adjustment Act and requiring agencies to identify, for each penalty, the year and corresponding amount(s) for which the maximum penalty level or range of minimum and maximum penalties was established (that is, originally enacted by Congress) or last adjusted other than pursuant to the Inflation Adjustment Act. In accordance with section 4 of the Inflation Adjustment Act, agencies were required to: (1) Adjust the level of civil monetary penalties with an initial ''catch-up'' adjustment through an interim final rulemaking (IFR) to take effect by August 1, 2016; and (2) make subsequent annual adjustments for inflation.

In the September 2016 interim final rule, HHS adopted new regulations at 45 CFR part 102 to govern adjustment of civil monetary penalties for inflation. The regulation at 45 CFR 102.1 provides that part 102 applies to each statutory provision under the laws administered by the Department of Health and Human Services concerning civil monetary penalties, and that the regulations in part 102 supersede existing HHS regulations setting forth civil monetary penalty amounts. The civil money penalties and the adjusted penalty amounts administered by all HHS agencies are listed in tabular form in 45 CFR 102.3. In addition to codifying the adjusted penalty amounts identified in § 102.3, the HHS-wide interim final rule included several technical conforming updates to certain agency-specific regulations, including various CMS regulations, to identify their updated information, and incorporate a cross-reference to the location of HHS-wide regulations.

Because the conforming changes to the Medicare provisions were part of a larger, omnibus departmental interim final rule, we inadvertently missed setting a target date for the final rule to make permanent the changes to the Medicare regulations in accordance with section 1871(a)(3)(A) of the Act and the procedures outlined in the December 2004 document. Therefore, in the January 2, 2020 **Federal Register** (85 FR 7), we published a document continuing the effectiveness of effect and the regular timeline for publication of the final rule for an additional year, until September 6, 2020.

Consistent with section 1871(a)(3)(C) of the Act, we are publishing this second notice of continuation extending the effectiveness of the technical conforming changes to the Medicare regulations that were implemented through interim final rule and to allow time to publish a final rule.

On January 31, 2020, pursuant to section 319 of the Public Health Service Act (PHSA), the Secretary determined that a Public Health Emergency (PHE) exists for the United States to aid the nation's healthcare community in responding to COVID–19. On March 11, 2020, the World Health Organization (WHO) publicly declared COVID–19 a pandemic. On March 13, 2020, the President declared the COVID–19 pandemic a national emergency. This declaration, along with the Secretary's January 31, 2020 declaration of a PHE, conferred on the Secretary certain waiver authorities under section 1135 of the Act. On March 13, 2020, the Secretary authorized waivers under section 1135 of the Act, effective March 1, 2020.[1] Effective July 25, 2020, the Secretary renewed the January 31, 2020 determination that was previously renewed on April 21, 2020, that a PHE exists and has existed since January 27, 2020. The unprecedented nature of this national emergency has placed enormous responsibilities upon CMS to respond appropriately, and resources have had to be re-allocated throughout the agency in order to be responsive. Therefore, the Medicare provisions adopted in interim final regulation continue in effect and the regular timeline for publication of the final rule is extended for an additional year, until September 6, 2021.

Wilma M. Robinson,

Deputy Executive Secretary to the Department, Department of Health and Human Services.

[FR Doc. 2020–19657 Filed 9–4–20; 8:45 am]

BILLING CODE 4120–01–P

[1] *https://www.phe.gov/emergency/news/healthactions/section1135/Pages/covid19-13March20.aspx.*

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 543

[Docket No. NHTSA–2020–0081]

Exemption From Vehicle Theft Prevention Standard; Clarification of Data Submission Requirement

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notification clarifying content requirement for petitions for exemption from vehicle theft prevention standard.

SUMMARY: NHTSA is issuing this notification to aid manufacturers in understanding what type of information must be submitted when petitioning for an exemption from NHTSA's Vehicle Theft Prevention Standard under agency rules.

DATES: September 8, 2020.

FOR FURTHER INFORMATION CONTACT: For programmatic issues: Carlita Ballard, Office of International Policy, Fuel Economy, and Consumer Standards. Ms. Ballard's phone number is (202) 366–5222. Her fax number is (202) 493–2990. For legal issues: Hannah Fish, Office of the Chief Counsel, (202) 366–2992. National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590.

SUPPLEMENTARY INFORMATION: This informational notification is to clarify the type of information that can serve as a valid basis for granting a request for exemption from the Federal Motor Vehicle Theft Prevention Standard (Theft Prevention Standard). NHTSA is providing this clarification because it has received a few petitions in which the petitioners have sought to support their request for exemption with data comparing the theft rate of a particular vehicle line to the industry median or average vehicle theft rate for a specific model year (MY)/calendar year (CY), or with the 1990/91 median theft rate that is used to determine whether any new light duty truck line is likely to be a high theft line. As discussed below, NHTSA's regulations at 49 CFR 543.6(a)(5) require petitioners to submit information to support their belief that a line of passenger motor vehicles equipped with the antitheft device is likely to have a theft rate equal to or less than that of passenger motor vehicles *of the same, or a similar, line* which have parts marked in compliance with Part 541. This notification does not impose any new requirements for manufacturers seeking exemptions from the parts-marking requirement or otherwise change Part 541.

Under 49 U.S.C. Chapter 331, the Secretary of Transportation (and NHTSA by delegation) is required to promulgate a theft prevention standard to provide for the identification of certain motor vehicles and their major replacement parts to impede motor vehicle theft. NHTSA promulgated regulations at Part 541 (Theft Prevention Standard) to require parts-marking for specified passenger motor vehicles and light trucks. Pursuant to 49 U.S.C.

33106, manufacturers that are subject to the parts-marking requirements may petition the Secretary of Transportation for an exemption for a line of passenger motor vehicles equipped as standard equipment with an antitheft device that the Secretary decides is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements. That chapter defines a ''line'' as ''a name that a manufacturer of motor vehicles applies to a group of motor vehicle models of the same make that have the same body or chassis, or otherwise are similar in construction or design.'' [1] In accordance with this statute, NHTSA promulgated 49 CFR part 543, which establishes the process through which manufacturers may seek an exemption from the Theft Prevention Standard for lines of passenger motor vehicles.

Part 543, *Exemption from Vehicle Theft Prevention Standard,* of 49 CFR specifies the showing that manufacturers must make in a request for exemption from the parts-marking requirement. In relevant part, 49 CFR 543.6(a)(5) requires the petitioner to submit:

> The reasons for [its] belief that the agency should determine that the antitheft device is likely to be as effective as compliance with the parts-marking requirements of part 541 in reducing and deterring motor vehicle theft, including any statistical data that are available to the petitioner and form a basis for the petitioner's belief that a line of passenger motor vehicles equipped with the antitheft device is likely to have a theft rate equal to or less than that of passenger motor vehicles *of the same, or a similar, line* which have parts marked in compliance with part 541. (Emphasis added.)

As discussed above, pursuant to 49 U.S.C. 33106 and 49 CFR 543.8 (b), the agency grants a petition for exemption from the parts-marking requirements of Part 541, either in whole or in part, if it determines that, based upon supporting evidence, the standard equipment antitheft device is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of Part 541.

In order to determine whether an exemption is warranted under Part 543, NHTSA must determine the relative effectiveness of a particular antitheft device versus parts marking in reducing vehicle theft. This is because, to make a valid comparison, petitioners must carefully choose two sets of vehicles that are as nearly similar as possible so that NHTSA can be reasonably certain that any differences or similarities in the theft rates of the two sets of vehicles can be attributed to the presence of an antitheft device or parts marking and not to extraneous, confounding variables.

NHTSA publishes data, by notice and on the agency's website, on vehicle theft rates based on information provided by the National Crime Information Center (NCIC) of the Federal Bureau of Investigation.[2] In the notices, NHTSA publishes theft data available for model year vehicles stolen in a calendar year. The data include the average theft rate for MY vehicles in that CY, how that data compare to data from the prior CY, and how that data compare to the established median theft rate for MYs 1990/91,[3] which is used to designate high-theft vehicle lines (now only for light trucks).[4] Those notices also include theft rate data for individual vehicle lines. These data show that theft rates for different vehicle lines vary widely within a CY.

In the past, NHTSA had considered relative theft rate data of a vehicle that is the subject of an exemption petition and one or more models in the same segment, of a similar size, and equipped with similar equipment as an appropriate comparative basis. NHTSA's Vehicle Theft Rates Search tool is one resource that petitioners may use to reference relative theft rate data for a similar line. In addition, petitioners have referenced data from outside sources that has provided comparative theft rate data for the specific line for which the petitioner is requesting an exemption.[5] NHTSA reaffirms today that such relative theft rate data may be persuasive supporting evidence to enable the agency to make a determination that the standard equipment antitheft device is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of Part 541. Again, to make a valid comparison, petitioners must carefully choose two sets of vehicles that are as nearly similar as possible so that NHTSA can be reasonably certain that any differences or similarities in the theft rates of the two sets of vehicles can be attributed to the presence of an antitheft device or parts marking and not to extraneous, confounding variables.

Accordingly, a petitioner citing the industry average theft rate for a CY for purposes of determining whether an antitheft device is likely to be as effective as a same or similar vehicle line that has parts marked in compliance with Part 541 is not particularly meaningful for the agency's comparison considering the range of individual vehicle line theft rates; citing the 1990/1991 median theft rate is even less meaningful considering that median theft rate was based on the range of vehicle lines available almost 30 years ago. For this reason, NHTSA will not consider comparisons of the theft rate of the subject vehicle in a petition to the industry-wide median or average theft rate for a specific MY/CY, or to the 1990/91 median theft rate as persuasive evidence when evaluating a request for exemption under Part 543.

NHTSA believes this information will be helpful for manufacturers contemplating how to petition for exemption from the parts-marking requirements of Part 541.

Issued in Washington, DC, under authority delegated in 49 CFR 1.95 and 501.8.

Raymond R. Posten,

Associate Administrator for Rulemaking.

[FR Doc. 2020–17597 Filed 9–4–20; 8:45 am]

BILLING CODE 4910–59–P

[1] 49 U.S.C. 33101(5). NHTSA's regulations at 49 CFR 541.4 further elaborate that ''A 'line' may, for example, include 2-door, 4-door, station wagon, and hatchback vehicles of the same make.''

[2] *See* National Highway Traffic Safety Administration, Vehicle Theft Prevention, Vehicle Theft Rates Search, *https://www.nhtsa.gov/vehicle-theft-prevention/vehicle-theft-rates-search.*

[3] *See, e.g.,* 82 FR 28246 (June 21, 2017).

[4] 49 CFR 542.1.

[5] This includes data from the Insurance Institute for Highway Safety's Highway Loss Data Institute or other comparative internal confidential or non-confidential data the manufacturer may have.

Proposed Rules

Federal Register
Vol. 85, No. 174
Tuesday, September 8, 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 959

[Doc. No. AMS–SC–20–0046; SC20–959–2 CR]

Onions Grown in South Texas; Continuance Referendum

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Referendum order.

SUMMARY: This document directs that a referendum be conducted among eligible producers of onions grown in South Texas to determine whether they favor continuance of the marketing order regulating the handling of onions produced in the production area.

DATES: The referendum will be conducted from September 21 through October 13, 2020. Only current producers of South Texas onions within the production area that produced onions during the period August 1, 2018, through July 31, 2019, are eligible to vote in this referendum.

ADDRESSES: Copies of the marketing order may be obtained from the Southeast Marketing Field Office, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1124 First Street South, Winter Haven, FL 33880; Telephone: (863) 324–3375; or from the Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491; or on the internet: *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Abigail Campos, Marketing Specialist, or Christian D. Nissen, Regional Director, Southeast Marketing Field Office, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1124 First Street South, Winter Haven, FL 33880; Telephone: (863) 324–3375, Fax: (863) 291–8614, or Email: *Abigail.Campos@usda.gov* or *Christian.Nissen@usda.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to Marketing Agreement and Order No. 959, as amended (7 CFR part 959), hereinafter referred to as the ''Order,'' and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act,'' it is hereby directed that a referendum be conducted to ascertain whether continuance of the Order is favored by producers. The referendum shall be conducted from September 21 through October 13, 2020, among onion producers in the production area. Only current Texas onion producers who were also engaged in the production of onions grown in South Texas during the period of August 1, 2018, through July 31, 2019, may participate in the continuance referendum.

USDA has determined that continuance referenda are an effective means for determining whether producers favor the continuation of marketing order programs. The Order will continue in effect if two-thirds or more of the producers voting in the referendum, or producers of more than two-thirds of the volume of onions grown in South Texas represented in the referendum, favor continuance. In evaluating the merits of continuance versus termination, USDA will not exclusively consider the results of the continuance referendum. USDA will also consider all other relevant information regarding the operation of the Order and relative benefits and disadvantages to producers, handlers, and consumers to determine whether continued operation of the Order would tend to effectuate the declared policy of the Act.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the ballots used in the referendum have been approved by the Office of Management and Budget (OMB) and have been assigned OMB No. 0581–0178 Vegetable and Specialty Crops. It has been estimated it will take an average of 20 minutes for each of the approximately 100 onion producers to cast a ballot. Participation is voluntary. Ballots postmarked after October 13, 2020, will not be included in the vote tabulation.

Abigail Campos and Christian D. Nissen of the Southeast Marketing Field Office, Specialty Crops Program, AMS, USDA, are hereby designated as the referendum agents of the Secretary of Agriculture to conduct this referendum. The procedure applicable to the referendum shall be the ''Procedure for the Conduct of Referenda in Connection With Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended'' (7 CFR part 900.400 *et seq.*).

Ballots will be mailed to all producers of record and may also be obtained from the referendum agents or from their appointees.

List of Subjects in 7 CFR Part 959

Marketing agreements, Onions, Reporting and recordkeeping requirements.

Authority: 7 U.S.C. 601–674.

Bruce Summers,

Administrator, Agricultural Marketing Service.

[FR Doc. 2020–17578 Filed 9–4–20; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0791; Project Identifier AD–2020–00676–R]

RIN 2120–AA64

Airworthiness Directives; Sikorsky Aircraft Corporation Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Sikorsky Aircraft Corporation (Sikorsky) Model S–92A helicopters. This proposed AD was prompted by the manufacturer discovering non-conforming threads, resulting in a life limit reduction on multiple landing gear components including threaded hinge pins and main landing gear (MLG) and nose landing gear (NLG) actuator pins. This proposed AD would require a one-time inspection of the landing gear for components with non-conforming threads and removal of any

nonconforming threaded hinge pin and MLG and NLG actuator pin. 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 23, 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 Sikorsky Aircraft Corporation, Commercial Systems and Services, 124 Quarry Road, Trumbull, CT, 06611, United States; phone: (203) 416–4000; email: *product_safety.gr-sik@lmco.com.* Operators may also log on to the Sikorsky 360 website at website: *https://customerportal.sikorsky.com.* You may view the related service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817–222–5110.

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–2020–0791; 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: Dorie Resnik, Aerospace Engineer, Boston ACO Branch, Compliance & Airworthiness Division, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7693; fax: (781) 238–7199; email: *dorie.resnik@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–2020–0791; Project Identifier AD–2020–00676–R'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this NPRM because of those comments.

Except for Confidential Business Information (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 proposal.

Confidential Business Information

Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Dorie Resnik, Aerospace Engineer, Boston ACO, FAA, 1200 District Avenue, Burlington, MA 01803. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA proposes to adopt a new AD for Sikorsky Model S–92A helicopters, with serial numbers (S/Ns) 920006 through 920334, inclusive. The FAA learned of a quality escape involving the manufacture of landing gear components, including the threaded hinge pin and the MLG and NLG actuator pins, that were not made to specification and have non-conforming threads that reduce the fatigue life of the component. Failure of the threaded hinge pin or the actuator pins on the MLG or NLG may result in collapse of the landing gear and reduced ability of the flight crew to land the helicopter. This proposed AD would require the removal from service of certain serial-numbered threaded hinge pins part number (P/N) 92250–12281–101 and certain serial-numbered MLG and NLG actuator pins P/N 92250–12287–101 and 92250–12287–103 identified in this proposed AD. This condition, if not addressed, could result in failure of components on the MLG and NLG, collapse of the landing gear and damage to the helicopter, and reduced ability to control the helicopter during landing.

FAA's Determination

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

Related Service Information Under 1 CFR Part 51

The FAA reviewed Sikorsky Aircraft Corporation Alert Service Bulletin 92–32–008, Basic Issue, dated January 21, 2020 (''the ASB''). The ASB describes procedures for a one-time inspection and replacement of non-conforming components on the MLG and NLG. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Proposed AD Requirements

This proposed AD would require a one-time inspection of the landing gear and removal from service of threaded hinge pins and MLG and NLG actuator pins with non-conforming threads.

Differences Between This Proposed AD and the Service Information

This proposed AD would require replacement of only affected hinge pins and MLG and NLG actuator pins. The ASB requires replacement of additional parts, such as the MLG and NLG crossbolt and the MLG and NLG upper nut. The FAA has determined that the MLG and NLG crossbolt and the MLG and NLG upper nut fail in a safe and contained manner and therefore are not subject to this AD.

In addition, this proposed AD would require this one-time inspection to occur within 300 hours time in service after the effective date of this AD and any affected hinge pins and MLG and NLG actuator pins be removed from service before further flight. The ASB requires that the inspection and replacement of the affected hinge pins

and MLG and NLG actuator pins occur no later than January 21, 2021.

Costs of Compliance

The FAA estimates that this AD, as proposed, would affect 85 helicopters of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Visually inspect landing gear (right MLG assembly, left MLG assembly, and NLG kit).	1 work-hour × $85 per hour = $85 (per landing gear).	$0	$255 (three landing gear installed on each helicopter).	$21,675

The FAA estimates the following costs to do any necessary replacements that would be required based on the results of the proposed inspection. The FAA has no way of determining the number of helicopters that might need these replacements:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replace threaded hinge pin, P/N 92250–12281–101	1 work-hour × $85 per hour = $85	$2,816	$2,901
Replace MLG/NLG actuator pin, P/N 92250–12287–101.	1 work-hour × $85 = $85	557	642
Replace MLG/NLG actuator pin, P/N 92250–12287–103.	1 work-hour × $85 = $85	609	694

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

Sikorsky Aircraft Corporation: Docket No. FAA–2020–0791; Project Identifier AD–2020–00676–R.

(a) Comments Due Date

The FAA must receive comments by October 23, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Sikorsky Aircraft Corporation (Sikorsky) Model S–92A helicopters, certificated in any category, with serial numbers (S/Ns) 920006 through 920334 inclusive.

(d) Subject

Joint Aircraft System Component (JASC) Code 3220, Nose/Tail Landing Gear; 3210, Main Landing Gear.

(e) Unsafe Condition

This AD was prompted by the manufacturer determining that because of non-conforming threads, due to a quality escape, the life limit of the threaded hinge pin and main landing gear (MLG) and nose landing gear (NLG) actuator pins is reduced. The FAA is issuing this AD to prevent failure of components on the MLG and NLG. The unsafe condition, if not addressed, could result in damage to the helicopter and reduced ability to control the helicopter during landing.

(f) Compliance

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

(g) Required Actions

Within 300 hours time in service after the effective date of this AD, visually inspect the components of the right MLG assembly, left MLG assembly, and NLG kit for threaded hinge pins, part number (P/N) 92250–12281–101, and actuator pins, P/N 92240–12287–101 and 92240–12287–103, with serial numbers (S/Ns) identified in Table 1 or 2 (threaded hinge pins) or in Table 1 (actuator pins), in Section 3, the Accomplishment Instructions, in the Sikorsky Aircraft Corporation Alert Service Bulletin (ASB) 92–32–008, Basic Issue, dated January 21, 2020 (''the ASB'').

Note 1 to paragraph (g) of this AD: See Figures 1 and 2 in Section 3, the Accomplishment Instructions, in the ASB for guidance on performing the visual inspection.

(1) If there is any threaded hinge pin, P/N 92250–12281–101, with an S/N listed in Table 1 or 2 in the ASB, before further flight, remove the threaded hinge pin from service.

(2) If there is any MLG or NLG actuator pin, P/N 92250–12287–101 or P/N 92250–12287–103, with an S/N listed in Table 1 in the ASB, before further flight, remove the actuator pin from service.

(h) Installation Prohibition

As of the effective date of this AD, do not install any threaded hinge pin, P/N 92250–12281–101, or actuator pin, P/N 92240–12287–101 or 92240–12287–103, with an S/N listed in Table 1 or 2 in Section 3, the Accomplishment Instructions, in the ASB, on any helicopter.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Boston 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.

(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.

(j) Related Information

(1) Dorie Resnik, Aerospace Engineer, Boston ACO Branch, Compliance & Airworthiness Division, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7693; fax: (781) 238–7199; email: *dorie.resnik@faa.gov.*

(2) For service information identified in this AD, contact Sikorsky Aircraft Corporation, Commercial Systems and Services, 124 Quarry Road, Trumbull, CT 06611; phone: (203) 416–4000; email: *product_safety.gr-sik@lmco.com.* Operators may also log on to the Sikorsky 360 website at website: *https://customerportal.sikorsky.com.* You may view the related service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817–222–5110.

Issued on August 31, 2020.

Gaetano A. Sciortino,

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

[FR Doc. 2020–19709 Filed 9–4–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0789; Project Identifier AD–2020–00849–T]

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 supersede Airworthiness Directive (AD) 2019–22–10, which applies to all The Boeing Company Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes. AD 2019–22–10 requires repetitive inspections for cracking of the left- and right-hand side outboard chords of frame fittings and failsafe straps at a certain station around eight fasteners, and repair if any cracking is found. Since the FAA issued AD 2019–22–10, it was determined that the initial inspection threshold and repetitive inspection interval are inadequate to address the cracking in a timely manner. For certain airplanes, this proposed AD would reduce the compliance time for the initial inspection, and for all airplanes this proposed AD would reduce the compliance time for the repetitive inspections. 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 23, 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 service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. 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–2020–0789.

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–2020–0789; 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: Greg Rutar, Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3529; email: *Greg.Rutar@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 submit only one copy of the comments. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No.

FAA–2020–0789; Project Identifier AD–2020–00849–T'' 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 issued AD 2019–22–10, Amendment 39–19789 (84 FR 61533, November 13, 2019) (''AD 2019–22–10''), for all The Boeing Company Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes. AD 2019–22–10 requires inspections for cracking of the left- and right-hand side outboard chords of frame fittings and failsafe straps at a certain station around eight fasteners, and repair if any cracking is found. AD 2019–22–10 superseded AD 2019–20–02 Amendment 39–19755 (84 FR 52754, October 3, 2019) (''AD 2019–20–02''). AD 2019–22–10 resulted from reports of cracking discovered in the left- and right-hand side outboard chords of the station (STA) 663.75 frame fittings and failsafe straps adjacent to the stringer S–18A straps and a determination that the inspection area specified in AD 2019–20–02 needed to be expanded. The FAA issued AD 2019–22–10 to address cracking in the STA 663.75 frame fitting outboard chords and failsafe straps adjacent to the stringer S–18A straps, which could result in failure of a Principal Structural Element (PSE) to sustain limit load. This condition could adversely affect the structural integrity of the airplane and result in loss of control of the airplane.

Actions Since AD 2019–22–10 Was Issued

Since the FAA issued AD 2019–22–10, it was determined by an engineering analysis of the inspection reporting results and metallurgical evaluation of the submitted frame fitting assemblies that the initial inspection threshold for Model 737–900ER series airplanes, and the repetitive inspection interval for all affected airplanes is inadequate to address the cracking in a timely manner.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Boeing Multi-Operator Message MOM–MOM–20–0443–01B (R1), dated June 2, 2020. This service information describes procedures for repetitive detailed inspections for cracking of the left- and right-hand side outboard chords of the STA 663.75 frame fittings and failsafe straps around eight fasteners adjacent to the stringer S–18A straps.

This proposed AD also requires Boeing Multi-Operator Message MOM–MOM–19–0536–01B, dated September 30, 2019, which the Director of the Federal Register approved for incorporation by reference as of October 3, 2019 (84 FR 52754, October 3, 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.

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 requires repetitive inspections for cracking of the left- and right-hand side outboard chords of the STA 663.75 frame fittings and failsafe straps around eight fasteners adjacent to the stringer S–18A straps. This proposed AD also requires repair of all cracking using a method approved by the FAA or The Boeing Company Organization Designation Authorization (ODA). Accomplishing the initial inspection required by paragraph (i) of this proposed AD would terminate the inspections originally required by paragraph (g) of AD 2019–22–10, which are retained in this proposed AD (the associated reporting specified in paragraph (h) of AD 2019–22–10 is also retained in this proposed AD). This proposed AD would also require sending a report of all results of the initial inspections specified in paragraph (i) of this proposed AD to Boeing.

Although this proposed AD does not explicitly restate the requirements of paragraphs (i), (j), and (k) of AD 2019–22–10, this proposed AD would retain those requirements with certain revised compliance times. Those requirements are referenced in Boeing Multi-Operator Message MOM–MOM–20–0443–01B (R1), dated June 2, 2020, which, in turn, is referenced in paragraphs (i) and (l) 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–2020–0789.

Explanation of New Compliance Times for Certain Configurations

For Boeing Model 737–600, –700, –700C, –800, and –900 series airplanes having less than 22,600 total flight cycles and on which an inspection specified in Boeing Multi-Operator Message MOM–MOM–19–0623–01B, dated November 5, 2019, has been done; and for Boeing Model 737–900ER series airplanes having less than 14,000 total flight cycles and on which an inspection specified in Boeing Multi-Operator Message MOM–MOM–19–0623–01B, dated November 5, 2019, has been done, the compliance times specified in Boeing Multi-Operator Message MOM–MOM–20–0443–01B (R1), dated June 2, 2020 (which will be required by this proposed AD), are relieving as compared to the compliance times in Boeing Multi-Operator Message MOM–MOM–19–0623–01B, dated November 5, 2019 (which is required by AD 2019–22–10).

For example, for a Boeing Model 737–600 series airplane on which the inspection was done and the airplane had accumulated 15,000 total flight cycles, the next inspection required by AD 2019–22–10 would be at 18,500 total flight cycles (*i.e.,* 3,500 flight cycles after the inspection as specified in

Boeing Multi-Operator Message MOM–MOM–19–0623–01B, dated November 5, 2019).

However, as specified in Boeing Multi-Operator Message MOM–MOM–20–0443–01B (R1), dated June 2, 2020, the next inspection for that airplane is prior to 22,600 total flight cycles or within 1,500 flight cycles from the last inspection in accordance with MOM–MOM–19–0623–01B, or within 30 days from the original issue date of MOM–MOM–20–0443–01B (R1) (which would correspond to 30 days after the effective date of the final rule for this proposed AD), whichever occurs latest.

In conclusion, if the inspection was done early, operators do not have to do the next inspection at the 3,500 interval required by AD 2019–22–10 after this proposed AD is a final rule; instead operators would then do the next inspection within the new compliance times specified in Boeing Multi-Operator Message MOM–MOM–20–0443–01B R1), dated June 2, 2020, for their configuration.

Interim Action

The FAA considers this proposed AD interim action. The inspection reports that are required by this proposed AD will enable the manufacturer to obtain better insight into the nature, cause, and extent of the cracking, and eventually to develop final action to address the unsafe condition. Once final action has been identified, the FAA might consider further rulemaking.

Costs of Compliance

The FAA estimates that this proposed AD affects 1,911 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection (retained action from AD 2019–22–10).	1 work-hour × $85 per hour = $85 per inspection cycle.	$0	$85 per inspection cycle	$162,435 per inspection cycle.
Reporting (retained action from AD 2019–22–10).	1 work-hour × $85 per hour = $85.	0	85	162,435.
Inspection (new action)	1 work-hour(s) × $85 per hour = $85 per inspection cycle.	0	85 per inspection cycle	162,435 per inspection cycle.
Reporting (new action)	1 work-hour × $85 per hour = $85.	0	85	162,435.

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

Paperwork Reduction Act

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

Authority for This Rulemaking

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

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

Regulatory Findings

The FAA has 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 that the 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 removing Airworthiness Directive (AD) 2019–22–10, Amendment 39–19789 (84 FR 61533, November 13, 2019), and adding the following new AD:

The Boeing Company: Docket No. FAA–2020–0789; Project Identifier AD–2020–00849–T.

(a) Comments Due Date

The FAA must receive comments on this AD action by October 23, 2020.

(b) Affected ADs

This AD replaces AD 2019–22–10, Amendment 39–19789 (84 FR 61533, November 13, 2019) (''AD 2019–22–10'').

(c) Applicability

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

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports of cracking discovered in the station (STA) 663.75 frame fitting outboard chords and failsafe straps adjacent to the stringer S–18A straps and a determination that the initial inspection threshold for certain airplanes and the repetitive inspection interval specified in AD 2019–22–10 are inadequate to address the cracking in a timely manner. The FAA is issuing this AD to address cracking in the STA 663.75 frame fitting outboard chords and failsafe straps adjacent to the stringer S–18A straps, which could result in failure of a Principal Structural Element (PSE) to sustain limit load. This condition could adversely affect the structural integrity of the airplane and result in loss of control of the airplane.

(f) Compliance

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

(g) Retained Inspection and Corrective Action With No Changes

This paragraph restates the requirements of paragraph (g) of AD 2019–22–10 with no changes. At the earlier of the times specified in paragraphs (g)(1) and (2) of this AD: Do a detailed inspection for cracking of the left- and right-hand side outboard chords of the STA 663.75 frame fittings and failsafe straps adjacent to the stringer S–18A straps, in accordance with Boeing Multi-Operator Message MOM–MOM–19–0536–01B, dated September 30, 2019. If any crack is found, repair before further flight using a method approved in accordance with the procedures specified in paragraph (n) of this AD. Repeat the inspection thereafter at intervals not to exceed 3,500 flight cycles until the initial inspection required by paragraph (i) of this AD is done.

(1) Prior to the accumulation of 30,000 total flight cycles, or within 7 days after October 3, 2019 (the effective date of AD 2019–20–02, Amendment 39 19755 (84 FR 52754, October 3, 2019) (''AD 2019–20–02'')), whichever occurs later.

(2) Prior to the accumulation of 22,600 total flight cycles, or within 1,000 flight cycles after October 3, 2019 (the effective date of AD 2019–20–02), whichever occurs later.

(h) Retained Reporting Requirement With No Changes

This paragraph restates the requirements of paragraph (h) of AD 2019–22–10, with no changes. At the applicable time specified in paragraph (h)(1) or (2) of this AD, submit a report of all findings, positive and negative, of the initial inspection required by paragraph (g) of this AD. Submit the report in accordance with Boeing Multi-Operator Message MOM–MOM–19–0536–01B, dated September 30, 2019.

(1) If the inspection was done on or after October 3, 3019 (the effective date of AD 2019–20–02): Submit the report within 3 days after the inspection.

(2) If the inspection was done before October 3, 2019 (the effective date of AD 2019–20–02): Submit the report within 3 days after October 3, 2019.

(i) Inspection and Corrective Action With Reduced Compliance Times

Except as specified in paragraph (j) of this AD: At the applicable initial compliance time specified in Tables 1 and 2 of ''Ref I'' of Boeing Multi-Operator Message MOM–MOM–20–0443–01B (R1), dated June 2, 2020, do a detailed inspection of the left- and right-hand side outboard chords of the STA 663.75 frame fittings and failsafe straps around eight fasteners adjacent to the stringer S–18A straps, in accordance with Boeing Multi-Operator Message MOM–MOM–20–0443–01B (R1), dated June 2, 2020. If any crack is found, repair before further flight using a method approved in accordance with the procedures specified in paragraph (n) of this AD. Repeat the inspection thereafter at the applicable intervals specified in Tables 1 and 2 of ''Ref I'' of Boeing Multi-Operator Message MOM–MOM–20–0443–01B (R1), dated June 2, 2020. Accomplishing the initial inspection required by this paragraph or an initial inspection specified in Boeing Multi-Operator Message MOM–MOM–19–0623–01B, dated November 5, 2019, terminates the inspections required by paragraph (g) of this AD.

(j) Exceptions to Service Information Specifications

Where Boeing Multi-Operator Message MOM–MOM–20–0443–01B (R1), dated June 2, 2020, uses the phrase ''the original issue date of MOM–MOM–20–0443–01B(R1),'' this AD requires using ''the effective date of this AD.''

(k) New Reporting Requirement

At the applicable time specified in paragraph (k)(1) or (2) of this AD, submit a report of all findings, positive and negative, of the initial inspection required by paragraph (i) of this AD. Submit the report in accordance with MOM–MOM–20–0443–01B (R1), dated June 2, 2020.

(1) If the inspection was done on or after the effective date of this AD: Submit the report within 3 days after the inspection.

(2) If the inspection was done before the effective date of this AD: Submit the report within 3 days after the effective date of this AD.

(l) Special Flight Permit

Special flight permits may be issued in accordance with 14 CFR 21.197 and 21.199 to operate the airplane to a location where the airplane can be repaired if any crack is found, provided the Manager, Seattle ACO Branch, FAA, concurs with issuance of the special flight permit. Send requests for concurrence by email to *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

(m) 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. 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.

(n) 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 (o)(1) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

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

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

(4) AMOCs approved previously for AD 2019–20–02 are approved as AMOCs for the corresponding provisions of this AD.

(5) AMOCs approved previously for AD 2019–22–10 are approved as AMOCs for the corresponding provisions of this AD.

(o) Related Information

(1) For more information about this AD, contact Greg Rutar, Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA

98198; phone and fax: 206–231–3529; email: *Greg.Rutar@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.*

Issued on August 26, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–19582 Filed 9–4–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0803; Airspace Docket No. 20–AGL–30]

RIN 2120–AA66

Proposed Amendment of Class E Airspace; Charlevoix, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend the Class E airspace extending upward from 700 feet above the surface at Charlevoix Municipal Airport, Charlevoix, MI. The FAA is proposing this action as the result of an airspace review caused by the decommissioning of the Charlevoix non-directional beacon (NDB). The geographic coordinates of the airport would also be updated to coincide with the FAA's aeronautical database.

DATES: Comments must be received on or before October 23, 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–2020–0803/Airspace Docket No. 20–AGL–30, 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 7400.11E, 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 7400.11E 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 E airspace extending upward from 700 feet above the surface at Charlevoix Municipal Airport, Charlevoix, MI, to support instrument flight rule operations at this airport.

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–2020–0803/Airspace Docket No. 20–AGL–30.'' 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 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020. FAA Order 7400.11E is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11E lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by amending the Class E airspace extending upward from 700 feet above the surface to within a 6.5-mile (reduced from a 7-mile) radius of Charlevoix Municipal Airport, Charlevoix, MI; and updating the geographic coordinates of the airport to coincide with the FAA's aeronautical database.

This action is the result of an airspace review caused by the decommissioning of the Charlevoix NDB.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, which is incorporated by reference in 14 CFR 71.1 (85 FR 50779; August 18, 2020). The Class E airspace designations listed in this document will be published subsequently in the Order.

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

Regulatory Notices and Analyses

The FAA has determined that this 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 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AGL MI E5 Charlevoix, MI [Amended]

Charlevoix Municipal Airport, MI
(Lat. 45°18′18″ N, long. 85°16′31″ W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Charlevoix Municipal Airport.

Issued in Fort Worth, Texas, on August 31, 2020.

Martin A. Skinner,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2020–19553 Filed 9–4–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA—2020—0077]

Federal Motor Vehicle Safety Standards; Child Restraint Systems Denial of Petition for Rulemaking

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Denial of petition for rulemaking.

SUMMARY: This document denies a petition for rulemaking from SafeGuard/IMMI (formerly Indiana Mills and Manufacturing, Inc.) and C.E. White requesting that NHTSA amend Federal Motor Vehicle Safety Standard (FMVSS) No. 213, ''Child restraint systems,'' to provide for ''school bus built-in belt-positioning seats.'' Under the petitioners' suggested amendment, a school bus built-in belt positioning seat would be a type of ''booster seat'' and would consist of a school bus seat with a lap/shoulder belt and a shoulder belt height adjuster. The agency is denying the petition because under the requested amendment, designs would be permitted that do not provide the full benefits of booster seats, namely the proper positioning of the child on the vehicle seat to improve the fit of the lap belt to mitigate the risk of abdominal injuries in a crash.

DATES: September 8, 2020.

ADDRESSES: National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Shashi Kuppa, Office of Crashworthiness Standards, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, telephone: 202–366–3827, or Deirdre Fujita, Office of the Chief Counsel, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, telephone: 202–366–2992, fax: 202–366–3820.

SUPPLEMENTARY INFORMATION:

The Petition

On January 15, 2013, the agency received a petition for rulemaking from SafeGuard/IMMI and C.E. White requesting that NHTSA amend FMVSS No. 213 to include the following definition in section S4, *Definitions:* ''*School bus built-in belt-positioning seat* means a passenger seat used on school buses that is equipped with an integrated Type II seat belt that includes a torso belt height adjuster.'' A Type 2 (or Type II) seat belt assembly is a combination of pelvic and upper torso restraints, *i.e.,* a lap/shoulder belt.[1] The seat belt height adjuster developed by the petitioners is a clip on the shoulder belt loop that can be moved along the shoulder belt webbing. The petitioners would like to certify their school bus seats with lap/shoulder belts and shoulder belt height adjusters as compliant with FMVSS No. 213's requirements for built-in booster seats.

Background on Booster Seats and Belt-Positioning Seats

Booster seats are one of several types of child restraint systems used for child passenger protection before the child is large enough to use the vehicle seat belt alone. A belt-positioning seat is a type of booster seat under FMVSS No. 213.[2] NHTSA recommends that 4 to 7-year-

[1] See FMVSS No. 209, ''Seat belt assemblies,'' 49 CFR 571.209 S3, *Definitions.*

[2] Under FMVSS No. 213 (S4), ''booster seat'' means ''either a backless child restraint system or a belt-positioning seat.'' ''Belt-positioning seat'' means ''a child restraint system that positions a child on a vehicle seat to improve the fit of a vehicle Type II belt system on the child and that lacks any component, such as a belt system or a structural element, designed to restrain forward movement of the child in a forward impact.'' The petitioners would like to have their product considered a kind of ''belt-positioning seat.'' For simplicity, hereafter in this document, the term ''booster seat'' means ''belt-positioning seat.''

old children be restrained in booster seats when they no longer fit in their forward-facing harnessed child restraints.[3] Booster seats lift (boost) and reposition the child such that vehicle seat belts (designed to fit adults) are routed appropriately relative to the child's body. For the seat belt to fit properly, the lap belt must lie entirely below the top of the pelvis and touch or lie flat across the upper thighs, and the shoulder belt should lie snugly across the shoulder and chest and not cross the neck or face.

An important function of a booster seat is to raise the child up relative to the vehicle seat belt to improve seat belt fit.[4] With a booster seat, the lap belt is positioned such that it loads and restrains the strong bones of the pelvis. Without a booster seat, the lap belt is not positioned effectively and the occupant can slide under the lap belt during deceleration, resulting in the seat belt loading the abdomen, vulnerable internal organs and spine instead of the pelvis. This event is called ''submarining.'' Elevating the position of the child upwards relative to where the lap belt is anchored increases the lap belt angle with respect to the horizontal plane. A steeper lap belt angle is better because it makes it harder for the child to slide under the lap belt (submarine) in a crash. Additionally, boosting the child compensates for the shorter torso of a child by positioning the child such that the shoulder belt is away from the neck and restrains the child through the shoulder structure in a crash.

Booster seats may also have seat belt guides to position the shoulder belt midway between the neck and arm, not so far outboard that it is at the edge of the shoulder or so far inboard that it is rubbing the neck. However, because belt fit is improved just by boosting the child upward, many booster seats work well even if they lack shoulder belt adjustability or belt guidance.[5]

The second benefit of booster seats is improving occupant posture so the child is more likely to be ''in position'' in a crash, similar to an older occupant. Ideally, to best distribute crash forces, the occupant is seated in an upright position with the back of the torso resting against the seat back, the pelvis at the seat bight, and the knees bent over the front of the seat cushion. However, several studies have documented that the rear seats of most vehicles are too deep for children to sit upright with their knees bent over the edge of the seat and with their back fully supported for comfort.[6] [7] [8] Consequently, children generally scoot forward so their legs can bend over the front of the seat in a comfortable position and then recline themselves rearward to rest against the seat back. A booster seat provides the child with a seat cushion length that is more fitted to the child's upper leg length. With a booster, a child's legs can bend comfortably over the end of the booster while the child's back rests against the seat back. A booster seat helps the child remain upright and in position.

Analysis of the Petition

NHTSA believes that children would be less protected under the suggested amendment. The petitioners' language would allow designs that unreasonably reduce the full benefits of booster seats, namely the proper positioning (boosting) of the child on the vehicle seat to improve the fit of the lap belt to mitigate the risk of abdominal injuries in a crash. The suggested amendment would permit designs that do not offer any seat cushion adjustability. The child could sit directly on the vehicle seat.

Booster seats are designed to raise the child with respect to the vehicle seat to improve lap belt fit, as raising the child positions the lap belt entirely below the top of the pelvis and touching or lying flat across the upper thighs. Improved lap belt fit reduces the risk of submarining and abdominal injury.[9] [10] The suggested language would permit devices to be certified as ''booster seats'' even though they lack any feature that reduces the risk of abdominal injuries. NHTSA believes adopting the suggested language would not be in the interest of safety as the devices do not provide the full benefits of a booster seat.

Further, as discussed above, booster seats contribute to occupant protection by improving occupant posture so the child is more likely to be ''in position'' in a crash.[11] When children recline themselves rearward on the seat to bend their knees comfortably over the edge of the seat, the risk of submarining under the belt in a crash increases. With the child in the reclined position, the lap portion of the seat belt can slide upward during a crash and intrude into the child's soft upper abdomen, thus increasing the likelihood of abdominal injury. Under the suggested amendment, designs could be introduced that have no seating platform with an appropriate cushion length. These designs would not have the raised seat cushion that ensure the child would be better positioned to ride down crash forces in a manner that best minimizes injury.

Field data have shown booster seats to be effective in reducing child passenger injuries. Children ages 4 to 8 using lap/shoulder belts alone have been found to be at higher risk of abdominal injury due to seat belt interaction compared to children using booster seats.[12] The agency's analysis of real world crash data [13] indicates that, among children between the ages of 4 to 8 years old, there is a 14 percent reduction in injury risk when restrained in booster seats versus when directly in the vehicle's lap/shoulder belts. The petition's language would allow designs that lack the defining features of booster seats that have been critical to their functionality transitioning the child to the vehicle's lap/shoulder belt system. The suggested language would facilitate designs that reduce the safety benefits of booster seats.

Conclusion

NHTSA has reviewed the petition for rulemaking submitted by SafeGuard/IMMI and C.E. White requesting that NHTSA amend FMVSS No. 213 to include a definition for ''school bus

[3] *https://www.nhtsa.gov/equipment/car-seats-and-booster-seats#age-size-rec.*

[4] Klinich, K., Manary, M., Weber, K., ''Crash Protection for Child Passengers: Rationale for Best Practice,'' University of Michigan Transportation Research Institute Research Review, January–March 2012, Volume 43, No. 1, ISSN 0739 7100. Available at *http://www.umtri.umich.edu/content/rr_43_1.pdf.*

[5] Arbogast KB, Jermakian JS, Kallan MF, and Durbin DR. (2009). Effectiveness of Belt-positioning Booster Seats:

An Updated Assessment Pediatrics 124:1281–1286.

[6] Huang S and Reed M. (2006). Comparison of Child Body Dimensions with Rear Seat Geometry. SAE Technical Paper 2006–01–1142, 2006, doi:10.4271/2006–01–1142.

[7] Klinich KD, Pritz HB, Beebe MS, Welty K, Burton RW. (1994). *Study of older child restraint/booster seat fit and NASS injury analysis.* DOT/HS 808 248. National Highway Traffic Safety Administration, Vehicle Research and Test Center, East Liberty, OH.

[8] Bilston LE, Sagar N. (2007). Geometry of rear seats and child restraints compared to child anthropometry. *Stapp Car Crash Conference J* 51:275–98.

[9] Jermakian JS, Kallan MJ, Arbogast KB. (2007). Abdominal injury risk for children seated in belt-positioning booster seats. 20th International Technical Conference on the Enhanced Safety of Vehicles, Paper No. 07–0441.

[10] Jermakian JS, Locey CM, Haughey LJ, Arbogast. KB (2007). Lower extremity injuries in children seated in forward facing child restraint systems. Traffic Injury Prevention, 8:171–179, DOI: 10.1080/15389580601175250.

[11] Klinich, K., Manary, M., Weber, K., ''Crash Protection for Child Passengers: Rationale for Best Practice,'' *supra.*

[12] Durbin DR, Chen I, Smith R, Elliott MR Winston FK (2005). Effects of seating positon and appropriate restraint use on the risk of injury to children in motor vehicle crashes. *Pediatrics* 115(3):e305–9.

[13] Siviniski, R., ''Booster Seat Effectiveness Estimates Based on CDS and State Data,'' NHTSA Technical Report, DOT HS 811 338, July 2010. *http://www-nrd.nhtsa.dot.gov/Pubs/811338.pdf.* Last accessed on October 10, 2017.

built-in belt-positioning seat.'' The agency is denying the request because the language that the petitioner would introduce would unreasonably reduce safety by permitting designs that do not address the risks of submarining and abdominal injury that booster seats presently address.

For these reasons and in accordance with 49 U.S.C. 30162 and 49 CFR part 552, the petition for rulemaking from Safeguard/IMMI and C.E. White is denied.

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.95 and 501.8.

Issued in Washington, DC, under authority delegated in 49 CFR 1.95 and 501.8.

Raymond R. Posten,

Associate Administrator for Rulemaking.

[FR Doc. 2020–17595 Filed 9–4–20; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–HQ–ES–2019–0115; FF09E23000 FXES1111090FEDR 201]

RIN 1018–BD84

Endangered and Threatened Wildlife and Plants; Regulations for Designating Critical Habitat

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (FWS), propose to amend portions of our regulations that implement section 4 of the Endangered Species Act of 1973, as amended (Act). The proposed revisions set forth a process for excluding areas of critical habitat under section 4(b)(2) of the Act, which mandates our consideration of the impacts of designating critical habitat and permits exclusions of particular areas following a discretionary exclusion analysis. We want to articulate clearly when and how FWS will undertake an exclusion analysis, including identifying a non-exhaustive list of categories of potential impacts for FWS to consider. The proposed rulemaking would respond to applicable Supreme Court case law, reflect agency experience, codify some current agency practices, and make some modifications to current agency practice. The intended effect of this proposed rule is to provide greater transparency and certainty for the public and stakeholders.

DATES: We will accept comments from all interested parties until October 8, 2020. Please note that if you are using the Federal eRulemaking Portal (see **ADDRESSES** below), the deadline for submitting an electronic comment is 11:59 p.m. Eastern Standard Time on this date.

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

(1) *Electronically:* Go to the Federal eRulemaking Portal: *http://www.regulations.gov.* In the Search box, enter FWS–HQ–ES–2019–0115, which is the docket number for this rulemaking. Then, in the Search panel on the left side of the screen, under the Document Type heading, click on the Proposed Rules link to locate this document. You may submit a comment by clicking on ''Comment Now!''

(2) *By hard copy:* Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS–HQ–ES–2019–0115; U.S. Fish and Wildlife Service, MS:JAO/1N, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

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

FOR FURTHER INFORMATION CONTACT: DOI, U.S. Fish and Wildlife Service, Department of the Interior, Washington, DC 20240, telephone 202/208–4646. If you use a telecommunications device for the deaf, call the Federal Relay Service at 800/877–8339.

SUPPLEMENTARY INFORMATION:

Background

The Endangered Species Act of 1973, as amended (''Act''; 16 U.S.C. 1531 *et seq.*), states that the purposes of the Act are to provide a means to conserve the ecosystems upon which listed species depend, to develop a program for the conservation of listed species, and to achieve the purposes of certain treaties and conventions. 16 U.S.C. 1531(b). Moreover, the Act states that it is the policy of Congress that the Federal Government will seek to conserve threatened and endangered species and use its authorities to further the purposes of the Act. 16 U.S.C. 1531(c)(1).

The Secretaries of the Interior and Commerce (the ''Secretaries'') share responsibilities for implementing most of the provisions of the Act. Generally, marine and anadromous species are under the jurisdiction of the Secretary of Commerce, and all other species are under the jurisdiction of the Secretary of the Interior. Authority to administer the Act has been delegated by the Secretary of the Interior to the Director of FWS and by the Secretary of Commerce to the Assistant Administrator for the National Marine Fisheries Service (NMFS) (collectively, the Services). Together, FWS and NMFS administer the Act via joint regulations in chapter IV of title 50 of the Code of Federal Regulations (CFR). In addition, each of the Services also has regulations specific to its own implementation of the Act (located at 50 CFR part 17 for FWS and at 50 CFR parts 222 through 226 for NMFS). Because this rulemaking, if finalized, would only apply to FWS, the regulatory requirements proposed in this rulemaking would not require NMFS to change its processes for consideration of exclusions under section 4(b)(2) of the Act. Since this rulemaking is solely applicable to FWS, when we refer to the Secretary, we mean the Secretary of the Interior.

One of the tools that the Act provides to conserve species is the designation of critical habitat. The purpose of critical habitat is to identify the areas that are essential to the species' conservation and recovery. When FWS lists a species, the Act requires that, to the maximum extent prudent and determinable, 16 U.S.C. 1533(a), the Secretary, acting through FWS, designate critical habitat after taking into consideration the economic impact, the impact on national security, and any other relevant impact, 16 U.S.C. 1533(b)(2).

In section 3(5)(A) of the Act, Congress defined ''critical habitat'' as: (i) The specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of section 4 of this Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and (ii) specific areas outside the geographical area occupied by the species at the time it is listed in accordance with the provisions of section 4 of this Act, upon a determination by the Secretary that such areas are essential for the conservation of the species.

Section 4(b)(2) of the Act then provides the Secretary the authority to exclude any particular area from a critical habitat designation if the benefits of exclusion outweigh the benefits of inclusion for that area, so long as excluding it will not result in the extinction of the species: ''The Secretary shall designate critical habitat, and make revisions thereto, under subsection (a)(3) on the basis of the best scientific data available and after taking

into consideration the economic impact, the impact on national security, and any other relevant impact, of specifying any particular area as critical habitat. The Secretary may exclude any area from critical habitat if he determines that the benefits of such exclusion outweigh the benefits of specifying such area as part of the critical habitat, unless he determines, based on the best scientific and commercial data available, that the failure to designate such area as critical habitat will result in the extinction of the species concerned.'' 16 U.S.C. 1533(b)(2).

Our implementing regulations in 50 CFR part 424 set forth relevant definitions (50 CFR 424.02) and describe the standards and procedures for identifying critical habitat (50 CFR 424.12). On February 11, 2016, the Services issued a joint policy describing how they implement their authority to exclude areas from critical habitat designations. ''Policy Regarding Implementation of Section 4(b)(2) of the Endangered Species Act,'' 81 FR 7226 (Policy).

This proposed rule carries out Executive Order 13777, ''Enforcing the Regulatory Reform Agenda,'' and is part of a larger effort by DOI to identify regulations for repeal, replacement, or modification.

Additionally, we decided to revisit certain language in the preamble of the Policy, as well as certain statements in the preamble to the 2013 rule that revised the regulations on the timing of our economic analyses at 50 CFR 424.19 (August 28, 2013; 78 FR 53058), to provide clarity to the FWS and the public in light of the Supreme Court's recent decision in *Weyerhaeuser Co.* v. *U.S. FWS,* 139 S. Ct. 361 (2018). At the time we developed the 2013 rule and Policy, the Services were guided by a line of cases in which courts had held that a decision by the Services not to exclude a particular area under section 4(b)(2) of the Act was committed to agency discretion by law and therefore not subject to judicial review. *See, e.g., Bldg. Indus. Ass'n* v. *U.S. Dept. of Commerce,* 792 F.3d 1027, 1035 (9th Cir. 2015)); *Bear Valley Mut. Water Co.* v. *Jewell,* 790 F.3d 977, 989 (9th Cir. 2015); *Cape Hatteras Access Preservation Alliance* v. *DOI,* 731 F. Supp. 2d 15, 29–30 (D.D.C. 2010). Thus, for example, we stated in the Policy that ''[r]ecent court decisions have resoundingly upheld the discretionary nature of the Secretaries' consideration of whether to exclude areas from critical habitat.'' 81 FR 7226 and 7233 (February 11, 2016) (citing cases listed above). In our 2013 final rule, we cited *Building Industry Ass'n of the Bay Area* v. *U.S. Dep't of Commerce, 2012 U.S. Dist. Lexis 170688 (N.D. Cal. Nov. 30, 2012)* as case law that supported our conclusion that exclusions are discretionary and the discretion not to exclude an area is judicially unreviewable (78 FR 53072). We also stated in the Policy that ''although the Services will explain their rationale for not excluding a particular area, that decision is committed to agency discretion.'' *Id.* at 7234.

The Supreme Court has now definitively held, to the contrary, that decisions not to exclude a particular area are judicially reviewable. *Weyerhaeuser,* 139 S. Ct. at 371 (noting that the challenge to the Service's decision not to exclude a particular area was a ''familiar one in administrative law that the agency did not appropriately consider all of the relevant factors that the statute sets forth to guide the agency in the exercise of its discretion''). Thus, the Court held that, although a decision not to exclude a particular area is discretionary, that decision may be reviewed by courts for abuse of discretion under section 706(2) of the Administrative Procedure Act (APA, 5 U.S.C 706(2)). 139 S. Ct. at 371. To provide transparency about how the Secretary intends to exercise his discretion regarding exclusions under section 4(b)(2), we are proposing this regulation, which would supersede the regulations at 50 CFR 424.19 and the Policy with respect to FWS's implementation of the Act. The regulations at 50 CFR 424.19 and the Policy remain in effect with respect to NMFS's implementation of the Act.

In proposing the specific changes to the regulations in this document and setting out the accompanying clarifying discussion in this preamble, FWS is proposing prospective standards only. Nothing in these proposed regulations is intended to require (if this rule becomes final) that any proposed rules published prior to the effective date of any final regulation or any previously finalized critical habitat designations be reevaluated on the basis of the final regulations.

We are proposing to redesignate 50 CFR part 17, subpart I, as subpart J, and to add new regulations in 50 CFR part 17, subpart I. Specifically, we propose to add a new § 17.90. Some aspects of new § 17.90 are carried over unchanged from the existing joint regulations at 50 CFR 424.19 and, accordingly, are not discussed further here. Other aspects of proposed § 17.90 reflect new regulatory language, and those aspects are the focus of the preamble discussion below.

Section 4(b)(2) of the Endangered Species Act

As noted above, on February 11, 2016, the Services published the Policy. That policy provided direction regarding how the Services would exercise their discretion to exclude areas from critical habitat designations. Since issuance of the Policy, FWS has concluded that adding some elements of the policy to the implementing regulations would be more effective in guiding agency activities and would provide greater transparency and certainty to the public and stakeholders. In addition, the proposed regulations would put into effect some differences in our approach relative to what was outlined in the Policy, including an information standard for when we enter into a discretionary weighing analysis, a clarification of how considerations for exclusions will be conducted for Federal lands, and an approach to assigning the weight of the benefits of inclusion or exclusion of any particular areas designated as critical habitat. NMFS will continue to implement the Policy and regulations at 50 CFR. 424.19.

In 1982, Congress added section 4(b)(2) to the Act, both to require the Secretaries to consider the relevant impacts of designating critical habitat and to provide a means for minimizing negative impacts of designation by excluding, in appropriate circumstances, particular areas from a designation. The first sentence of section 4(b)(2) sets out a mandatory requirement that the Secretaries consider the economic impact, impact on national security, and any other relevant impacts prior to designating an area as part of a critical habitat designation. As required by this sentence, FWS always considers those impacts, for every designation of critical habitat. The statute does not prescribe how FWS should take into consideration these impacts. This proposed rule provides the framework for the role that FWS's consideration of the economic impact, impact on national security, and any other relevant impacts will play when identifying any potential exclusions from designations of critical habitat. Although the term ''homeland security'' was not in common usage in 1982, the Services concluded in the joint Policy that Congress intended that ''national security'' includes what we now refer to as ''homeland security.'' 81 FR 7227; 2016.

The second sentence of section 4(b)(2) provides the authority for a process by which the Secretaries may elect to

determine whether to exclude an area from the designation by performing an exclusion analysis. FWS's consideration of impacts under the first sentence of section 4(b)(2) informs the decision whether to engage in the exclusion analysis under the second sentence of section 4(b)(2).

Conducting an exclusion analysis under section 4(b)(2) involves balancing or weighing the benefits of excluding a particular area from a critical habitat designation against the benefits of including that area in the designation. The Act provides that if the benefits of exclusion outweigh the benefits of inclusion, the Secretary may exclude the particular area, unless the Secretary determines that the exclusion will result in the extinction of the species concerned.

Overview of Proposed Regulatory Provisions on Discretionary 4(b)(2) Exclusion Analyses

The language of proposed § 17.90(a) carries over the two sentences in the existing interagency regulation at 50 CFR 424.19(a) without change. It then makes clear that, in addition to summarizing the draft economic analysis, the proposed rule will identify known national security and other relevant impacts of the proposed designation, and identify areas that the Secretary has reason to consider for exclusion and explain why.

We also propose to include a non-exhaustive list of categories of potential impacts that the Secretary will identify, when known, at the proposed rule stage. We note that these impacts are the same as those that the Secretary will consider, as appropriate, when conducting the mandatory consideration of any other relevant impacts as expressed in the first sentence of section 4(b)(2) of the Act. Including this list of categories for consideration provides greater transparency and clarity to the public and stakeholders.

Making clear to the public the areas that the Secretary has reason to consider excluding allows the public not only to submit comments on the benefits of exclusion and inclusion in general, but to focus their comments on those benefits as they relate to the specific areas most likely to be considered for exclusion. Additionally, the regulation makes clear that, at any time during the process of designating critical habitat, the Secretary may still consider additional exclusions, including areas that were not identified in the proposed rule. This codifies and makes transparent the Secretary's existing practice and is intended to allow commenters to provide information specific to those areas that the Secretary anticipates considering for exclusion.

We propose to add § 17.90(b), which would carry over the language of the existing interagency regulation at 50 CFR 424.19(b) that already requires the Secretary to consider the probable economic, national security, and other relevant impacts of the designation.

We propose to add § 17.90(c), which would carry over the language of the existing interagency regulation at 50 CFR 424.19(c) but modify the language to describe how the Secretary intends to exercise his discretion and articulate clearly the factors that will prompt the Secretary to enter into the discretionary exclusion analysis under section 4(b)(2). Including this provision in the regulations will clarify and codify the process and standards underlying exclusion analyses and decisions. In addition, codifying certain aspects of the nonbinding Policy into the regulations provides greater transparency and predictability by making those aspects of the Policy binding.

Proposed paragraph (c)(1) reiterates that the Secretary has discretion whether to enter into an exclusion analysis under section 4(b)(2) of the Act. Proposed paragraph (c)(2) describes the two circumstances in which FWS will conduct an exclusion analysis for a particular area: Either (1) when a proponent of excluding the area has presented credible information in support of the request; or (2) where such information has not been presented, when the Secretary exercises his or her discretion to evaluate any particular area for potential exclusion. In *Weyerhaeuser,* the Supreme Court held that decisions not to exclude areas from critical habitat designations are judicially reviewable under the abuse-of-discretion standard. The Court reasoned that, although the use of the word ''may'' in section 4(b)(2) clearly confers discretion, that ''does not segregate'' the decision not to exclude from the procedures mandated by the Act. Among those mandated procedures, the Court referred specifically to the requirement in section 4(b)(2) to consider relevant impacts and the APA requirement to consider all of the relevant factors. Because a decision not to undertake a discretionary exclusion analysis precludes the Secretary from excluding any areas from the designation, FWS therefore intends to document the rational basis for such decisions. FWS also intends that this documentation of the exclusion analysis will demonstrate compliance with mandated procedures.

Proposed paragraph (d) describes how FWS would undertake an exclusion analysis once the Secretary exercises the discretion to enter into one. We recognize that assigning weights to different impacts or benefits requires expertise. Therefore, we propose to assign weights of benefits of inclusion and exclusion based on who has the relevant expertise. Proposed paragraphs (d)(1) through (d)(4) describe factors that FWS considers with respect to conservation plans or agreements, tribal implications, national-security implications, and Federal lands, in parallel to paragraphs 2 through 6 of the Policy.

In proposed paragraph (e) the Secretary would exercise the broad discretion given under section 4(b)(2) by establishing as a principle that FWS will exclude areas whenever it determines that the benefits of exclusion outweigh the benefits of inclusion, as long as exclusion will not result in the extinction of the species.

Framework for Considering an Exclusion and Conducting a Discretionary 4(b)(2) Exclusion Analysis

When FWS concludes that a critical habitat designation is prudent and determinable for species listed under the Act, FWS must follow the statutory and regulatory provisions to designate critical habitat. The Act's language makes clear that biological considerations drive the initial step of identifying critical habitat. Section 4(b)(2) expressly requires designations to be made based on the best scientific data available. In accordance with the Court's decision in *Weyerhaeuser,* the process begins by identifying a species' habitat. Next, the Act's definition of ''critical habitat'' requires the Secretary to identify those areas of habitat occupied by the species at the time of listing that contain physical or biological features that are essential to the conservation of the species and that may require special management considerations or protection. FWS also identifies the specific areas of unoccupied habitat that are essential to the conservation (*i.e.,* recovery) needs of the species. Implementing regulations at 50 CFR 424.12 specify the criteria for designation of critical habitat.

If the Secretary enters into a discretionary 4(b)(2) exclusion analysis, the Secretary has broad discretion as to what factors to consider as benefits of inclusion and benefits of exclusion, and the weight to assign to each factor. In a 4(b)(2) exclusion analysis, we determine if the benefits of exclusion outweigh the benefits of inclusion for a particular area. If so, the statute provides the

Secretary with discretion to exclude that area, unless the Secretary determines on the basis of the best scientific and commercial data available that failure to designate the area as critical habitat will result in the extinction of the species concerned. 16 U.S.C. 1533(b)(2).

Proposed Approach To Determining Whether To Conduct a Discretionary Exclusion Analysis

We have not previously articulated our general approach to determining whether to exercise the discretion afforded under the statute to undertake the optional weighing process under the second sentence of 4(b)(2) of the Act. Although the Policy identified specific factors to consider if a discretionary exclusion analysis is conducted, it stopped short of articulating more generally how we approach the determination to undertake that analysis. We now propose to describe specifically what ''other relevant impacts'' may include and articulate how we approach determining whether we will undertake the discretionary exclusion analysis. We therefore propose paragraph (b) as set forth in the rule portion of this document.

Consistent with the first sentence of section 4(b)(2), proposed paragraph (b) sets out a mandatory requirement that FWS consider the economic impact, impact on national security, and any other relevant impacts prior to designating an area as part of a critical habitat designation. These economic impacts may include, for example, the economy of a particular area, productivity, and creation or elimination of jobs, opportunity costs potentially arising from critical habitat designation, and potential benefits from a potential designation such as outdoor recreation or ecosystem services. The proposed regulations would provide categories of ''other relevant impacts'' that we may consider, including: Public health and safety; community interests; and the environment (such as increased risk of wildfire or pest and invasive species management). This list is not an exhaustive list of the types of impacts that may be relevant in a particular case; rather, it provides additional clarity by identifying some additional types of impacts that may be relevant. Our discussion of proposed new paragraph (d), below, describes specific considerations related to Tribes, States, and local governments; national security; conservation plans, agreements, or partnerships; and Federal lands.

After we consider the relevant impacts, we must determine whether to undertake a discretionary exclusion analysis. We propose paragraph (c) to provide clarity and transparency about how the Secretary intends to exercise his discretion regarding when he will enter into the discretionary exclusion analysis under section 4(b)(2).

Proposed paragraph (c)(1) states the Secretary has discretion to enter into a discretionary exclusion analysis subject to the provisions of proposed paragraph (c)(2).

Under proposed paragraph (c)(2), we propose to always enter into a discretionary exclusion analysis to compare the benefits of inclusion and the benefits of exclusion of particular areas for which credible information supporting exclusion is presented. As part of the public notice-and-comment process, FWS routinely receives information from the public regarding any probable economic, national security, or other relevant impacts of designating any area that may be included in the final designation and the benefits of including or excluding areas that exhibit these impacts. The term ''credible information'' refers to information that constitutes a reasonably reliable indication regarding the existence of a meaningful economic or other relevant impact supporting a benefit of exclusion for a particular area. In evaluating whether a proponent has provided ''credible information'' in support of a claim that an area should be excluded, we look at two factors—whether the proponent has provided factual information in support of the claimed impacts and whether the claimed impacts may be meaningful for purposes of an exclusion analysis. The information provided by submitters or proponents could address either the benefits of exclusion, or the benefits of inclusion, and we do not expect proponents to conduct a comparison of the impacts relative to the conservation value of the specific area. The ''credible information'' standard would be relevant only to the question of whether to undertake an analysis—meeting this standard would not indicate that the area will in fact be excluded from the designation.

The second pathway to an exclusion analysis for a particular area would be if the Secretary decides to exercise his or her discretion to do so. *See* proposed paragraph (c)(2)(ii) in the rule portion of this document. In either case, FWS intends to document the basis for any decision not to undertake an exclusion analysis. An explanation of the decision not to undertake an exclusion analysis for a particular area will be included in the final determination regarding critical habitat for the species.

Proposed Approach To Conducting Discretionary Exclusion Analyses

We propose to add a new paragraph (d) as set forth in the proposed regulatory text. Under proposed paragraph (d), we describe how FWS will undertake an exclusion analysis once the Secretary exercises the discretion to conduct that analysis. We recognize that assigning weight to different impacts or benefits requires expertise. Therefore, we propose to assign weights of benefits of inclusion and exclusion based on who has the relevant expertise (*e.g.,* a commenter on the proposed designation of critical habitat or FWS). Quantification of benefits, if appropriate and feasible, will be conducted and explained on a case-by-case basis in individual critical habitat rulemakings.

With respect to benefits that are outside FWS' expertise and as described in proposed paragraph (d)(1), the Secretary would assign weights to benefits consistent with expert or firsthand information, unless the Secretary has knowledge or material evidence that rebuts that information. Expert or firsthand information should describe the implications of designating a particular area as critical habitat and include supporting documentation of the nature, scope, and magnitude of the impacts and the degree to which designation or exclusion would affect interested parties. Additionally, the impacts described must be attributable to the incremental effect of the designation of critical habitat, not attributable to the listing of the species. Under paragraph (a), if finalized, FWS would continue to make available for public comment the draft economic analysis of the critical habitat designation at the time of the proposed critical habitat designation. This information may be used in weighing the benefits of including or excluding a particular area.

However, in some instances the Secretary may have knowledge or material evidence that rebuts the information provided by experts or sources with firsthand knowledge. This information could include FWS' expert judgment about the likely effects of designating critical habitat upon the need to engage in, or outcomes of, consultations under section 7 of the Act, or other information available to FWS, such as the information in the economic analysis, as informed by public input. The Service will continue to base critical habitat designations on the best available information. Therefore, if the Secretary has additional knowledge or material evidence that qualifies as the

best information available, the Secretary would assign weights of the benefits of inclusion or exclusion consistent with the available information from experts, firsthand knowledge, and the best available information that the Secretary may have to rebut that information.

Proposed subparagraphs in paragraph (d)(1) identify a non-exhaustive list of categories of impacts that are outside the scope of FWS' expertise. Even though some of the categories on this list refer to ''nonbiological impacts,'' we recognize that many sources outside FWS also have information and expertise regarding biological impacts. FWS would consider that information or expertise in the weighing of benefits of inclusion or exclusion of particular areas.

Tribal Lands

Proposed paragraph (d)(1)(i) addresses nonbiological impacts identified by federally recognized Indian Tribes. Executive Orders, Secretarial Orders, and policies guide how FWS works with federally recognized Indian Tribes. These guidance documents generally confirm our trust responsibilities to Tribes, recognize that Tribes have sovereign authority to control Tribal lands, emphasize the importance of developing partnerships with Tribal governments, and direct FWS to consult with Tribes on a government-to-government basis.

Secretarial Order 3206, *American Indian Tribal Rights, Federal–Tribal Trust Responsibilities, and the Endangered Species Act* (June 5, 1997) (S.O. 3206), is the most comprehensive of the various guidance documents related to Tribal relationships and Act implementation, and it provides the most detail directly relevant to the designation of critical habitat. In light of this order, we would undertake a discretionary 4(b)(2) exclusion analysis of any Tribal lands included in a potential designation prior to finalizing a designation of critical habitat and would consider all relevant available information, including Tribal expertise, firsthand information, and traditional ecological knowledge. Neither S.O. 3206 nor these proposed revisions preclude FWS from designating Tribal lands or waters as critical habitat.

State and Local Governments

Proposed paragraph (d)(1)(ii) addresses nonbiological impacts identified by State or local governments. It has been the experience of FWS that in some cases a designation of critical habitat may affect State or local government operations in a material way. For example, a State or local government may be in the planning stages of a public-works project such as a hospital or school and may have concerns that a designation of critical habitat would delay or preclude their project. This proposed regulatory provision specifically recognizes that, because these projects and the importance they may have to the community are not within FWS's expertise, the weight that the Secretary assigns to the benefits of designating or excluding specific areas based on impacts to these projects or plans should be consistent with the information provided by the State or local government, unless we have rebutting knowledge or material information. Additionally, State and local governments may have credible information regarding potential economic or employment losses from a proposed critical habitat designation. The FWS will consider such information as part of any proposed critical habitat exclusion.

Impacts on National Security and Homeland Security

Proposed paragraph (d)(1)(iii) addresses impacts based on national-security or homeland-security implications identified by the Department of Defense, Department of Homeland Security, or any other Federal agency responsible for national security or homeland security. Section 4(a)(3)(B)(i) of the Act (16 U.S.C. 1533(a)(3)(B)(i)), as revised in 2003, provides: The Secretary shall not designate as critical habitat any lands or other geographical areas owned or controlled by the Department of Defense (DoD), or designated for its use, that are subject to an integrated natural resources management plan (INRMP) prepared under section 101 of the Sikes Act Improvement Act of 1997 (16 U.S.C. 670a), if the Secretary determines in writing that such plan provides a benefit to the species for which critical habitat is proposed for designation. Section 4(a)(3)(B)(i) of the Act does not cover all DoD lands or areas that are subject to national-security concerns (*e.g.,* activities on lands not owned or managed by DoD;. When designating critical habitat under section 4(b)(2) of the Act, the Secretary is required to consider impacts on national security on lands or areas not covered by section 4(a)(3)(B)(i).

Federal Lands

Proposed paragraph (d)(1)(iv) addresses Federal lands where there are non-Federal entities that have a permit, lease, contract, or other authorization for use. While we continue to recognize that Federal land managers have unique obligations under the Act, we are reversing the 2016 Policy's prior position that we generally do not exclude Federal lands from designations of critical habitat. We recognize that first, Congress declared its policy that ''all Federal departments and agencies shall seek to conserve endangered species and threatened species and shall utilize their authorities in furtherance of the purposes of this Act'' (section 2(c)(1)). Second, all Federal agencies have responsibilities under section 7 of the Act to carry out programs for the conservation of listed species and to ensure that their actions are not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of designated critical habitat. However, there is nothing in the Act that states that Federal lands shall be exempted from the consideration of a discretionary 4(b)(2) analysis simply because land is managed by the Federal government. Thus, proposed paragraph (d)(1)(iv) allows for consideration of an exclusion analysis on lands managed by the Federal government.

With regard to consideration of an exclusion based on economic or other relevant considerations, under the Act, the costs that a critical habitat designation may impose on Federal agencies can be divided into two types: (1) The additional administrative or transactional costs associated with the consultation process with a Federal agency, and (2) the costs to Federal agencies and other affected parties, including applicants for Federal authorizations (*e.g.,* permits, licenses, leases, contracts), of any project modifications necessary to avoid destruction or adverse modification of critical habitat.

In contrast to the Policy, we now will consider the avoidance of the administrative or transactional costs as a benefit of exclusion of a particular area of Federal land. We did acknowledge then, and restate now, that we will consider the extent to which consultation would produce an outcome that has economic or other impacts, such as by requiring project modifications and additional conservation measures by the Federal agency or other affected parties. While we acknowledge that Federal lands are important areas to the conservation of species habitat, we do not wish to foreclose the potential to exclude areas under Federal ownership. Therefore, we will now consider whether to exclude (and depending on the outcome of that analysis, may exclude) Federal lands on which non-Federal entities have a

permit, lease, contract or other authorization for use where the benefits of exclusion outweigh the benefits of inclusion, so long as the exclusion of a particular area does not cause extinction of a species.

Economic Impacts and Other Relevant Impacts

Proposed paragraph (d)(2) addresses economic impacts or other relevant impacts as identified in proposed paragraph (b). Economic impacts may play an important role in the discretionary 4(b)(2) exclusion analysis under the second sentence of section 4(b)(2). FWS always considers the probable incremental economic impacts of the designation of critical habitat. When undertaking a discretionary 4(b)(2) exclusion analysis with respect to a particular area, FWS would weigh the economic benefits of exclusion (and any other benefits of exclusion) against any benefits of inclusion (primarily the conservation value of designating the area). The nature of the probable incremental economic impacts, and not necessarily a particular threshold level, should trigger considerations of exclusions based on probable incremental economic impacts. For example, if an economic analysis indicates high probable incremental impacts of designating a particular critical habitat unit of lesser conservation value (relative to other areas potentially included in the designation), FWS may consider excluding that particular unit.

Other relevant impacts may also result in exclusions. In some circumstances, the Secretary may exclude particular areas based on specific ''community impacts'' as a result of the designation of critical habitat. FWS wants to ensure, through weighing the benefits of exclusion against the benefits of inclusion, that the designation of critical habitat in areas where community development projects are expected or planned to occur does not unnecessarily disrupt those projects. We would consider excluding from a proposed critical habitat designation a particular area where there is a planned community development project, such as a school or hospital, if the benefits of exclusion outweigh the benefits of inclusion. In this instance, the benefits of exclusion may include avoidance of additional permitting requirements, time delays, or additional cost requirements to the community development project (which may in turn delay or diminish the benefits attributable to the project) due to the designation of critical habitat. When analyzing whether to exclude such an area, the Secretary will weigh such impacts relative to the conservation value of that area.

For benefits of inclusion or exclusion based on impacts that fall within the scope of FWS's expertise, the Secretary will assign the weight given to those benefits in light of FWS's expertise. FWS's expertise includes, but is not limited to, implementation and enforcement of the Act; identification of the biological needs of species; identification of threats to species and their habitats; identification of important or essential components of habitat; species protection measures; and the process and outcomes of interagency consultations under section 7 of the Act.

Conservation Plans or Agreements and Partnerships, in General

FWS sometimes excludes specific areas from critical habitat designations based on the existence of private or other non-Federal conservation plans or agreements and their attendant partnerships when the benefits of exclusion outweigh the benefits of inclusion. A conservation plan or agreement describes actions that are designed to provide for the conservation needs of a species and its habitat and may include actions to minimize or mitigate negative effects on the species caused by activities on or adjacent to the area covered by the plan. Conservation plans or agreements can be developed by private entities with no involvement of the FWS, or in partnership with FWS. In the case of a habitat conservation plan (HCP), safe harbor agreement (SHA), or a candidate conservation agreement with assurances (CCAA), a plan or agreement is developed in partnership with FWS for the purposes of obtaining a permit under section 10 of the Act to authorize any take of listed species caused incidentally by the activities described in the plan or agreement.

Conservation Plans Related to Permits Under Section 10 of the Act

Proposed paragraph (d)(3) addresses particular areas covered by conservation plans, agreements, or partnerships that have been permitted under section 10 of the Act. HCPs for incidental take permits under section 10(a)(1)(B) of the Act provide for partnerships with non-Federal entities to minimize and mitigate impacts to listed species and their habitat. In most cases, HCP permittees commit to do more for the conservation of the species and their habitats on their non-Federal lands than designation of critical habitat would provide alone. We place great value on the partnerships that are developed during the preparation and implementation of HCPs.

CCAAs and SHAs are voluntary agreements designed to conserve candidate and listed species, respectively, on non-Federal lands. In exchange for actions that contribute to the conservation of species on non-Federal lands, participating property owners are covered by an ''enhancement of survival'' permit under section 10(a)(1)(A) of the Act, which authorizes incidental take of the covered species that may result from implementation of conservation actions, specific land uses, and, in the case of SHAs, the option to return to a baseline condition at the conclusion of the agreement.

FWS's expertise includes anticipating the extent to which permitted CCAAs, SHAs, and HCPs provide for the conservation of the species. When we undertake a discretionary 4(b)(2) exclusion analysis, we will always consider whether to exclude areas covered by a permitted CCAA/SHA/HCP, and we anticipate consistently excluding such areas from a designation of critical habitat if incidental take caused by the activities in those areas is covered by the permit under section 10 of the Act and the CCAA/SHA/HCP meets all of the following conditions:

1. The permittee is properly implementing the conservation plan or agreement and is expected to continue to do so for the term of the agreement. A CCAA/SHA/HCP is properly implemented if the permittee is, and has been, fully implementing the commitments and provisions in the CCAA/SHA/HCP, Implementing Agreement, and permit.

2. The species for which critical habitat is being designated is a covered species in the conservation plan or agreement, or very similar in its habitat requirements to a covered species. The recognition that FWS extends to such an agreement depends on the degree to which the conservation measures undertaken in the CCAA/SHA/HCP would also protect the habitat features of the similar species.

3. The conservation plan or agreement specifically addresses the habitat of the species for which critical habitat is being designated and meets the conservation needs of the species in the planning area.

We will undertake a case-by-case analysis to determine whether these conditions are met and, as with other conservation plans, whether the benefits of exclusion outweigh the benefits of inclusion.

The benefits of excluding lands with CCAAs, SHAs, or properly implemented

HCPs that have been permitted under section 10 of the Act include relieving landowners, communities, and counties of any additional regulatory burdens that might be imposed as a result of the critical habitat designation. A related benefit of exclusion is the unhindered, continued ability to maintain existing partnerships, as well as the opportunity to seek new partnerships with potential plan participants, including States, counties, local jurisdictions, conservation organizations, and private landowners. Together, these entities can implement conservation actions that FWS would be unable to accomplish without their participation. These partnerships can lead to additional CCAAs, SHAs, and HCPs. This is particularly important because HCPs often cover a wide range of species, including listed plant species (for which there is no general take prohibition under section 9 of the Act), and species that are not federally listed. Neither of these categories of species are likely to be protected from development or other impacts in the absence of HCPs.

As is the case with conservation plans generally, the protections that a CCAA, SHA, or HCP provides to habitat can reduce the benefits of including the covered area in the critical habitat designation. However, even in light of such reduction, there may still be significant benefits of critical habitat designation. As such, FWS will weigh the benefits of inclusion against the benefits of exclusion (usually the maintenance or fostering of partnerships that provide existing conservation benefits or may result in future conservation actions).

If a CCAA, SHA, or HCP is still under development when we undertake a discretionary 4(b)(2) exclusion analysis, we will evaluate these draft plans under the framework of general plans and partnerships (see *Conservation Plans Not Related to Permits Under Section 10 of the Act,* below). In other words, we will consider factors, such as partnerships that have been developed during the preparation of draft CCAAs, SHAs, and HCPs, and broad public benefits, such as encouraging the continuation of current, and development of future, conservation efforts with non-Federal partners, as possible benefits of exclusion. However, we will generally give little weight to unrealized promises of future conservation actions in draft CCAAs, SHAs, and HCPs that have not been permitted. Therefore, we anticipate finding that such promises will not reduce the benefits of inclusion in the discretionary 4(b)(2) exclusion analysis, even if such promises could, if realized, benefit the species for which a critical habitat designation is proposed.

Conservation Plans Not Related to Permits Under Section 10 of the Act

Proposed paragraph (d)(4) addresses particular areas covered by conservation plans, agreements, or partnerships that have not been authorized by a permit under section 10 of the Act. We evaluate a variety of factors to determine how the benefits of exclusion and the benefits of inclusion of a particular area are affected by the existence of private or other non-Federal conservation plans or agreements and their attendant partnerships when we undertake a discretionary 4(b)(2) exclusion analysis. FWS' expertise includes anticipating the extent to which the conservation plans, agreements, or partnerships provide protection or conservation value for the species. The list below is intended to illustrate the types of factors that FWS will use when evaluating non-permitted plans. This list is not exclusive or absolute. Not all factors may apply to every instance of evaluating a plan or partnership; and the listed factors are not requirements for plans or partnerships to be considered for exclusion.

i. The degree to which the record of the plan, or information provided by proponents of an exclusion, supports a conclusion that a critical habitat designation would impair the realization of benefits expected from the plan, agreement, or partnerships;

ii. The extent of public participation in the development of the conservation plan;

iii. The degree to which agency review and required determinations (*e.g.,* State regulatory requirements) have been completed, as necessary and appropriate;

iv. Whether National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*) reviews or similar reviews occurred, and the nature of any such reviews;

v. The demonstrated implementation and success of the chosen mechanism;

vi. The degree to which the plan or agreement provides for the conservation of the physical or biological features that are essential to the conservation of the species;

vii. Whether there is a reasonable expectation that the conservation management strategies and actions contained in a management plan or agreement will be implemented; and

viii. Whether the plan or agreement contains a monitoring program and adaptive management to ensure that the conservation measures are effective and can be modified in the future in response to new information.

FWS will typically consider whether a plan or agreement has previously been subjected to public comment, agency review, and NEPA review or similar review processes, because these kinds of processes may indicate the degree of critical analysis the plan or agreement has already received. For example, if a particular plan was developed by a county-level government pursuant to environmental review processes provided by State law or regulation, FWS would likely give greater weight to that plan in its evaluation.

Public Comments

You may submit your comments and materials concerning the proposed rule by one of the methods listed in **ADDRESSES**. Comments must be submitted to *http://www.regulations.gov* before 11:59 p.m. (Eastern Time) on the date specified in **DATES**. We will not consider hand-delivered comments that we do not receive, or mailed comments that are not postmarked, by the date specified in **DATES**.

We will post your entire comment—including your personal identifying information—on *http://www.regulations.gov.* If you provide personal identifying information in your comment, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. Comments and materials we receive, as well as supporting documentation we used in preparing this proposed rule, will be available for public inspection on *http://www.regulations.gov.*

Because we will consider all comments and information received during the comment period, our final regulation may differ from this proposal in light of our experience in administering the Act, consistent with legal requirements.

Required Determinations

Regulatory Planning and Review—Executive Orders 12866 and 13563

Executive Order (E.O.) 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget will review all significant rules. OIRA has determined that this rule is significant.

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

achieving regulatory ends. E.O. 13563 directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 further emphasizes that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements. This proposed rule is consistent with E.O. 13563, and in particular with the requirement of retrospective analysis of existing rules, designed ''to make the agency's regulatory program more effective or less burdensome in achieving the regulatory objectives.''

Executive Order 13771

This proposed rule is not expected to be subject to the requirements of E.O. 13771 because this proposed rule is expected to result in no more than *de minimis* costs.

Regulatory Flexibility Act

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

This rulemaking responds to applicable Supreme Court case law and revises and clarifies procedures for FWS regarding designating critical habitat under the Endangered Species Act to reflect agency experience and, with minor changes, codifies current agency practices. The proposed changes to these regulations, if finalized, are unlikely to result in any critical habitat designation having a larger scope.

FWS is the only entity that is directly affected by this rule because FWS is the only entity that will be designating critical habitat under the Endangered Species Act in accordance with this portion of the CFR. No external entities, including any small businesses, small organizations, or small governments, will experience any economic impacts directly from this rule.

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

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*):

(a) On the basis of information contained in the Regulatory Flexibility Act section above, this proposed rule would not ''significantly or uniquely'' affect small governments. We have determined and certify pursuant to the Unfunded Mandates Reform Act, 2 U.S.C. 1502, that this rule would not impose a cost of $100 million or more in any given year on local or State governments or private entities. A Small Government Agency Plan is not required. As explained above, small governments would not be affected because the proposed rule would not place additional requirements on any city, county, or other local municipalities.

(b) This proposed rule would not produce a Federal mandate on State, local, or tribal governments or the private sector of $100 million or greater in any year; that is, this proposed rule is not a ''significant regulatory action''' under the Unfunded Mandates Reform Act. This proposed rule would impose no obligations on State, local, or tribal governments.

Takings (E.O. 12630)

In accordance with Executive Order 12630, this proposed rule would not have significant takings implications. This proposed rule would not directly affect private property, nor would it cause a physical or regulatory taking. It would not result in a physical taking because it would not effectively compel a property owner to suffer a physical invasion of property. Further, the proposed rule would not result in a regulatory taking because it would not deny all economically beneficial or productive use of the land or aquatic resources and it would substantially advance a legitimate government interest (conservation and recovery of endangered species and threatened species) and would not present a barrier to all reasonable and expected beneficial use of private property.

Federalism (E.O. 13132)

In accordance with Executive Order 13132, we have considered whether this proposed rule would have significant federalism effects and have determined that a federalism summary impact statement is not required. This proposed rule pertains only to factors for designation of critical habitat under the Endangered Species Act, and would not have substantial direct effects on the States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government.

Civil Justice Reform (E.O. 12988)

This proposed rule does not unduly burden the judicial system and meets the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order 12988. This proposed rule would clarify factors for designation of critical habitat under the Endangered Species Act.

Government-to-Government Relationship With Tribes

In accordance with Executive Order 13175, ''Consultation and Coordination with Indian Tribal Governments,'' and the Department of the Interior's manual at 512 DM 2, we are considering possible effects of this proposed rule on federally recognized Indian Tribes. FWS has reached a preliminary conclusion that the changes to these implementing regulations are general in nature and do not directly affect specific species or Tribal lands. These proposed regulations modify certain aspects of the critical habitat designation processes that we have been implementing in accordance with previous guidance and policies, including the 2008 DOI SOL M-opinion and the final Policy. These regulatory revisions directly affect only FWS, and with or without these revisions FWS would be obligated to continue to designate critical habitat based on the best available data. Therefore, we conclude that these proposed regulations do not have ''tribal implications'' under section 1(a) of E.O. 13175, and therefore formal government-to-government consultation is not required by E.O. 13175 and related policies of the Department of the Interior. We will continue to collaborate with Tribes on issues related to federally listed species and their habitats and work with them as we implement the provisions of the Act. *See* Secretarial Order 3206 (''American Indian Tribal Rights, Federal-Tribal

Trust Responsibilities, and the Endangered Species Act,'' June 5, 1997).

Paperwork Reduction Act

This proposed rule does not contain any new collections of information that require approval by the OMB under the Paperwork Reduction Act. 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.

National Environmental Policy Act

We are analyzing this proposed regulation in accordance with the criteria of the National Environmental Policy Act (NEPA), the Department of the Interior regulations on Implementation of the National Environmental Policy Act (43 CFR 46.10–46.450), and the Department of the Interior Manual (516 DM 8). This proposed rulemaking in part responds to applicable Supreme Court case law and revises procedures for FWS regarding designating critical habitat under the Endangered Species Act.

As a result, we anticipate that the categorical exclusion found at 43 CFR 46.210(i) likely applies to the proposed regulation changes. At 43 CFR 46.210(i), the Department of the Interior has found that the following categories of actions would not individually or cumulatively have a significant effect on the human environment and are, therefore, categorically excluded from the requirement for completion of an environmental assessment or environmental impact statement: ''Policies, directives, regulations, and guidelines: That are of an administrative, financial, legal, technical, or procedural nature.'' However, as a result of public comments received, the final rule may differ from this proposed rule and our analysis under NEPA may also differ from the proposed rule. We invite public comment regarding our initial determination under NEPA and we will complete our analysis, in compliance with NEPA, before finalizing this regulation.

Energy Supply, Distribution or Use (E.O. 13211)

Executive Order 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. The proposed revised regulations are not expected to affect energy supplies, distribution, and use. Therefore, this action is a not a significant energy action, and no Statement of Energy Effects is required.

Clarity of the Rule

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

(1) Be logically organized;

(2) Use the active voice to address readers directly;

(3) Use clear language rather than jargon;

(4) Be divided into short sections and sentences; and

(5) Use lists and tables wherever possible.

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

Authority

We issue this proposed rule under the authority of the Endangered Species Act, as amended (16 U.S.C. 1531 *et seq.*).

List of Subjects in 50 CFR part 17

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

Proposed Regulation Promulgation

For the reasons discussed in the preamble, the U.S. Fish and Wildlife Service proposes to amend part 17 of chapter I, title 50 of the Code of Federal Regulations as set forth below:

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

■ 1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 1531–1544; and 4201–4245, unless otherwise noted.

Subpart J—[Redesignated as Subpart K]

■ 2. Subpart J, consisting of §§ 17.100 through 17.199, is redesignated as subpart K.

Subpart I—[Redesignated as Subpart J]

■ 3. Subpart I, consisting of §§ 17.94 through 17.99, is redesignated as subpart J.

■ 4. New subpart I, consisting of § 17.90, is added to read as follows:

Subpart I—Considerations of Impacts and Exclusions from Critical Habitat

§ 17.90 Impact analysis and exclusions from critical habitat.

(a) At the time of publication of a proposed rule to designate critical habitat, the Secretary will make available for public comment the draft economic analysis of the designation. The draft economic analysis will be summarized in the **Federal Register** notice of the proposed designation of critical habitat. The Secretary will also identify any national security or other relevant impacts that the Secretary determines are contained in a particular area of proposed designation. Based on the best information available regarding economic, national security, and other relevant impacts, the proposed designation of critical habitat will identify the areas that the Secretary has reason to consider for exclusion and explain why. The identification of areas in the proposed rule that the Secretary has reason to consider for exclusion is neither binding nor exhaustive. ''Economic impacts'' may include, but are not limited to, the economy of a particular area, productivity, jobs, and any opportunity costs arising from the critical habitat designation (such as those anticipated from reasonable and prudent alternatives that may be identified through a section 7 consultation) as well as possible benefits and transfers (such as outdoor recreation and ecosystem services). ''Other relevant impacts'' may include, but are not limited to, impacts to Tribes, States, local governments, public health and safety, community interests, the environment (such as increased risk of wildfire or pest and invasive species management), federal lands, and conservation plans, agreements, or partnerships. The Secretary will consider impacts at a scale that the Secretary determines to be appropriate and will compare the impacts with and without the designation. Impacts may be qualitatively or quantitatively described.

(b) Prior to finalizing the designation of critical habitat, the Secretary will consider the probable economic, national security, and other relevant impacts of the designation upon proposed or ongoing activities.

(c)(1) Subject to paragraph (c)(2) of this section, the Secretary has discretion as to whether to conduct an exclusion analysis under 16 U.S.C. 1533(b)(2).

(2) The Secretary will conduct an exclusion analysis when:

(i) The proponent of excluding a particular area (including but not limited to permittees, lessees or others with a permit, lease or contract on federally managed lands) has presented credible information regarding the existence of a meaningful economic or other relevant impact supporting a benefit of exclusion for that particular area; or

(ii) The Secretary otherwise decides to exercise discretion to evaluate any particular area for possible exclusion.

(d) When the Secretary conducts a discretionary exclusion analysis pursuant to paragraph (c) of this section, the Secretary shall weigh the benefits of including or excluding particular areas in the designation of critical habitat, according to the following principles:

(1) When analyzing the benefits of including or excluding any particular area based on impacts identified by experts in, or by sources with firsthand knowledge of, areas that are outside the scope of the Service's expertise, the Secretary will assign weight to those benefits consistent with the expert or firsthand information, unless the Secretary has knowledge or material evidence that rebuts that information. Impacts that are outside the scope of the Service's expertise include, but are not limited to:

(i) Nonbiological impacts identified by federally recognized Indian Tribes, consistent with all applicable Executive and Secretarial orders;

(ii) Nonbiological impacts identified by State or local governments; and

(iii) Impacts based on national security or homeland security implications identified by the Department of Defense, Department of Homeland Security, or any other Federal agency responsible for national security or homeland security;

(iv) Nonbiological impacts identified by a permittee, lessee, or contractor applicant for a permit, lease, or contract on Federal lands.

(2) When analyzing the benefit of including or excluding any particular area based on economic impacts or other relevant impacts described in paragraph (b) of this section, the Secretary will weigh such impacts relative to the conservation value of that particular area. For benefits of inclusion or exclusion based on impacts that fall within the scope of the Service's expertise, the Secretary will assign weight to those benefits in light of the Service's expertise.

(3) When analyzing the benefits of including or excluding particular areas covered by conservation plans, agreements, or partnerships that have been authorized by a permit under section 10 of the Act, the Secretary will consider the following factors:

(i) Whether the permittee is properly implementing the conservation plan or agreement;

(ii) Whether the species for which critical habitat is being designated is a covered species in the conservation plan or agreement; and

(iii) Whether the conservation plan or agreement specifically addresses the habitat of the species for which critical habitat is being designated and meets the conservation needs of the species in the planning area.

(4) When analyzing the benefits of including or excluding particular areas covered by conservation plans, agreements, or partnerships that have not been authorized by a permit under section 10 of the Act, factors that the Secretary may consider include, but are not limited to:

(i) The degree to which the record of the plan, or information provided by proponents of an exclusion, supports a conclusion that a critical habitat designation would impair the realization of the benefits expected from the plan, agreement, or partnership.

(ii) The extent of public participation in the development of the conservation plan.

(iii) The degree to which agency review and required determinations (*e.g.,* State regulatory requirements) have been completed, as necessary and appropriate.

(iv) Whether National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*) reviews or similar reviews occurred, and the nature of any such reviews.

(v) The demonstrated implementation and success of the chosen mechanism.

(vi) The degree to which the plan or agreement provides for the conservation of the physical or biological features that are essential to the conservation of the species.

(vii) Whether there is a reasonable expectation that the conservation management strategies and actions contained in a management plan or agreement will be implemented.

(viii) Whether the plan or agreement contains a monitoring program and adaptive management to ensure that the conservation measures are effective and can be modified in the future in response to new information.

(e) If the Secretary conducts an exclusion analysis under paragraph (c) of this section, and if the Secretary determines that the benefits of excluding a particular area from critical habitat outweigh the benefits of specifying that area as part of the critical habitat, then the Secretary shall exclude that area, unless the Secretary determines, based on the best scientific and commercial data available, that the failure to designate that area as critical habitat will result in the extinction of the species concerned.

George Wallace,

Assistant Secretary for Fish and Wildlife and Parks Department of the Interior.

[FR Doc. 2020–19577 Filed 9–4–20; 8:45 am]

BILLING CODE 4333–15–P

Notices

Federal Register

Vol. 85, No. 174

Tuesday, September 8, 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

Animal and Plant Health Inspection Service

[Docket No. APHIS–2020–0080]

Notice of Request for Revision to and Extension of Approval of an Information Collection; Importation of Animals and Poultry, Animal and Poultry Products, Certain Animal Embryos, Semen, and Zoological Animals

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Revision to and extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a revision to and extension of approval of an information collection associated with the importation of animals and poultry, animal and poultry products, certain animal embryos, semen, and zoological animals.

DATES: We will consider all comments that we receive on or before November 9, 2020.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2020-0080.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2020–0080, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2020-0080* or in our reading room, which is located in Room 1620 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on animals and poultry, animal and poultry products, certain animal embryos, and zoological animals, contact Dr. Bettina Helm, Senior Staff Veterinarian, VS, APHIS, 4700 River Road, Unit 39, Riverdale, MD 20737; (301) 851–3300. For more information about the information collection process, contact Mr. Joseph Moxey, APHIS' Information Collection Coordinator, at (301) 851–2483.

SUPPLEMENTARY INFORMATION:

Title: Importation of Animals and Poultry, Animal and Poultry Products, Certain Animal Embryos, Semen, and Zoological Animals.

OMB Control Number: 0579–0040.

Type of Request: Revision to and extension of approval of an information collection.

Abstract: Under the Animal Health Protection Act (7 U.S.C. 8301 *et seq.*), the Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture (USDA) is authorized, among other things, to prohibit or restrict the importation of animals, animal products, and other articles into the United States to prevent the introduction of animal diseases and pests. Disease prevention is the most effective method for maintaining a healthy animal population and for enhancing APHIS' ability to compete in the world market of animal and animal product trade.

Among other things, APHIS' Veterinary Services is responsible for preventing the introduction of foreign or certain other communicable animal diseases into the United States and for rapidly identifying, containing, eradicating, or otherwise mitigating such diseases when feasible. In connection with this mission, APHIS collects information from individuals, businesses, and farms that are involved with importation of animals or poultry, animal or poultry products, or animal germplasm (semen, oocytes, embryos, and cloning tissues, as well as eggs for hatching) into the United States, as well as from foreign countries and States to support these imports. Some of the information collection activities include agreements, permits, application and space reservation requests, inspections, registers, declarations of importation, requests for hearings, daily logs, additional requirements, application for permits, export health certificates, letters, written notices, daily record of horse activities, written requests, opportunities to present views, reporting, applications for approval of facilities, certifications, arrival notices, on-hold shipment notifications, reports, test submission forms, quarantine documents, affidavits, animal identification, written plans, checklists, specimen submissions, emergency action notifications, refusal of entry and order to dispose of fish, premises information, recordkeeping, and application of seals.

In addition, APHIS opens U.S. markets to animal commodities by receiving and evaluating information collection activities, such as requests for recognition of the animal health status of a region, applications for recognition of the animal health status of a region, applications for recognition of a region as historically free of a disease, requests for additional information about the region, appeals of classifications of animal health status, and written recommendation implementation from foreign animal health authorities seeking to engage in the regionalization process.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities, as described, for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as

appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public burden for this collection of information is estimated to average 0.63 hours per response.

Respondents: Foreign animal health authorities; U.S. importers; foreign exporters; veterinarians and animal health technicians in other countries; State animal health authorities; shippers, owners and operators of foreign processing plants and farms; USDA-approved zoos, laboratories, and feedlots; private quarantine facilities; and other entities involved (directly or indirectly) in the importation of animals and poultry, animal and poultry products, zoological animals, and animal germplasm.

Estimated annual number of respondents: 72,931.

Estimated annual number of responses per respondent: 10.

Estimated annual number of responses: 734,478.

Estimated total annual burden on respondents: 462,592 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

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

Done in Washington, DC, this 1st day of September 2020.

Michael Watson,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2020–19733 Filed 9–4–20; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

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

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice to extend the public comment period for land management plan amendment.

SUMMARY: The Pacific Northwest Region of the Forest Service is extending the public comment period for the Preliminary Environmental Assessment (EA) for Forest Management Direction for Large Diameter Trees in Eastern Oregon, a proposed amendment to land management plans for the Deschutes, Fremont-Winema, Malheur, Ochoco, Umatilla, and Wallowa-Whitman National Forests.

DATES: Comments concerning the scope of the analysis must be received by October 13, 2020.

ADDRESSES: Individuals and entities are encouraged to submit comments via webform at *https://cara.ecosystem-management.org/Public/CommentInput?project=58050.* Comments may also be sent via email to *SM.FS.EScreens21@usda.gov.* Hardcopy letters must be submitted to the following address: Shane Jeffries, Forest Supervisor, Ochoco National Forest, 3160 NE Third Street, Prineville, OR 97754. For those submitting hand-delivered comments, a secure drop box is located by the mailboxes at the Ochoco National Forest office.

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

SUPPLEMENTARY INFORMATION:

Comment and Objection Information

The Notice of Intent (85 FR 48500) appeared in the **Federal Register** on August 11, 2020. The Preliminary EA and other related documents are available for comment on the project website at *https://www.fs.usda.gov/project/?project=58050.* Additional information regarding this proposal can found at *https://go.usa.gov/xvV4X.* As provided for at 36 CFR 219.16, the responsible official has combined the notifications for initiating the plan amendment and inviting comments on the proposed plan amendment and alternatives.

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

Tina Johna Terrell,

Associate Deputy Chief, National Forest System.

[FR Doc. 2020–19803 Filed 9–4–20; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Sanders Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Sanders Resource Advisory Committee (RAC) will hold a virtual meeting. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act. RAC information can be found at the following website: *http://cloudapps-usda-gov.force.com/FSSRS/RAC_Page?id=001t0000002JcwJAAS.*

DATES: The meeting will be held on Wednesday, September 30, 2020, at 6:00 p.m.

All RAC meetings are subject to cancellation. For status of the meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

ADDRESSES: The meeting will be held with virtual attendance only. For virtual meeting information, please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION.** All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Plains/Thompson Falls Ranger District. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Robin Jermyn, RAC Coordinator, by phone at 406–826–4305 or via email at *robin.jermyn@usda.gov.*

Individuals who use telecommunication devices for the deaf

(TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Approve minutes from previous meeting;
2. Discuss the status of previously approved projects;
3. Review the new proposed Title II projects; and
4. Open forum for public discussion.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by Friday, September 25, 2020, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Robin Jermyn, RAC Coordinator, Post Office Box 429, Plains, Montana 59859; by email to *robin.jermyn@usda.gov,* or via facsimile to 406–826–4358.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT.** All reasonable accommodation requests are managed on a case-by-case basis.

Dated: September 1, 2020.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2020–19739 Filed 9–4–20; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Lassen County Resource Advisory Committee

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of meeting.

SUMMARY: The Lassen County Resource Advisory Committee (RAC) will hold a virtual meeting. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the Act. RAC information can be found at the following website: *https://www.fs.usda.gov/main/lassen/workingtogether/advisorycommittees.*

DATES: The meeting will be held on September 29, 2020, starting at 10:00 a.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held with virtual attendance only. For virtual meeting information, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION.** All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at Lassen National Forest Superivsor's Office. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Mark Gaston, RAC Coordinator, by phone at 505–252–6604 or via email at *mark.gaston2@usda.gov.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Approve minutes of last meeting;
2. Old business;
3. Approve the use of the existing Operating Guidelines and Evaluation Criteria;
4. Discuss membership outreach;
5. Committee Assignments;
6. Disuss Title II Funding for 2017, 2018, and 2019;
7. Discuss project proposals;
8. Call for project proposals;
9. Public comment period; and
10. Go over agenda for next meeting and set meeting dates.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by September 22, 2020, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time to make oral comments must be sent to Mark Gaston, RAC Coordinator, Lassen National Forest Supervisor's Office, 2550 Riverside Drive, Susanville, California 96130; by email to *mark.gaston2@usda.gov,* or via facsimile to 530–252–6428.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for (we are doing this by phone so can't sign), assistive listening devices, or other reasonable accommodation. Please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case-by-case basis.

Dated: September 1, 2020.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2020–19738 Filed 9–4–20; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Sanders Resource Advisory Committee

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of meeting.

SUMMARY: The Sanders Resource Advisory Committee (RAC) will hold a virtual meeting. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act. RAC information can be found at the following website: *http://cloudapps-usda-gov.force.com/FSSRS/RAC_Page?id=001t0000002JcwJAAS.*

DATES: The meeting will be held on Wednesday, September 23, 2020, at 6:00 p.m.

All RAC meetings are subject to cancellation. For status of the meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

ADDRESSES: The meeting will be held with virtual attendance only. For virtual meeting information, please contact the

person listed under **FOR FURTHER INFORMATION CONTACT.**

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION.** All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Plains/Thompson Falls Ranger District. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Robin Jermyn, RAC Coordinator, by phone at 406–826–4305 or via email at *robin.jermyn@usda.gov.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Approve minutes from previous meeting;
2. Discuss the status of previously approved projects;
3. Review the new proposed Title II projects; and
4. Open forum for public discussion.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by Friday, September 18, 2020, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Robin Jermyn, RAC Coordinator, Post Office Box 429, Plains, Montana 59859; by email to *robin.jermyn@usda.gov,* or via facsimile to 406–826–4358.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT.** All reasonable accommodation requests are managed on a case-by-case basis.

Dated: September 2, 2020.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2020–19795 Filed 9–4–20; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Request for Nominations to the Task Force on Agricultural Air Quality Research

AGENCY: Natural Resources Conservation Service, USDA.

ACTION: Notice of request for nominations to the Task Force on Agricultural Air Quality Research.

SUMMARY: The Secretary of Agriculture invites nominations of qualified candidates to be considered for a 2-year term on the Task Force on Agricultural Air Quality Research, typically referred to as the Agricultural Air Quality Task Force (AAQTF) established by the Federal Agriculture Improvement and Reform Act of 1996 to provide recommendations to the Secretary of Agriculture on agricultural air quality issues. This notice solicits nominations for membership on AAQTF.

DATES:

Applicable: September 8, 2020.

Nominations due: We will consider nominations that are postmarked by November 9, 2020.

ADDRESSES: Submit nominations to Greg Zwicke, Designated Federal Officer, Department of Agriculture, Natural Resources Conservation Service, West National Technology Support Center, 2150 Centre Avenue, Building A, Suite 314B, Fort Collins, CO 80526; or sent by email to: *Greg.Zwicke@usda.gov.*

FOR FURTHER INFORMATION CONTACT: Greg Zwicke; telephone: (970) 295–5621; email: *Greg.Zwicke@usda.gov.*

SUPPLEMENTARY INFORMATION:

AAQTF Purpose

Section 391 of the Federal Agriculture Improvement and Reform Act of 1996 (Pub. L. 104–127, 7 U.S.C. 5405) requires the Chief of the Natural Resources Conservation Service (NRCS) to establish a task force to address air agricultural quality issues. AAQTF first met in 1996 and was active through 2016. AAQTF advises the Secretary of Agriculture on the role of the Secretary for providing oversight and coordination related to agricultural air quality.

The requirements of the Federal Advisory Committee Act, 5 U.S.C. App. 2, apply to AAQTF.

AAQTF will:

1. Strengthen vital research efforts related to agricultural air quality;
2. Determine the extent to which agricultural activities contribute to air pollution;
3. Determine cost-effective ways in which the agricultural industry can improve air quality;
4. Coordinate and ensure intergovernmental cooperation on research activities related to agricultural air quality issues to avoid duplication, and ensure data quality and sound interpretation of data; and
5. Advise the Secretary of Agriculture so the Secretary has the information to provide oversight and coordination about agricultural air quality.

AAQTF Membership

AAQTF expects to meet two to three times each year, with meetings held at various locations across the United States. Each AAQTF member will serve for a term of 2 years, starting with the date of appointment to AAQTF. The Chief of NRCS serves as Chair of AAQTF. AAQTF is composed of U.S. citizens representing a broad spectrum of individuals with interest and expertise in agricultural air quality issues. This includes, but is not limited to, representatives from the agricultural production and processing sector, as well as those from academia, agribusiness, regulatory organizations, environmental organizations, and local or State agencies.

Nominees to AAQTF will be evaluated on a number of criteria, including expertise in or experience with agricultural air quality research, agricultural production, and air quality environmental or regulatory issues.

Serving as an AAQTF member will not constitute employment by, or the holding of an office of the United States for the purpose of any Federal law. Persons selected for membership on AAQTF will not receive compensation from NRCS for their service as Task Force members. Members will be eligible for travel expenses paid by NRCS while away from home or regular place of business, including per diem in lieu of subsistence, which will be at the same rate as a person employed intermittently in the government service, under 5 U.S.C. 5703.

Additional information about the AAQTF may be found at: *http://www.airquality.nrcs.usda.gov/wps/portal/nrcs/detail/national/air/taskforce/.*

Member Nominations

Any interested person or organization may nominate qualified individuals for AAQTF membership. Interested candidates may nominate themselves. Previous nominees and AAQTF members who wish to be considered for membership on AAQTF must submit a new nomination with updated

information, including a new background disclosure form (Form AD–755).

Nominations should be typed and include the following:

1. A brief summary, no more than two pages, explaining the nominee's qualifications to serve on AAQTF and addressing the criteria described above.
2. A resume providing the nominee's background, experience, and educational qualifications.
3. A completed background disclosure form (Form AD–755) signed by the nominee. The form is available on-line at: *https://www.ocio.usda.gov/sites/default/files/docs/2012/AD-755-Approved_Master-exp-3.31.22_508.pdf.*
4. Any recent publications by the nominee relative to air quality (if appropriate).
5. Letter(s) of endorsement (optional).

Send nominations to Greg Zwicke, Designated Federal Officer, Department of Agriculture, Natural Resources Conservation Service, West National Technology Support Center, 2150 Centre Avenue, Building A, Suite 314B, Fort Collins, CO 80526; or email to: *Greg.Zwicke@usda.gov.* The Designated Federal Officer will acknowledge receipt of nominations.

Equal opportunity practices, in line with the U.S. Department of Agriculture (USDA) policies, will be followed in all appointments to AAQTF. To ensure that the recommendations of AAQTF have taken into account the needs of the diverse groups served by USDA, membership should include, to the extent practicable, individuals with demonstrated ability to represent minorities, women, and persons with disabilities.

Equal Opportunity Statement

USDA prohibits discrimination in all programs and activities on the basis of race, sex, color, national origin, gender, religion, age, sexual orientation, or disability. Additionally, discrimination on the basis of political beliefs and marital status or family status is also prohibited by statutes enforced by USDA (not all prohibited bases apply to all programs). Persons with disabilities who require alternate means for communication of program information should contact USDA's Technology and Accessible Resources Give Employment Today Center at (202) 720–2600. USDA is an equal opportunity provider and employer.

Dated: August 31, 2020.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2020–19783 Filed 9–4–20; 8:45 am]

BILLING CODE 3410–16–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–834–811]

Silicon Metal From the Republic of Kazakhstan: Postponement of Preliminary Determination in the Countervailing Duty Investigation

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

DATES: Applicable September 8, 2020.

FOR FURTHER INFORMATION CONTACT: Justin Neuman at (202) 482–0486, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On July 20, 2020, the Department of Commerce (Commerce) initiated the countervailing duty (CVD) investigation of silicon metal from the Republic of Kazakhstan (Kazakhstan).[1] Currently, the preliminary determination is due no later than September 23, 2020.

Postponement of Preliminary Determination

Section 703(b)(1) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in a CVD investigation within 65 days after the date on which Commerce initiated the investigation. However, section 703(c)(1) of the Act permits Commerce to postpone the preliminary determination until no later than 130 days after the date on which Commerce initiated the investigation if: (A) The petitioner makes a timely request for a postponement; or (B) Commerce concludes that the parties concerned are cooperating, that the investigation is extraordinarily complicated, and that additional time is necessary to make a preliminary determination. Under 19 CFR 351.205(e), the petitioner must submit a request for postponement 25 days or more before the scheduled date of the preliminary determination and must state the reasons for the request. Commerce will grant the request unless it finds compelling reasons to deny the request.

On August 24, 2020, the petitioners[2] submitted a timely request that Commerce postpone the preliminary CVD determination.[3] The petitioners stated that, due to the number and nature of subsidy programs under investigation, the normal 65-day deadline for the preliminary determination would not provide sufficient time for Commerce to adequately examine the amount of subsidies that producers and exporters of subject merchandise in Kazakhstan receive.[4] In accordance with 19 CFR 351.205(e), the petitioners have stated the reasons for requesting a postponement of the preliminary determination, and Commerce finds no compelling reason to deny the request. Therefore, pursuant to section 703(c)(1)(A) of the Act, we are extending the due date for the preliminary determination to no later than 130 days after the date on which this investigation was initiated, *i.e.,* to November 27, 2020. Pursuant to section 705(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determination will continue to be 75 days after the date of the preliminary determination.

This notice is issued and published pursuant to section 703(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: September 1, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2020–19784 Filed 9–4–20; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Silicon Metal from the Republic of Kazakhstan: Initiation of Countervailing Duty Investigation,* 85 FR 45173 (July 27, 2020) (*Initiation*).

[2] The petitioners are Globe Specialty Metals, Inc. and Mississippi Silicon LLC.

[3] *See* Petitioners' Letter, ''Silicon Metal from the Republic of Kazakhstan: Petitioners' Request to Postpone the Deadline for the Preliminary Determination,'' dated August 24, 2020.

[4] *Id.*

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–924, A–520–803]

Polyethylene Terephthalate Film, Sheet and Strip From the People's Republic of China and the United Arab Emirates: Continuation of Antidumping Duty Orders

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

SUMMARY: As a result of the determinations by the Department of Commerce (Commerce) and the International Trade Commission (ITC) that revocation of the antidumping duty (AD) orders on polyethylene terephthalate film, sheet and strip (PET film) from the People's Republic of China (China) and the United Arab

Emirates (UAE) would likely lead to a continuation or recurrence of dumping, as well as material injury to an industry in the United States, Commerce is publishing a notice of continuation of the AD orders.

DATES: Applicable September 8, 2020.

FOR FURTHER INFORMATION CONTACT: Kathryn Turlo at (202) 482–3870 or Jacqueline Arrowsmith at (202) 482–2328; AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On November 10, 2008, Commerce published the AD orders on PET film from China and the UAE.[1] On January 2, 2020, Commerce initiated the second five-year (sunset) reviews of the *Orders,* pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[2] As a result of its review, Commerce determined that revocation of the AD *Orders* on PET film from China and the UAE would likely lead to a continuation or recurrence of dumping and, therefore, notified the ITC of the magnitude of the margins and net countervailable subsidy rates likely to prevail should the *AD Orders* be revoked.[3] On September 1, 2020, the ITC published its determination, pursuant to section 751(c) of the Act, that revocation of the *AD Orders* would likely lead to a continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[4]

Scope of the AD Orders

The products covered by the *AD Orders* are all gauges of raw, pre-treated, or primed PET film, whether extruded or co-extruded. Excluded are metallized films and other finished films that have had at least one of their surfaces modified by the application of a performance-enhancing resinous or inorganic layer more than 0.00001 inches thick. Also excluded is roller transport cleaning film which has at least one of its surfaces modified by application of 0.5 micrometers of SBR latex. Tracing and drafting film is also excluded. PET film is classifiable under subheading 3920.62.00.90 of the Harmonized Tariff Schedule of the United States (HTSUS). While the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope of the *AD Orders* is dispositive.

Continuation of the Orders

As a result of the determinations by Commerce and the ITC that revocation of the *AD Orders* would likely lead to a continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act and 19 CFR 351.218(a), Commerce hereby orders the continuation of the AD orders on PET film from China and the UAE. U.S. Customs and Border Protection will continue to collect AD cash deposits at the rates in effect at the time of entry for all imports of subject merchandise. The effective date of the continuation of the orders will be the date of publication in the **Federal Register** of this notice of continuation. Pursuant to section 751(c)(2) of the Act and 19 CFR 351.218(a), Commerce intends to initiate the next five-year review of the *AD Orders* not later than 30 days prior to the fifth anniversary of the effective date of continuation.

Notification to Interested Parties

This five-year (sunset) review and this notice are in accordance with section 751(c) of the Act and published pursuant to section 777(i)(1) of the Act and 19 CFR 351.218(f)(4).

Dated: September 1, 2020.

Joseph A. Laroski, Jr.,

Deputy Assistant Secretary for Policy and Negotiations.

[FR Doc. 2020–19726 Filed 9–4–20; 8:45 am]

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[1] *See Polyethylene Terephthalate Film, Sheet, and Strip from Brazil, the People's Republic of China and the United Arab Emirates: Antidumping Duty Orders and Amended Final Determination of Sales at Less Than Fair Value for the United Arab Emirates,* 73 FR 66595 (November 10, 2008) (*AD Orders*).

[2] *See Initiation of Five-Year (Sunset) Reviews,* 85 FR 67 (January 2, 2020).

[3] *See Polyethylene Terephthalate Film, Sheet and Strip from the People's Republic of China and the United Arab Emirates: Final Results of the Expedited Second Sunset Reviews of the Antidumping Duty Orders,* 85 FR 26927 (May 6, 2020).

[4] *See Polyethylene Terephthalate Film, Sheet, and Strip from China and the United Arab Emirates; Determinations,* Investigation Nos. 731–TA–1132 and 1134, 85 FR 54401 (September 1, 2020).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–560–837, A–475–843, A–557–819, A–791–826, A–469–821, A–723–001, A–823–817]

Prestressed Concrete Steel Wire Strand From Indonesia, Italy, Malaysia, South Africa, Spain, Tunisia, and Ukraine: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations

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

DATES: Applicable September 8, 2020.

FOR FURTHER INFORMATION CONTACT: Drew Jackson at (202) 482–4406 (Indonesia), Stephanie Berger at (202) 482–2483 (Italy), Justin Newman at (202) 482–0486 (Malaysia), Jerry Huang at (202) 482–4047 (South Africa), Terre Keaton Stefanova at (202) 482–1280 (Spain), Eva Kim at (202) 482–8283 (Tunisia), and Cindy Robinson at (202) 482–3797 (Ukraine), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On May 6, 2020, the Department of Commerce (Commerce) initiated less-than-fair-value (LTFV) investigations of imports of prestressed concrete steel wire strand from Indonesia, Italy, Malaysia, South Africa, Spain, Tunisia, and Ukraine.[1] Currently, the preliminary determinations are due no later than September 23, 2020.

Postponement of Preliminary Determinations

Section 733(b)(1)(A) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in a LTFV investigation within 140 days after the date on which Commerce initiated the investigation. However, section 733(c)(1) of the Act permits Commerce to postpone the preliminary determination until no later than 190 days after the date on which Commerce initiated the investigation if: (A) The petitioner makes a timely request for a postponement; or (B) Commerce concludes that the parties concerned are cooperating, that the

[1] *See Prestressed Concrete Steel Wire Strand from Argentina, Colombia, Egypt, Indonesia, Italy, Malaysia, the Netherlands, Saudi Arabia, South Africa, Spain, Taiwan, Tunisia, the Republic of Turkey, Ukraine, and the United Arab Emirates: Initiation of Less-Than-Fair-Value Investigations,* 85 FR 28605 (May 13, 2020).

investigation is extraordinarily complicated, and that additional time is necessary to make a preliminary determination. Under 19 CFR 351.205(e), the petitioner must submit a request for postponement 25 days or more before the scheduled date of the preliminary determination and must state the reasons for the request. Commerce will grant the request unless it finds compelling reasons to deny the request.

On August 19, 2020, the petitioners [2] submitted a timely request that Commerce postpone the preliminary determinations in these LTFV investigations.[3] The petitioners stated that they request postponement because the petitioners have identified deficiencies in the questionnaire responses filed on the records of the investigations that must be remedied in advance of the preliminary determinations, and postponing the preliminary determinations allows Commerce to seek clarification on the initial responses and accurately conduct the investigations.[4]

For the reasons stated above and because there are no compelling reasons to deny the request, Commerce, in accordance with section 733(c)(1)(A) of the Act, is postponing the deadline for the preliminary determinations by 50 days (*i.e.,* 190 days after the date on which these investigations were initiated). As a result, Commerce will issue its preliminary determinations no later than November 12, 2020. In accordance with section 735(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determinations of these investigations will continue to be 75 days after the date of the preliminary determinations, unless postponed at a later date.

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

[2] The petitioners are Insteel Industries Inc.; Mid-South Wire Company; National Wire LLC; Oklahoma Steel & Wire Co.; and Wire Mesh Corp.

[3] *See* Petitioners' Letter, ''Prestressed Concrete Steel Wire Strand from Indonesia, Italy, Malaysia, South Africa, Spain, Taiwan, Tunisia, Turkey, and Ukraine—Petitioners' Request to Postpone Preliminary Determinations,'' dated August 19, 2020; *see also* Petitioners' Letters, ''Prestressed Concrete Steel Wire Strand from Taiwan—Petitioners' Comments Regarding Chia Ta's Notice of Intent Not to Participate and Withdrawal of Request to Postpone the Preliminary Determination,'' dated August 28, 2020; and ''Prestressed Concrete Steel Wire Strand From Turkey—Petitioners' Withdrawal of Request to Postpone the Preliminary Determination,'' dated August 31, 2020. The petitioners withdrew the request to postpone the preliminary determinations in the investigations of prestressed concrete steel wire strand from Taiwan and the Republic of Turkey.

[4] *Id.*

Dated: September 1, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2020–19786 Filed 9–4–20; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–043]

Stainless Steel Sheet and Strip From the People's Republic of China: Rescission of Countervailing Duty Administrative Review: 2019

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

SUMMARY: The Department of Commerce (Commerce) is rescinding the administrative review of the countervailing duty (CVD) order on stainless steel sheet and strip (SS sheet and strip) from the People's Republic of China (China) for the period of review (POR) January 1, 2019 through December 31, 2019, based on the timely withdrawal of the request for review.

DATES: Applicable September 8, 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 April 1, 2020, Commerce published a notice of opportunity to request an administrative review of the CVD order on SS sheet and strip from China for the POR of January 1, 2019 through December 31, 2020.[1] On April 30, 2020, Commerce received a timely-filed request from AK Steel Corporation; Allegheny Ludlum, LLC d/b/a ATI Flat Rolled Products; North American Stainless; and Outokumpu Stainless USA, LLC (collectively, the petitioners) for an administrative review of 152 Chinese producers and/or exporters, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213(b).[2]

On May 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 SS sheet and strip from China for 152 Chinese producers and/or exporters.[3] On June 10, 2020, the petitioners timely withdrew their request for an administrative review of all 152 companies.[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. The petitioners withdrew their 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 SS sheet and strip from China. 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.

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review,* 85 FR 18191 (April 1, 2020).

[2] *See* Petitioners' Letter, ''Countervailing Duty Order on Stainless Steel Sheet and Strip from the People's Republic of China—Petitioners' Request for Initiation of Third Administrative Review,'' dated April 30, 2020.

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

[4] *See* Petitioners' Letter, ''Countervailing Duty Order on Stainless Steel Sheet and Strip from the People's Republic of China—Petitioners' Withdrawal of Requests for Third Administrative Review,'' dated June 10, 2020.

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 31, 2020.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2020–19785 Filed 9–4–20; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA395]

Takes of Marine Mammals Incidental To Specified Activities; Taking Marine Mammals Incidental to Marine Site Characterization Surveys Off of Coastal Virginia

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

ACTION: Notice; issuance of an incidental harassment authorization.

SUMMARY: In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an Incidental Harassment Authorization (IHA) to Dominion Energy Virginia (Dominion) to incidentally harass, by Level B harassment only, marine mammals during marine site characterization surveys in the areas of the Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf (OCS) Offshore Virginia (Lease No. OCS–A–0483) as well as in coastal waters where an export cable corridor will be established in support of the Coastal Virginia Offshore Wind Commercial (CVOW Commercial) Project.

DATES: This Authorization is effective from August 28, 2020 to August 27, 2021.

FOR FURTHER INFORMATION CONTACT: Rob Pauline, Office of Protected Resources, NMFS, (301) 427–8401. Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: *https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act.* In case of problems accessing these documents, please call the contact listed above.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the ''take'' of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed incidental take authorization may be provided to the public for review.

Authorization for incidental takings of shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other ''means of effecting the least practicable adverse impact'' on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stocks for taking for certain subsistence uses (referred to in shorthand as ''mitigation''); and requirements pertaining to the mitigation, monitoring and reporting of the takings are set forth.

The definitions of all applicable MMPA statutory terms cited above are included in the relevant sections below.

Summary of Request

On February 7, 2020, NMFS received a request from Dominion for an IHA to take marine mammals incidental to marine site characterization surveys in the areas of the Commercial Lease of Submerged Lands for Renewable Energy Development on the OCS Offshore Virginia (Lease No. OCS–A–0483) as well as in coastal waters where an export cable corridor will be established in support of the offshore wind project. Dominion's planned marine site characterization surveys include HRG and geotechnical survey activities. For the purpose of this IHA the Lease Area and export cable corridors are collectively referred to as the Survey Area. Geophysical and shallow geotechnical survey activities are anticipated to be supported by up to four vessels. The vessels will transit a combined estimated total of 121.54 km of survey lines per day. The application was deemed adequate and complete on May 12, 2020. Dominion's request is for take of a small number of 9 species by Level B harassment only. Neither Dominion nor NMFS expects serious injury or mortality to result from this activity and, therefore, an IHA is appropriate.

Description of Specified Activity

Overview

Dominion plans to conduct high-resolution geophysical (HRG) and geotechnical surveys in support of offshore wind development projects in the areas of Commercial Lease of Submerged Lands for Renewable Energy Development on the OCS offshore Virginia (#OCS–A 0483) and along potential submarine cable routes to landfall locations in Virginia.

The purpose of the marine site characterization surveys is to support the site characterization, facilities siting, and engineering design of offshore Project facilities including wind turbine generators, offshore substation(s), and submarine cables within the Lease Area and export cable corridor. The estimated duration of HRG survey activities is estimated to last approximately 161 days and will commence as soon as possible. Of those days, surveys will be conducted for 149 days in the Lease Area and 12 days in the export cable corridor. This schedule is based on 24-hour operations and includes potential down time due to inclement weather. There will be up to four survey vessels operating concurrently and the total distance covered by both actively operating HRG equipment is approximately 121.5 km (75.5 mi) per day.

The HRG survey activities planned by Dominion are described in detail in the notice of proposed IHA (85 FR 36537; June 17, 2020). The HRG equipment planned for use is shown in Table 1.

TABLE 1—SUMMARY OF GEOPHYSICAL SURVEY EQUIPMENT PLANNED FOR USE BY DOMINION

HRG system	Representative HRG equipment	Operating frequencies (kHz)	RMS source level [1]	Peak source level [1]	Primary beam width (degrees)	Pulse duration (millisecond)
Subsea Positioning/USBL	Sonardyne Ranger 2 USBL	35–55	194	191	90	1
	EvoLogics S2CR	48–78	178	186	Omnidirectional	500–600
	ixBlue Gaps	20–30	191	194	200	9–11
Multibeam Echosounder	R2Sonics 2026	170–450	191	221	0.45 × 0.45–1 × 1.	0.015–1.115
Synthetic Aperture Sonar (SAS), combined bathymetry/Sidescan [2].	Kraken Aquapix	337	210	213	>135 vertical, 1 horizontal.	1–10
Side Scan Sonar [2]	Edgetech 4200 dual frequency	300 and 600	[3] 206	[3] 212	140	5–10
Parametric SBP	Innomar SES–2000 medium 100	85–115	[4] 241	247	2	0.07–1
Non-Parametric SBP	Edgetech 216 Chirp	2–16	179	196	15–25	5–40
	Edgetech 512 Chirp	0.5–12	179	[5] 191	16–41	20
Medium Penetration Seismic	GeoMarine Dual 400 Sparker 800J	0.25–4	200	[6] 210	Omnidirectional	0.5–0.8
	Applied Acoustics S-Boom (Triple Plate Boomer 1000J).	0.5–3.5	[7] 203	[7] 213	[8] 60	10

[1] Source levels reported by manufacturer unless otherwise noted.
[2] Operating frequencies are above all relevant marine mammal hearing thresholds, so are not assessed in this IHA.
[3] The source levels are based on data from Crocker and Fratantonio (2016) for the EdgeTech 4200 for 100 percent power and 100 kHz.
[4] The equipment specification sheets indicates a peak source level of 247 dB re 1 μPA m. The average difference between the peak and SPL_{RMS} source levels for sub-bottom profilers measured by Crocker and Fratantonio (2016) was 6 dB. Therefore, the estimated SPL_{RMS} sound level is 241 dB re 1 μPA m.
[5] The source level are based on data from Crocker and Fratantonio (2016) for the EdgeTech 512i for 100 percent power.
[6] The source levels were provided by the manufacturer within the document titled ''Noise Level Stacked 400—tuned''.
[7] The source levels are based on data from Crocker and Fratantonio (2016) for the Applied Acoustics S-Boom with CSP–N Energy Source set at 1000 Joules.
[8] The beam width was based on data from Crocker and Fratantonio (2016) for the Applied Acoustics S-Boom. dB re 1 μPa m—decibels referenced to 1 micro-Pascal at 1 meter.

As described above, detailed description of Vineyard Wind's planned surveys is provided in the notice of proposed IHA (85 FR 36537; June 17, 2020). Since that time, no changes have been made to the activities. Therefore, a detailed description is not provided here. Please refer to that notice for the detailed description of the specified activity. Mitigation, monitoring, and reporting measures are described in detail later in this document (please see Mitigation and Monitoring and Reporting below).

Comments and Responses

A notice of proposed IHA was published in the **Federal Register** on June 17, 2020 (85 FR 365372). During the 30-day public comment period, NMFS received comment letters from the Marine Mammal Commission (Commission) and the Southern Environmental Law Center (SELC) who submitted comments on behalf of Natural Resources Defense Council, National Wildlife Federation, Conservation Law Foundation, Defenders of Wildlife, Whale and Dolphin Conservation, Surfrider Foundation, the Nature Conservancy, Sierra Club Virginia Chapter, Assateague Coastal Trust, Mass Audubon, NY4WHALES, the International Marine Mammal Project of Earth Island Institute, and Inland Ocean Coalition. NMFS has posted the comments online at: *www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-other-energy-activities-renewable.* A summary of the public comments received from the Commission and SELC as well as NMFS' responses to those comments are below.

Comment 1: The Commission recommended that NMFS (1) specify the references for all source levels and use consistent source levels for the same equipment that operates under the same parameters amongst the various action proponents, (2) use appropriate pulse durations and repetition rates, (3) pair source levels with the appropriate operating frequencies, and (4) consistently discount sources both within the same **Federal Register** notice and among the notices

Response: NMFS concurs with the Commission's recommendations and will work to ensure that the measures listed above are followed.

Comment 2: The Commission indicated that NMFS recently used a source level of 179 decibels (dB) re 1micropascals root-mean-square (μPa rms) at 1 meter (m) from Crocker and Fratantonio (2016) for the EdgeTech 216 Chirp. In this instance, NMFS used a source level of 193 dB re 1 μPa rms at 1 m for the EdgeTech 216 Chirp based on manufacturer's specifications.

Response: NMFS recommends using data from Crocker and Fratantonio (2016). The source level for the EdgeTech 216 Chirp has been changed in the final notice of issuance to 179 dB to match Crocker and Fratantonio (2016).

Comment 3: The Commission noted that Crocker and Fratantonio (2016) determined that the source level for the EdgeTech 512i Chirp operating at 100-percent power at 0.7–12 kiloHertz (kHz) with a 20-millisecond (msec) pulse duration was 179 dB re 1 μPa rms at 1 m, not 177 dB re 1 μPa rms at 1 m as indicated by NMFS.

Response: The source level has been changed to 179 dB in the final notice of issuance to match Crocker and Fratantonio (2016).

Comment 4: The Commission noted that the source level for the Sonardyne Ranger 2 (Sonardyne) USBL was 194 dB re 1 μPa rms at 1 m based on manufacturer's specifications, while 188 dB re 1 μPa rms at 1 m was used for the proposed authorization, which also was apparently based on manufacturer's specifications.

Response: The source level of 194 dB re 1 μPa rms is correct and is based on manufacturer's specifications.

Comment 5: The Commission noted that NMFS incorrectly paired the 241 dB re 1 μPa rms at 1 m source level at the primary frequencies of 85–115 kHz with the secondary low frequencies of 2–22 kHz for the Innomar SES–2000 medium 100 parametric (Innomar) SBP.

Response: NMFS acknowledges this error and has made a correction in this **Federal Register** notice. Due to the narrow beamwidth of the Innomar, (2°) any potential impacts to marine mammals the device of the device it can be discounted.

Comment 6: The Commission asserted that for the Innomar SBP NMFS assumed that the Innomar SBP operates at a repetition rate of 0.5 Hz, or every 2 sec, rather than at 40 Hz and every 0.025 sec, which is consistent with all previous incidental harassment authorizations involving the Innomar SBP (*e.g.,* Table 2 in 85 FR 31858). The pulse duration for the Innomar SBP also

ranges from 0.7 to 2 msec rather than 0.7 to 1 msec as described by Dominion.

Response: The pulse duration discrepancy comes from the two possible operation modes for the Innomar. However, the repetition rate and pulse duration used were based on the expected settings from the manufacturer. No revision is required.

Comment 7: The Commission noted that NMFS included various subsea positioning systems (Sonardyne USBL, Evologics 82CR (Evologics), and ixBlue Gaps) in Tables 1 and 5 of the **Federal Register** notice for the proposed IHA, but did not provide the relevant Level A and B harassment zones in Table 6 and 7, respectively.

Response: NMFS has included this information in Table 5 and Table 6 of this **Federal Register** final notice of issuance, which correspond to Table 6 and Table 7 of the proposed IHA.

Comment 8: The Commission indicated that NMFS inconsistently described the frequency range of the EdgeTech 4200 dual frequency (EdgeTech) side-scan sonar

Response: The EdgeTech 4200 side-scan sonar system can operate between 100 kHz and 900 kHz. NMFS inadvertently indicated that the operating frequency was 100 kHz. However, for the purposes of the Dominion survey, the device will operate at 300 kHz and 600 kHz. This information has been updated in the final notice of issuance.

Comment 9: The Commission noted that neither Dominion nor NMFS used NMFS's user spreadsheet for Level B harassment in the proposed IHA, which resulted in overestimated Level B harassment zones for the subsea positioning systems and the EdgeTech 216. The Commission states that NMFS should be using the spreadsheet to estimate the Level B harassment zones.

Response: Revisions have been made using the spreadsheet to items described and are included in Table 6 in this **Federal Register** notice of issuance. Note that the revisions differed by less than 1 m for the subsea positioning systems and less than 2 m for the Edgetech 216 when compared to the values in the proposed IHA.

Comment 10: The Commission recommended that NMFS use its revised user spreadsheet, in-beam source levels, the actual beamwidth, and the maximum water depth in the Survey Area to estimate the Level B harassment zones for all future proposed authorizations involving HRG sources.

Response: NMFS' interim guidance for determining Level B harassment zones from HRG sources includes all of the parameters listed above. We strongly recommend that applicants employ these tools, as we believe they are generally the best methodologies that are currently available.

Comment 11: The Commission recommended that NMFS consult with its acoustic experts to determine how to estimate Level A harassment zones accurately, what Level A harassment zones are actually expected, and whether it is necessary to estimate Level A harassment zones for HRG surveys in general.

Response: NMFS agrees with the Commission's recommendation and is working with our acoustic experts to evaluate the appropriate methods for determining the potential for Level A harassment from HRG surveys.

Comment 12: To ensure that *in-situ* data are collected and analyzed appropriately, the Commission recommended that NMFS and the Bureau of Ocean Energy Management (BOEM) expedite efforts to develop and finalize methodological and signal processing standards for HRG sources.

Response: NMFS agrees with the Commission that methodological and signal processing standards for HRG sources is warranted and is working on developing such standards. However, the effort is resource-dependent and NMFS cannot ensure such standards will be developed within the Commission's preferred time frame.

Comment 13: The Commission recommended that NMFS follow a consistent approach and discount Level B harassment takes for those species in which the shutdown zones are equal to or greater than the Level B harassment zones for draft and final authorizations involving HRG surveys.

Response: NMFS generally concurs with the Commission's position as it pertains to daylight operations. However, during night operations it is possible that some unseen number of marine mammals, other than large whales, could enter into the Level B harassment zone. Additionally, since shutdown is waived for certain dolphin genera, it is also possible these species could enter into the Level B harassment zone during both day and night operations.

Comment 14: If BOEM's lease conditions remain in effect or modified conditions are implemented such that the shutdown zones are equal to or greater than the Level B harassment zones, the Commission recommended that NMFS implement the same approach that it proposed for mysticetes and sperm whales by discounting the Level B harassment takes for the relevant species and, if this approach applies to all species for which NMFS planned to issue an incidental taking authorization, inform Dominion that an incidental taking authorization is not required.

Response: As noted above in the response to *Comment #13,* depending on the circumstances, take of marine mammals may be possible in some circumstances.

Comment 15: The Commission recommended that NMFS evaluate the impacts of sound sources consistently across all applications and provide notice in its guidance to applicants and to the public regarding those sources that it has determined to be de minimis. The Commission also recommended that NMFS consider whether, in situations involving HRG surveys, IHAs are necessary given the small size of the Level B harassment zones, the various proposed shutdown requirements, and BOEM's lease-stipulated requirements. The Commission felt that NMFS should evaluate whether taking needs to be authorized for those sources that are not considered de minimis, including sparkers, and for which implementation of the various mitigation measures should be sufficient to avoid Level B harassment takes.

Response: NMFS concurs with the Commission's recommendations and is currently working together with BOEM to develop a tool to assist applicants and NMFS in more quickly and efficiently identifying activities and mitigation approaches that are unlikely to result in take of marine mammals.

Comment 16: The Commission recommended that NMFS require Dominion to report as soon as possible and cease project activities immediately in the event of an unauthorized injury or mortality of a marine mammal, including from a vessel strike, until NMFS's Office of Protected Resources (OPR) and the New England/Mid-Atlantic Regional Stranding Coordinator determine whether additional measures are necessary to minimize the potential for additional unauthorized takes.

Response: NMFS has imposed a suite of measures in this IHA to reduce the risk of vessel strikes and does not anticipate, and has not authorized, any takes associated with vessel strikes. Further, in the event of a ship strike Dominion is required both to collect and report an extensive suite of information that NMFS has identified in order to evaluate the ship strike, and to notify OPR and the New England/Mid-Atlantic Regional Stranding Coordinator as soon as feasible. At that point, as the Commission suggests, NMFS would work with the applicant to determine whether there are additional mitigation measures or modifications that could

further reduce the likelihood of vessel strike for the activities. However, given the existing requirements and the very low likelihood of a vessel strike occurring, the protective value of ceasing operations while NMFS and Dominion discuss potential additional mitigations in order to avoid a second highly unlikely event during that limited period is unclear, while a requirement for project activities to cease would not be practicable for a vessel that is operating on the open water. Therefore, NMFS does not concur that the measure is warranted and we have not included this requirement in the authorization. NMFS retains authority to modify the IHA and cease all activities immediately based on a vessel strike and will exercise that authority if warranted.

Comment 17: The Commission and SELC consider the renewal process to be inconsistent the statutory requirements under section 101(a)(5)(D) of the MMPA and recommended that NMFS refrain from issuing renewals for any authorization and instead use its abbreviated **Federal Register** notice process.

Response: In prior responses to comments about IHA Renewals (*e.g.,* 84 FR 52464; October 2, 2019), NMFS has explained how the Renewal process, as implemented, is consistent with the statutory requirements contained in section 101(a)(5)(D) of the MMPA and, therefore, we plan to continue to issue qualifying Renewals when the requirements outlined on our website are met. Thus, NMFS agrees with the Commission's recommendation that we should not issue a Renewal for any authorization unless it is consistent with the procedural requirements specified in section 101(a)(5)(D)(iii) of the MMPA.

Additionally, regarding the recommendation to use abbreviated notices, we agree that they are a useful tool by which to increase efficiency in conjunction with the use of Renewals, but we disagree that their use alone would equally fulfill NMFS' goal to maximize efficiency and provide regulatory certainty for applicants, with no reduction in protections for marine mammals. The Renewal process, with its narrowly described qualifying actions, specific issuance criteria, and additional 15-day comment period, allows for NMFS to broadly commit to a 60-day processing time. This commitment, which would not be possible in the absence of this narrow definition and the 15-day additional comment period, provides both a meaningfully shortened processing time and regulatory certainty for planning purposes. Increasing the comment period for Renewals to 30 days would increase processing time by 25% and is unnecessary, given the legal sufficiency of the process as it stands, as described above, and no additional protections for marine mammals that would result. NMFS uses abbreviated notices when proposed actions do not qualify for Renewals, but still allow for reliance upon previous documentation and analyses. These abbreviated notice projects, which deviate from the narrow qualifications of a Renewal, require some additional time for the analyst to appropriately review the small changes from the initial IHA and further necessitate the 30-day public review required for a new IHA. NMFS has evaluated the use of both the Renewal and abbreviated notice processes, as well as the associated workload for each, and determined that using both of these processes provides maximum efficiency for the agency and applicants, regulatory certainty, and appropriate protections for marine mammals consistent with the statutory standards. Using the abbreviated notice process, however, is unnecessary and unwarranted for projects that meet the narrow qualifications for a Renewal IHA.

As previously noted, we have found that the Renewal process is consistent with the statutory requirements of the MMPA and, further, promotes NMFS' goals of improving conservation of marine mammals and increasing efficiency in the MMPA compliance process. Therefore, we intend to continue implementing the Renewal process.

Comment 18: SELC asserted that NMFS relied on incomplete estimates of marine mammal abundance, distribution, and density for the U.S. East Coast. SELC also recommended that NMFS analyze all data sources when calculating marine mammal densities and use the best available science.

Response: NMFS has used the best available scientific information—in this case the marine mammal density models developed by the Duke University Marine Geospatial Ecology Lab (MGEL) (Roberts et al., 2016, 2017, 2018, 2020)—to inform our determinations. The commenters cite four alternate sources and recommend that NMFS incorporate information from these sources in modeling marine mammal exposure estimates, stating that the density maps produced by the Roberts et al. model do not fully reflect the abundance, distribution, and density of marine mammals for the U.S. East Coast. The first source cited by the commenters is a report by the Virginia Aquarium & Marine Science Center that summarizes aerial survey data in the Virginia Wind Energy Area from 2001–2017 (Mallette et al. 2018). However, a review of the most recent report on updates to the Duke MGEL density models (Roberts et al. 2020) shows that the aerial sightings data from the Virginia Aquarium & Marine Science Center report up through 2017 have been incorporated into the Duke MGEL density models used to model exposures in this IHA. In fact, the Mallette et al. (2018) and Roberts et al. (2020) reports share many of the same references. The second and third sources cited by the commenters summarize North Atlantic right whale passive acoustic monitoring (PAM) data in Virginia and elsewhere along the Atlantic coast (Salisbury et al., 2015; Davis et al. 2017). While NMFS agrees that these papers provide valuable information on right whale presence and habitat use in and near the project area, only the paper by Mallette et al. (2018) includes density information. As noted above, much of the source data for deriving densities was also incorporated into the most recent Roberts et al. (2020) model. However, the density for ESA-listed baleen whales (*i.e.,* right and fin whales) during winter was 0.082 animals/100 km^2 according to Mallette et al. (2018) while Roberts et al. (2020) determined the density for right whales only was between 0.25–0.50 animals/100 km^2. The other papers do not provide density data that can readily be incorporated into exposure models and the commenters do not provide any recommendations as to how this PAM data would be incorporated into exposure estimates. The fourth source cited by the commenters is an article in the popular press about fishermen disentangling a North Atlantic right whale 50 miles offshore Virginia in 2013; the commenters do not provide a recommendation as to how an anecdotal report of a single right whale off Virginia in 2013 would be incorporated into marine mammal exposure estimates.

NMFS considered the most recent Roberts et al. (2020) data, which became available in August 2020, in the context of the specified activities, analysis, and take estimates included in the proposed IHA. While the latest density estimates are greater than the densities listed in the proposed IHA and the modeled right whale take by Level B harassment without mitigation would increase by a few animals, given the small area in which disturbance of right whales would be likely to occur and the much

larger required 500-m shutdown zone, this mitigation is still expected to effectively reduce take of animals to zero.

We welcome future input from interested parties on data sources that may be of use in analyzing the potential presence and movement patterns of marine mammals in Mid-Atlantic waters. NMFS will review any recommended data sources and will continue to use the best available information. NMFS has used the best available scientific information—in this case the marine mammal density models developed by the Duke Marine Geospatial Ecology Lab (MGEL) (Roberts *et al.* 2016, 2017, 2018, 2020)—to inform our determinations.

Comment 19: SELC advised NMFS to fund surveys and analyze collected data for the Mid-Atlantic region. They advised NMFS to develop a dataset that accurately reflects marine mammal presence and associated densities in the area.

Response: NMFS agrees with SELC that continued surveys are warranted as is the analysis of collected data. We welcome the opportunity to participate in fora where implications of such data and development of a dataset would be discussed. Note, however, that NMFS will fund pertinent surveys based on agency priorities and budgetary considerations. Note that NOAA Fisheries just published *Technical Memorandum NMFS–OPR–64: North Atlantic Right Whale Monitoring and Surveillance: Report and Recommendations of the National Marine Fisheries Service's Expert Working Group* (*https://www.fisheries.noaa.gov/resource/document/north-atlantic-right-whale-monitoring-and-surveillance-report-and-recommendations*). This report includes recommendations for a comprehensive monitoring strategy to guide future analyses and data collection. NOAA Fisheries will consider the Expert Working Group's recommendations, as well as other relevant information, in its decision-making about right whale research and population monitoring.

Comment 20: SELC recommended that NMFS take a precautionary approach with regard to siting and mitigation when permitting offshore wind activities in areas for which species distribution data are limited in Mid-Atlantic waters.

Response: Neither the MMPA or NMFS's implementing regulations include references to, or requirements for, the precautionary approach, nor is there a clear, agreed-upon description of what the precautionary approach is or would entail in the context of the MMPA or any specific activity. Nevertheless, the MMPA by nature is inherently protective, including the requirement to mitigate to the least practicable adverse impacts (LPAI) on species or stocks and their habitat. This requires that NMFS assess measures in light of the LPAI standard. To ensure that we fulfill that requirement, NMFS considers all potential applicable measures (*e.g.,* from recommendations or review of available data) that have the potential to reduce impacts on marine mammal species or stocks, their habitat, or subsistence uses of those stocks, regardless of whether those measures are characterized as ''precautionary.''

NMFS is responsible for evaluating the impacts on marine mammals of the activities described by applicants in their request for an incidental harassment authorization in the context of the statutory requirements of section 101(a)(5)(D) of the MMPA.

Comment 21: SELC asserted that the agency's assumptions regarding mitigation effectiveness are unfounded and cannot be used to justify any reduction in the number of takes authorized as was done for North Atlantic right whales. The reasons cited include: (i) The agency's reliance on a 160 dB threshold for behavioral harassment that is not supported by the best available scientific information, which indicates that Level B takes occur with near certainty at exposure levels well below the 160 dB; (ii) the agency relies on the assumption that marine mammals will take measures to avoid the sound even though studies have not found avoidance behavior to be generalizable among species and contexts and even though avoidance may itself constitute take under the MMPA; and (iii) the mitigation and monitoring protocols prescribed by the agency are inadequate at protecting marine mammals and do not comply with the MMPA.

Response: The three comments provided by SELC are addressed individually below.

(i) NMFS acknowledges that the 160-dB rms step-function approach is simplistic, and that an approach reflecting a more complex probabilistic function may more effectively represent the known variation in responses at different levels due to differences in the receivers, the context of the exposure, and other factors. The commenters suggested that our use of the 160-dB threshold implies that we do not recognize the science indicating that animals may react in ways constituting behavioral harassment when exposed to lower received levels (RL). However, we do recognize the potential for Level B harassment at exposures to RLs below 160 dB rms, in addition to the potential that animals exposed to RLs above 160 dB rms will not respond in ways constituting behavioral harassment (*e.g.,* Malme et al., 1983, 1984, 1985, 1988; McCauley et al., 1998, 2000a, 2000b; Barkaszi et al., 2012; Stone, 2015a; Gailey et al., 2016; Barkaszi and Kelly, 2018). These comments appear to evidence a misconception regarding the concept of the 160-dB threshold. While it is correct that in practice it works as a step-function, *i.e.,* animals exposed to RLs above the threshold are considered to be ''taken'' and those exposed to levels below the threshold are not, it is in fact intended as a sort of mid-point of likely behavioral responses (which are extremely complex depending on many factors including species, noise source, individual experience, and behavioral context). What this means is that, conceptually, the function recognizes that some animals exposed to levels below the threshold will in fact react in ways that are appropriately considered take, while others that are exposed to levels above the threshold will not. Use of the 160-dB threshold allows for a simplistic quantitative estimate of take, while we can qualitatively address the variation in responses across different RLs in our discussion and analysis.

As behavioral responses to sound depend on the context in which an animal receives the sound, including the animal's behavioral mode when it hears sounds, prior experience, additional biological factors, and other contextual factors, defining sound levels that disrupt behavioral patterns is extremely difficult. Even experts have not previously been able to suggest specific new criteria due to these difficulties (*e.g.,* Southall et al. 2007; Gomez et al., 2016).

(ii) SELC disagreed with NMFS' assumption that marine mammals move away from sound sources. The SELC claimed that studies have not found avoidance behavior to be generalizable among species and contexts, and even though avoidance may itself constitute take under the MMPA. Importantly, the commenters mistakenly seem to believe that the NMFS' does not consider avoidance as a take, and that the concept of avoidance is used as a mechanism to reduce overall take—this is not the case. Avoidance of loud sounds is a well-documented behavioral response, and NMFS often accordingly accounts for this avoidance by reducing the number of injurious exposures, which would occur in very close proximity to the source and necessitate a longer duration of exposure. However,

when Level A harassment takes are reduced in this manner, they are changed to Level B harassment takes, in recognition of the fact that this avoidance or other behavioral responses occurring as a result of these exposures are still take. NMFS does not reduce the overall amount of take as a result of avoidance.

(iii) SELC questioned the effectiveness of the mitigation and monitoring measures proposed to be authorized. They specifically recommended that seasonal restrictions should be established and consideration should be given to species for which an unusual mortality event (UME) has been declared. Note that NMFS is requiring Dominion to comply with restrictions associated with identified seasonal management areas (SMA) and they must comply with dynamic management area restrictions (DMAs), if any DMAs are established near the Project Area. Furthermore, we have established a 500-m shutdown zone for North Atlantic right whales which is five times as large as the greatest Level B harassment isopleth calculated for the specified activities for this IHA. The largest behavioral isopleth is 100 m associated with the Geo Marine Dual 400 Sparker 800J while isopleths for remaining HRG devices planned for use by Dominion are considerably less.

Comment 22: SELC recommended that NMFS should acknowledge the potential for the use of HRG equipment to result in take by Level A harassment, especially for animals with high-frequency hearing ranges, including harbor porpoises. They noted that in previous authorizations for HRG surveys, NMFS has authorized Level A take for this species and other high-frequency cetaceans. SELC advised that it is arbitrary for the agency to impose less precautionary measures for this area that is home to a number of mid- and high-frequency hearing specialists which may be vulnerable to Level A take.

Response: The calculated Level A harassment zone for high-frequency cetaceans, including harbor porpoises are extremely small measuring at a maximum of 54.2 m when the Geo Marine Dual 400 Sparker is in use. The shutdown zone in the final IHA for harbor porpoise and most other marine mammal species is 100 m when the sparker is the largest source in use and 25 m when the boomer is the largest source in use.

SELC erroneously noted that NMFS had authorized Level A take for harbor porpoises and other high-frequency cetaceans in a previous IHA (83 FR 22443, May 15, 2018). NMFS acknowledges that the potential for auditory injury (Level A harassment) for high frequency species was discussed in that notice. Take by Level A harassment was requested by the applicant out of an abundance of caution and NMFS did propose limited take. However, the **Federal Register** notice referenced by SELC was a proposed IHA (83 FR 22443, May 15, 2018). In that notice, the Level A harassment isopleth for a single device (Innomar SES–2000 Medium Sub-Bottom Profiler) had been incorrectly categorized as an impulsive source and resulted in a 75-m injury zone. In the **Federal Register** final notice of issuance (83 FR 36560; July 30, 2018) NMFS correctly described the device as being a non-impulsive sound which resulted in an injury zone of less than 5 m for the sub-bottom profiler and a maximum Level A harassment isopleth of less than 10 m for all other equipment. NMFS declined to authorize Level A take due to the small Level A harassment zone size and determined that take by Level A harassment was so unlikely as to be discountable.

SELC also asserted that mid-frequency cetaceans could be exposed to sound levels that could result in take by Level A harassment. However, Level A harassment isopleths for mid-frequency cetaceans are usually smaller than those for high-frequency cetaceans. This is because high-frequency cetaceans have a lower overall permanent threshold shift (PTS) onset threshold while both high-frequency and mid-frequency cetaceans, in terms of weighting, are susceptible to similar frequencies.

Comment 23: SELC recommended that the potential for vessel strikes should be included in NMFS' take analysis since they can result in Level A harassment in the form injury or mortality.

Response: NMFS does not anticipate or authorize takes associated with vessel strike. NMFS has imposed a suite of measures in this IHA to reduce the risk of vessel strikes. The occurrence of vessel strike during surveys is extremely unlikely based on the typical vessel speed of 4 knots (7.4 km/hour) while transiting survey lines. Furthermore, no documented vessel strikes have occurred for any HRG surveys which were issued IHAs from NMFS. Given the existing requirements and the lack of previous documented strikes from these activities, the likelihood of a vessel strike occurring is considered so low as to be discountable.

Comment 24: SELC recommended that NMFS require the implementation of seasonal and temporal restrictions on site characterization activities that have the potential to injure or harass the North Atlantic right whale from November 1 through April 30.

Response: NMFS is concerned about the status of the North Atlantic right whale population given that a UME has been in effect for this species since June of 2017 and that there have been a number of recent mortalities. NMFS appreciates the value of seasonal restrictions under certain circumstances. However, in this case, we have determined seasonal restrictions are not warranted. Given the density of right whales in this area, the nature of the proposed activities, and the required mitigation, zero takes of North Atlantic right whales are predicted or authorized and, therefore, additional mitigation is not warranted especially given the impracticability for the applicant of significantly shortening their work season. Additionally, Dominion is required to comply with restrictions associated with identified SMAs and they must comply with DMA restrictions, if any DMAs are established near the Project Area.

Comment 25: SELC recommended that robust and effective real-time monitoring and mitigation systems should be utilized to protect right whales throughout the year.

Response: NMFS is generally supportive of this concept. A network of near real-time baleen whale monitoring devices are active or have been tested in portions of New England and Canadian waters. These systems employ various digital acoustic monitoring instruments which have been placed on autonomous platforms including slocum gliders, wave gliders, profiling floats and moored buoys. Systems that have proven to be successful will likely see increased use as operational tools for many whale monitoring and mitigation applications. Responses to specific recommendations related to this project are included below.

Comment 26: SELC recommended that HRG surveys should commence, with ramp-up, during daylight hours only, to maximize the probability that marine mammals are detected and confirmed clear of the exclusion zone (EZ).

Response: We acknowledge the limitations inherent in detection of marine mammals at night. However, no injury is expected to result even in the absence of mitigation, given the very small estimated Level A harassment zones. Any potential impacts to marine mammals authorized for take would be limited to short-term behavioral responses. Restricting surveys in the manner suggested by the commenters may reduce marine mammal exposures by some degree in the short term, but

would not result in any significant reduction in either intensity or duration of noise exposure. The restrictions recommended by the commenters could result in the surveys spending increased time on the water, which may result in greater overall exposure to sound for marine mammals and increase the risk of a vessel strike; thus the commenters have not demonstrated that such a requirement would result in a net benefit. Furthermore, restricting the applicant to ramp-up only during daylight hours would have the potential to result in lengthy shutdowns of the survey equipment, which could result in the applicant failing to collect the data they have determined is necessary and, subsequently, the need to conduct additional surveys the following year. This would result in significantly increased costs incurred by the applicant. Thus, the restriction suggested by the commenters would not be practicable for the applicant to implement. In consideration of potential effectiveness of the recommended measure and its practicability for the applicant, NMFS has determined that restricting survey start-ups to daylight hours when visibility is unimpeded is not warranted or practicable in this case.

Comment 27: SELC recommended NMFS should establish a standard 500-m EZ for all marine mammal species around surveys with noise levels that could result in injury or harassment of marine mammals, and, to the extent feasible, an extended 1,000-m EZ for North Atlantic right whales.

Response: Regarding the recommendation for 500-m EZ for all marine mammals and 1,000-m EZ specifically for North Atlantic right whales, we have determined that the 500-m EZ, as required in the IHA, is sufficiently protective. We note that the 500-m EZ for right whales exceeds the modeled distance to the largest Level B harassment isopleth distance (100 m) by a factor of five. Additionally, the largest calculated Level B harassment distance for other marine mammals is calculated to be 100 m. Thus, we are not requiring shutdown if a North Atlantic right whale is sighted beyond 500-m or marine mammal is observed beyond 100 m.

Comment 28: SELC questioned the efficacy of only using protected species observers (PSOs) to monitor exclusion zones during night operations. They suggested that a combination of visual monitoring and passive acoustic monitoring (PAM) should be used at all times that survey work is underway. Additionally, SELC felt that night vision or infrared technology should be used for efforts that continue into the nighttime.

Response 29: There are several reasons why we do not agree that use of PAM is warranted for 24-hour HRG surveys such as the one planned by Dominion. While NMFS agrees that PAM can be an important tool for augmenting detection capabilities in certain circumstances, its utility in further reducing impact for Dominion's planned HRG survey activities is limited. First, for this activity, the area expected to be ensonified above the Level B harassment threshold is relatively small (a maximum of 100 m as described in the Estimated Take section)—this reflects the fact that, to start with, the source level is comparatively low and the intensity of any resulting impacts would also be low and, further, it means that inasmuch as PAM will only detect a portion of any animals exposed within a zone (see below), the overall probability of PAM detecting an animal in the harassment zone is low—together these factors support the limited value of PAM for use in reducing take with smaller zones. PAM is only capable of detecting animals that are actively vocalizing, while many marine mammal species vocalize infrequently or during certain activities, which means that only a subset of the animals within the range of the PAM would be detected (and potentially have reduced impacts). Additionally, localization and range detection can be challenging under certain scenarios. For example, odontocetes are fast moving and often travel in large or dispersed groups which makes localization difficult. In addition, the ability of PAM to detect baleen whale vocalizations is further limited due to being deployed from the stern of a vessel, which puts the PAM hydrophones in proximity to propeller noise and low frequency engine noise which can mask the low frequency sounds emitted by baleen whales, including North Atlantic right whales.

We also note that the effects to North Atlantic right whales, and all marine mammals, from the types of surveys authorized in this IHA are expected to be limited to low level behavioral harassment even in the absence of mitigation; no injury is expected or authorized. In consideration of the limited additional benefit anticipated by adding this detection method (especially for North Atlantic right whales and other low frequency cetaceans, species for which PAM has limited efficacy) and the cost and impracticability of implementing a full-time PAM program, we have determined the current requirements for visual monitoring are sufficient to ensure the least practicable adverse impact on the affected species or stocks and their habitat. Note that the draft IHA contained a requirement that night-vision equipment (*i.e.,* night-vision goggles and infrared technology) must be available for use for PSOs.

Comment 30: SELC recommended that a minimum of four PSOs, following a two-on/two-off schedule, are needed to provide full 360° coverage of the exclusion zone at any given time.

Response: NMFS does not agree with the commenters that a minimum of four PSOs should be required, following a two-on/two-off rotation, to meet the MMPA requirement that mitigation must effect the least practicable adverse impact upon the affected species or stocks and their habitat. The relatively small size of the exclusion means that that a single PSO stationed at the highest vantage point and engaged in general 360-degree scanning during daylight hours is able to effectively observe the necessary area. Additionally, PSOs must be on duty 30 minutes prior to and during nighttime ramp-ups for HRG surveys. The monitoring reports submitted to NMFS have indicated that the PSOs are able to detect marine mammals and implement appropriate mitigation measures, and project proponents have not exceeded take limits or reported unauthorized taking. In addition to the single PSO on duty during daylight operations, Dominion has also committed to employing a minimum of two NMFS-approved PSOs when HRG equipment is in use at night.

Comment 31: SELC believes that shutdown requirements should not be waived for bottlenose dolphins belonging to any stock, but especially to protect the strategic and depleted stock of Western North Atlantic Southern Migratory Coastal bottlenose dolphin.

Response: NMFS includes the small delphinoid waiver because shutdown requirements for small delphinoids under all circumstances represent practicability concerns without likely commensurate benefits for the animals in question. Small delphinoids, which would include the Southern Migratory Coastal stock, are commonly observed during surveys and would typically be the only marine mammals likely to intentionally approach the vessel. Auditory injury is extremely unlikely to occur for mid-frequency cetaceans (*e.g.,* delphinids), as this group is relatively insensitive to sound produced at the predominant frequencies of HRG equipment while also having a relatively high threshold for the onset of auditory injury.

A large body of anecdotal evidence indicates that small delphinoids commonly approach vessels during active sound production for purposes of bow riding, with no apparent effect observed in those delphinoids *(e.g.,* Barkaszi *et al.,* 2012). The potential for increased shutdowns resulting from such a measure would require Dominion to revisit any missed track lines to reacquire data, resulting in an overall increase in the total sound energy input to the marine environment and an increase in the total duration over which the survey is active in a given area. Although other mid-frequency hearing specialists (*e.g.,* large delphinoids) are no more likely to incur auditory injury than are small delphinoids, they are much less likely to approach vessels.

Comment 32: In order to avoid vessel strike, SELC recommended that all vessels operating within the Project Area should maintain a speed of 10 knots or less outside the period of November 1 and April 30, during which this speed limit should be extended to all vessels traveling to and from the Project Area.

Response: NMFS does not concur with these measures. NMFS has analyzed the potential for ship strike resulting from Dominion's activity and has determined that the mitigation measures specific to ship strike avoidance are sufficient to avoid the potential for ship strike. These include: A requirement that all vessel operators comply with 10 knot (18.5 km/hour) or less speed restrictions in any established DMA or SMA; a requirement that all vessel operators reduce vessel speed to 10 knots (18.5 km/hour) or less when any large whale, any mother/calf pairs, pods, or large assemblages of non-delphinoid cetaceans are observed within 100 m of an underway vessel; a requirement that all survey vessels maintain a separation distance of 500-m or greater from any sighted North Atlantic right whale; a requirement that, if underway, vessels must steer a course away from any sighted North Atlantic right whale at 10 knots or less until the 500-m minimum separation distance has been established; and a requirement that, if a North Atlantic right whale is sighted in a vessel's path, or within 500 m of an underway vessel, the underway vessel must reduce speed and shift the engine to neutral. We have determined that the ship strike avoidance measures are sufficient to ensure the least practicable adverse impact on species or stocks and their habitat. Furthermore, no documented vessel strikes have occurred for any HRG surveys which were issued IHAs from NMFS.

Comment 33: SELC suggested that NMFS should consider requiring that a DMA become active anytime a single North Atlantic right whale is sighted or acoustically detected, not just an aggregation of three or more whales.

Response: DMAs are a component of the 2008 NOAA Ship Strike Rule to minimize lethal ship strikes of North Atlantic right whales. Note that the trigger of three or more whales is taken from a NOAA Northeast Fisheries Science Center (NEFSC) analysis of sightings data from Cape Cod Bay and Stellwagen Bank from 1980 to 1996 (Clapham & Pace 2001). This analysis found that an initial sighting of three or more North Atlantic right whales was a reasonably good indicator that whales would persist in the area, and the average duration of the whale's presence based on these sightings data was two weeks.

Changes From the Proposed IHA to Final IHA

NMFS made several minor technical edits that that did not alter the number of estimated takes or the size of harassment zones. The take estimates and zone sizes contained in the proposed IHA are identical to those included in the issued IHA. NMFS made the following changes from the proposed IHA:

- Revised the source level for the EdgeTech 216 Chirp to 179 dB re 1 μPa rms down from 193 dB re 1 μPa rms based on data from Crocker and Fratantonio (2016);
- Revised the source level for the EdgeTech 512i Chirp to 179 dB re 1 μPa rms up from 177 dB re 1 μPa rms based on data from Crocker and Fratantonio (2016);
- Revised the source level of the Sonardyne Ranger 2 to 194 dB re 1 μPa rms up from 188 dB re 1 μPa rms based on manufacturers data;
- Changed the primary operating frequency of the Innomar SBP from 2–22 kHz to 85–115kHz;
- Employed the User Spreadsheet to correct Level A harassment isopleths for high-frequency cetaceans in Table 5 for the Edgetech 216 and Edgetech 512i;
- Revised the Level B harassment isopleths for the Sonardyne Ranger 2, EdgeTech 216, and Edgetech512i which are included in Table 6;
- NMFS revised the EdgeTech 4200 side-scan sonar system operating frequencies to 300 kHz and 600 kHz; and
- Added information regarding the harassment isopleths of subsea positioning systems to (Sonardyne USBL, Evologics 82CR, and ixBlue Gaps) to Table 5 and Table 6.

The number of Dominion survey vessels operating concurrently has been revised from two in the proposed IHA to four in the final IHA. However, the number of vessel days (161) and trackline distance per day (121.54 km) remains unchanged. There are no differences between the effects analysis NMFS conducted in the proposed and final IH. The number of authorized takes by Level B harassment in the issued IHA is the same as estimated for the propsed IHA.

Description of Marine Mammals in the Area of Specified Activities

Sections 3 and 4 of the application summarize available information regarding status and trends, distribution and habitat preferences, and behavior and life history, of the potentially affected species. Additional information regarding population trends and threats may be found in NMFS's Stock Assessment Reports (SARs; *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments*) and more general information about these species (*e.g.,* physical and behavioral descriptions) may be found on NMFS's website (*https://www.fisheries.noaa.gov/find-species*).

Table 2 lists all species or stocks for which take is expected and authorized for this action, and summarizes information related to the population or stock, including regulatory status under the MMPA and ESA and potential biological removal (PBR), where known. For taxonomy, we follow Committee on Taxonomy (2019). PBR is defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population (as described in NMFS's SARs). While no mortality is anticipated or authorized here, PBR and annual serious injury and mortality from anthropogenic sources are included here as gross indicators of the status of the species and other threats.

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study or survey area. NMFS's stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock. For some species, this geographic area may extend beyond U.S. waters. All managed stocks in this region are assessed in NMFS's U.S. Atlantic SARs (Hayes *et al.*

2020). All values presented in Table 2 are the most recent available at the time of publication and are available in the 2019 Atlantic and Gulf of Mexico Marine Mammal Stock Assessments available online at: *www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports-region.*

TABLE 2—MARINE MAMMALS KNOWN TO OCCUR IN THE SURVEY AREA THAT MAY BE AFFECTED BY DOMINION'S ACTIVITY

Common name	Scientific name	Stock	ESA/MMPA status; strategic (Y/N) [1]	Stock abundance (CV, N_{min}, most recent abundance survey) [2]	Predicted abundance (CV) [3]	PBR	Annual M/SI [4]
Order Cetartiodactyla—Cetacea—Superfamily Mysticeti (baleen whales)							
Family Balaenidae:							
North Atlantic Right whale.	*Eubalaena glacialis*	Western North Atlantic (WNA).	E/D; Y	428 (0; 418; n/a)	* 535 (0.45)	0.8	5.55
Family Balaenopteridae (rorquals):							
Humpback whale	*Megaptera novaeangliae*	Gulf of Maine	-/-; N	1396 (0; 1380; n/a)	* 1,637 (0.07)	22	12.5
Fin whale	*Balaenoptera physalus*	WNA	E/D; Y	7,418 (0.25; 6,025; n/a)	4,633 (0.08)	12	2.35
Sei whale	*Balaenoptera borealis*	Nova Scotia	E/D; Y	6,292 (1.015; 3,098; n/a)	* 717 (0.30)	6.2	1
Minke whale	*Balaenoptera acutorostrata.*	Canadian East Coast	-/-; N	24,202 (0.3; 18,902; n/a)	* 2,112 (0.05)	1,189	8
Superfamily Odontoceti (toothed whales, dolphins, and porpoises)							
Family Physeteridae:							
Sperm whale	*Physeter macrocephalus*	NA	E, D,Y	4,349 (0.28, 3,451; n/a)	5,353 (0.12)	6.9	0
Family Delphinidae:							
Short-finned pilot whale.	*Globicephala macrorhynchus.*	WNA	-/-; Y	28,924 (0.24; 23,637; 2011).	18,977 (0.11) [5]	236	160
Long-finned pilot whale	*Globicephala melas*	WNA	-/-; Y	39,215 (0.3; 30,627; n/a)		306	21
Bottlenose dolphin	*Tursiops truncatus*	WNA Offshore	-/-; N	62,851 (0.23; 15,914; 2011).	97,476 (0.06) [5]	519	28
		WNA Southern Migratory Coastal.	-/-; Y	3,751 (0.06; 2,353; n/a)		23	0–14.3
Common dolphin	*Delphinus delphis*	WNA	-/-; N	172,825 (0.21; 145,216;2011).	86,098 (0.12)	1,452	419
Atlantic white-sided dolphin.	*Lagenorhynchus acutus*	WNA	-/-; N	92,233 (0.71; 54,443; n/a)	37,180 (0.07)	544	26
Atlantic spotted dolphin	*Stenella frontalis*	WNA	-/-: N	39,921 (0.27; 32,032; 2012).	55,436 (0.32)	303	54.3
Risso's dolphin	*Grampus griseus*	WNA	-/-; N	35,493 (0.19; 30,289; 2011).	7,732 (0.09)	126	49.7
Family Phocoenidae (porpoises):							
Harbor porpoise	*Phocoena phocoena*	Gulf of Maine/Bay of Fundy.	-/-; N	95,543 (0.31; 74,034; 2011).	45,089 (0.12)	851	2175
Order Carnivora—Superfamily Pinnipedia							
Family Phocidae:							
Harbor seal	*Phoca vitulina*	WNA	-/-; N	75,834 (0.15, 66,884; 2012).		2,006	350
Gray seal [6]	*Halichoerus grypus*	WNA	-/-; N	27,131 (0.19, 23,158, n/a)		1,389	5,410

1 Endangered Species Act (ESA) status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

2 NMFS marine mammal stock assessment reports online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports-region/*. CV is coefficient of variation; N_{min} is the minimum estimate of stock abundance. In some cases, CV is not applicable.

3 This information represents species- or guild-specific abundance predicted by recent habitat-based cetacean density models (Roberts *et al.* 2016, 2017, 2018). These models provide the best available scientific information regarding predicted density patterns of cetaceans in the U.S. Atlantic Ocean, and we provide the corresponding abundance predictions as a point of reference. Total abundance estimates were produced by computing the mean density of all pixels in the modeled area and multiplying by its area. For those species marked with an asterisk, the available information supported development of either two or four seasonal models; each model has an associated abundance prediction. Here, we report the maximum predicted abundance.

4 These values, found in NMFS's SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (*e.g.,* commercial fisheries, ship strike). Annual M/SI often cannot be determined precisely and is in some cases presented as a minimum value or range.

5 Abundance estimates are in some cases reported for a guild or group of species when those species are difficult to differentiate at sea. Similarly, the habitat-based cetacean density models produced by Roberts *et al.* (2016, 2017, 2018, 2020) are based in part on available observational data which, in some cases, is limited to genus or guild in terms of taxonomic definition. Roberts *et al.* (2016, 2017, 2018) produced density models to genus level for *Globicephala* spp. and produced a density model for bottlenose dolphins that does not differentiate between offshore and coastal stocks.

6 NMFS stock abundance estimate applies to U.S. population only, actual stock abundance including Canada is approximately 505,000. The referenced PBR value applies only to the U.S. population and is therefore an underestimate for the stock as a whole.

As indicated above, all 16 species (with 17 managed stocks) in Table 2 temporally and spatially co-occur with the activity to the degree that take is reasonably likely to occur in the absence of mitigation measures. A detailed description of the species for which take has been authorized, including brief introductions to the relevant stocks as well as available information regarding population trends and threats, and information regarding local occurrence, were provided in the **Federal Register** notice for the proposed IHA (85 FR 36537; June 17, 2020); since that time, we are not aware of any changes in the status of these species and stocks; therefore, detailed descriptions are not

provided here. Please refer to that **Federal Register** notice for these descriptions. Please also refer to NMFS' website (*https://www.fisheries.noaa.gov/find-species*) for generalized species accounts.

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

The effects of underwater noise from Dominion's survey activities have the potential to result in take of marine mammals by harassment in the vicinity of the Survey Area. The **Federal Register** notice for the proposed IHA (85 FR 36537; June 17, 2020) included a discussion of the effects of anthropogenic noise on marine mammals and their habitat. That information and analysis is incorporated by reference into this final IHA determination and is not repeated here; please refer to the notice of proposed IHA (85 FR 36537; June 17, 2020).

Estimated Take

This section provides an estimate of the number of incidental takes authorized through this IHA, which will inform both NMFS' consideration of ''small numbers'' and the negligible impact determination.

Harassment is the only type of take expected to result from these activities. Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines ''harassment'' as any act of pursuit, torment, or annoyance, which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Authorized takes would be by Level B harassment only in the form of disruption of behavioral patterns for individual marine mammals resulting from exposure to HRG sources. Based on the nature of the activity and the anticipated effectiveness of the mitigation measures (*i.e.,* EZs and shutdown measures), discussed in detail below in the Mitigation section, Level A harassment is neither anticipated nor authorized.

As described previously, no mortality is anticipated or authorized for this activity. Below we describe how the take is estimated.

Generally speaking, we estimate take by considering: (1) Acoustic thresholds above which NMFS believes the best available science indicates marine mammals will be behaviorally harassed or incur some degree of permanent hearing impairment; (2) the area or volume of water that will be ensonified above these levels in a day; (3) the density or occurrence of marine mammals within these ensonified areas; and, (4) and the number of days of activities. We note that while these basic factors can contribute to a basic calculation to provide an initial prediction of takes, additional information that can qualitatively inform take estimates is also sometimes available (*e.g.,* previous monitoring results or average group size). Below, we describe the factors considered here in more detail and present the authorized take.

Acoustic Thresholds

Using the best available science, NMFS has developed acoustic thresholds that identify the RL of underwater sound above which exposed marine mammals would be reasonably expected to be behaviorally harassed (equated to Level B harassment) or to incur permanent threshold shift (PTS) of some degree (equated to Level A harassment).

Level B Harassment for non-explosive sources—Though significantly driven by RL, the onset of behavioral disturbance from anthropogenic noise exposure is also informed to varying degrees by other factors related to the source (*e.g.,* frequency, predictability, duty cycle), the environment (*e.g.,* bathymetry), and the receiving animals (hearing, motivation, experience, demography, behavioral context) and can be difficult to predict (Southall *et al.,* 2007, Ellison *et al.,* 2012). Based on what the available science indicates and the practical need to use a threshold based on a factor that is both predictable and measurable for most activities, NMFS uses a generalized acoustic threshold based on RL to estimate the onset of behavioral harassment. NMFS predicts that marine mammals are likely to be behaviorally harassed in a manner we consider Level B harassment when exposed to underwater anthropogenic noise above RLs of 120 dB re 1 μPa (rms) for continuous (*e.g.,* vibratory pile-driving, drilling) and above 160 dB re 1 μPa (rms) for non-explosive impulsive (*e.g.,* seismic airguns) or intermittent (*e.g.,* scientific sonar) sources.

Dominion's planned activity includes the use of intermittent (geophysical survey equipment) sources, and therefore the 160 dB re 1 μPa (rms) threshold is applicable.

Level A harassment for non-explosive sources—NMFS' Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Version 2.0) (NMFS, 2018) identifies dual criteria to assess auditory injury (Level A harassment) to five different marine mammal groups (based on hearing sensitivity) as a result of exposure to noise from two different types of sources (impulsive or non-impulsive). The components of Dominion's planned activity that may result in the take of marine mammals include the use of both impulsive and non-impulsive sources (geophysical survey equipment).

These thresholds are provided in Table 3 below. The references, analysis, and methodology used in the development of the thresholds are described in NMFS 2018 Technical Guidance, which may be accessed at *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance.*

TABLE 3—THRESHOLDS IDENTIFYING THE ONSET OF PERMANENT THRESHOLD SHIFT

Hearing group	PTS onset acoustic thresholds * (received level)	
	Impulsive	Non-impulsive
Low-Frequency (LF) Cetaceans	*Cell 1:* $L_{pk,flat}$: 219 dB; $L_{E,LF,24h}$: 183 dB	*Cell 2:* $L_{E,LF,24h}$: 199 dB.
Mid-Frequency (MF) Cetaceans	*Cell 3:* $L_{pk,flat}$: 230 dB; $L_{E,MF,24h}$: 185 dB	*Cell 4:* $L_{E,MF,24h}$: 198 dB.
High-Frequency (HF) Cetaceans	*Cell 5:* $L_{pk,flat}$: 202 dB; $L_{E,HF,24h}$: 155 dB	*Cell 6:* $L_{E,HF,24h}$: 173 dB.
Phocid Pinnipeds (PW) (Underwater)	*Cell 7:* $L_{pk,flat}$: 218 dB; $L_{E,PW,24h}$: 185 dB	*Cell 8:* $L_{E,PW,24h}$: 201 dB.
Otariid Pinnipeds (OW) (Underwater)	*Cell 9:* $L_{pk,flat}$: 232 dB; $L_{E,OW,24h}$: 203 dB	*Cell 10:* $L_{E,OW,24h}$: 219 dB.

* Dual metric acoustic thresholds for impulsive sounds: Use whichever results in the largest isopleth for calculating PTS onset. If a non-impulsive sound has the potential of exceeding the peak sound pressure level thresholds associated with impulsive sounds, these thresholds should also be considered.

Note: Peak sound pressure (L_{pk}) has a reference value of 1 μPa, and cumulative sound exposure level (L_E) has a reference value of 1μPa^{2}s. In this Table, thresholds are abbreviated to reflect American National Standards Institute standards (ANSI 2013). However, peak sound pressure is defined by ANSI as incorporating frequency weighting, which is not the intent for this Technical Guidance. Hence, the subscript ''flat'' is being included to indicate peak sound pressure should be flat weighted or unweighted within the generalized hearing range. The subscript associated with cumulative sound exposure level thresholds indicates the designated marine mammal auditory weighting function (LF, MF, and HF cetaceans, and PW and OW pinnipeds) and that the recommended accumulation period is 24 hours. The cumulative sound exposure level thresholds could be exceeded in a multitude of ways (*i.e.,* varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these acoustic thresholds will be exceeded.

Ensonified Area

Here, we describe operational and environmental parameters of the activity that will feed into identifying the area ensonified above the acoustic thresholds, which include source levels and transmission loss coefficient.

When the NMFS Technical Guidance (2016) was published, in recognition of the fact that ensonified area/volume could be more technically challenging to predict because of the duration component in the new thresholds, we developed a User Spreadsheet that includes tools to help predict a simple isopleth that can be used in conjunction with marine mammal density or occurrence to help predict takes. We note that because of some of the assumptions included in the methods used for these tools, we anticipate that isopleths produced are typically going to be overestimates of some degree, which may result in some degree of overestimate of Level A harassment take. However, these tools offer the best way to predict appropriate isopleths when more sophisticated 3D modeling methods are not available, and NMFS continues to develop ways to quantitatively refine these tools, and will qualitatively address the output where appropriate. For mobile sources such as survey vessels operating HRG equipment, the User Spreadsheet predicts the closest distance at which a stationary animal would not incur PTS if the sound source traveled by the animal in a straight line at a constant speed. Inputs used in the User Spreadsheet are shown in Table 4 and the resulting Level A harassment isopleths are reported below in Table 5.

Note that NMFS considers the data provided by Crocker and Fratantonio (2016) to represent the best available information on source levels associated with HRG equipment and therefore recommends that source levels provided by Crocker and Fratantonio (2016) be incorporated in the method described above to estimate isopleth distances to the Level B harassment threshold. In cases when the source level for a specific type of HRG equipment is not provided in Crocker and Fratantonio (2016), NMFS recommends that either the source levels provided by the manufacturer be used, or, in instances where source levels provided by the manufacturer are unavailable or unreliable, a proxy from Crocker and Fratantonio (2016) be used instead. Table 1 shows the HRG equipment types that may be used during the planned surveys, the sound levels associated with those HRG equipment types, and the literature sources for the sound source levels contained in Table 4.

TABLE 4—USER SPREADSHEET INPUTS

HRG system	Subsea positioning/USBL			Multibeam echosounder	Side scan sonar	Parametric SBP	Non-parametric SBP		Medium-penetration seismic	
HRG equipment	Sonardyne Ranger 2	Evologics 82CR	IxBlue Gaps	R2 Sonics 2026	Edgetech 4200 dual frequency	Innomar SES-2000	Edgetech 216 Chirp	Edgetech 512 Chirp	Geo Marine Dual 400 GeoSource Sparker 800j	Applied Acoustics S-Boom (Triple Plate Boomer)
Spreadsheet Tab Used.	D.1: MOBILE SOURCE: Non-Impulsive, Intermittent								F.1: MOBILE SOURCE: Impulsive, Intermittent	
Source Level	194 RMS	178 RMS	191 RMS	191 RMS	206 RMS	241 RMS	179 RMS	179 RMS	200 RMS/210 PK.	203 RMS/213 PK
Weighting Factor Adjustment (kHz).	35/55	48/78	20/30	170	300,600	2/22	2/16	0.5/12	0.25/4	0.5
Source Velocity (m/sec).	2.045	2.045	2.045	2.045	2.045	2.045	2.045	2.045	2.045	2.045
Pulse Duration (seconds).	0.001	0.6	0.011	0.01115	0.01	0.001	0.001	0.02	0.0008	0.01
1/repetition rate–(seconds).	0.33	1	1	0.016667	0.125	2	0.25	0.25	0.55	0.25
Propagation (xLogR)	20	20	20	20	20	20	20	20	20	20

TABLE 5—DISTANCES (METERS) TO LEVEL A HARASSMENT REGULATORY THRESHOLDS BY EQUIPMENT CATEGORY [1]

HRG system	Representative HRG equipment	Marine mammal group PTS onset				
		LF cetaceans	MF cetaceans	HF cetaceans	Phocid pinnipeds	Otariid pinnipeds
		199 dB SEL_{cum}	198 dB SEL_{cum}	173 dB SEL_{cum}	201 dB SEL_{cum}	219 dB SEL_{cum}
Subsea positioning/USBL	Sonardyne Ranger 2 USBL	0	0	0.1	0	0
	EvoLogics S2CR	0	0	2.9	0	0
	IxBlue Gaps	0	0	1.0	0	0
Multibeam Echosounder	R2Sonics 2026	0	0	14.4	0	0
Synthetic Aperture Sonar, combined bathymetry/sidescan.	Kraken Aquapix [2]	N/A	N/A	N/A	N/A	N/A
Sidescan Sonar	Edgetech 4200 dual Frequency [2]	N/A	N/A	N/A	N/A	N/A
Parametric SBP	Innomar SES–2000 Medium 100	12.1	14.7	3,950	4.8	0.1

TABLE 5—DISTANCES (METERS) TO LEVEL A HARASSMENT REGULATORY THRESHOLDS BY EQUIPMENT CATEGORY [1]—Continued

HRG system	Representative HRG equipment	Marine mammal group PTS onset				
		LF cetaceans	MF cetaceans	HF cetaceans	Phocid pinnipeds	Otariid pinnipeds
		199 dB SEL_{cum}	198 dB SEL_{cum}	173 dB SEL_{cum}	201 dB SEL_{cum}	219 dB SEL_{cum}
Non-Parametric SBP	Edgetech 216 Chirp	0	0	0.0	0	0
	Edgetech 512 Chirp	0	0	0.	0	0
Medium Penetration Seismic	Geo Marine Dual 400 Sparker 800J.	0.1	0	1.5	0.1	0
	Applied Acoustics S-Boom (Triple Plate Boomer 1000J).	5.9	0.2	54.2	3.5	0.1

[1] Distances to the Level A harassment threshold based on the larger of the dual criteria (peak SPL and SEL_{cum}) are shown.
[2] Operating frequency above 180 kHz exceeding upper range of marine mammal hearing.

Note that take of marine mammals through use of the non-impulsive, intermittent sources shown in Table 4, such as the Innomar SES–2000 Medium 100 device, is highly unlikely. See estimated Level B harassment isopleth distances in Table 6. The estimated Level A harassment isopleths (Table 5) are based on the best currently available tools and information, but given aspects of these sources' output (*e.g.* beam width) that cannot readily be accounted for in the user guidance spreadsheet, zones calculated utilizing the spreadsheet are likely significant overestimates and should not be interpreted literally. Isopleths calculated using the User Spreadsheet are provided only as a reference, and in fact the area ensonified by narrower-beamed directional sources would be proportionally much smaller than that of a omni-directional or near-omnidirectional source with an isopleth of the same size as calculated by the User spreadsheet. As explained, NMFS includes qualitative consideration of beam-width and to assess the likely risk posed through use of these sources when evaluating potential for Level A harassment. HRG devices that feature low source levels, narrow beams, downward-directed transmission, short pulse lengths, frequencies outside known marine mammal hearing ranges, or some combination of those factors are generally considered at low risk of causing PTS. In consideration of the foregoing, and in consideration of the required mitigation measures (see the Mitigation section for more detail), the likelihood of the planned survey resulting in take in the form of Level A harassment is considered so low as to be discountable; therefore, NMFS did not authorize take of any marine mammals by Level A harassment.

NMFS has developed an interim methodology for determining the rms sound pressure level (SPL_{rms}) at the 160-dB isopleth for the purposes of estimating take by Level B harassment resulting from exposure to HRG survey equipment that takes into account source level, beamwidth, water depth, absorption, and operating frequency (NMFS 2019). Distances to the behavioral threshold are shown in Table 6.

TABLE 6—HRG EQUIPMENT—DISTANCES TO REGULATORY LEVEL B HARASSMENT THRESHOLDS

HRG survey equipment	Source level (SL_{RMS}) (dB re 1μPa)	Lateral distance (m) to Level B thresholds used in take analysis
Sonardyne Ranger 2 USBL	194	30
EvoLogics S2CR	178	8.0
IxBlue Gaps	191	34.4
R2Sonics 2026	191	0.3
Kraken Aquapix [1]	N/A	N/A
Edgetech 4200 dual frequency [1]	N/A	N/A
Innomar SES–2000 Medium 100	241	0.7
Edgetech 216 Chirp	179	1.9
Edgetech 512 Chirp	179	3.1
Geo Marine Dual 400 Sparker 800J	200	100.0
Triple Plate Boomer 1000J	203	21.9

[1] Operating frequency above 180 kHz, above upper range of marine mammal hearing

Take Calculation and Estimation

Here we describe how the information provided above is brought together to produce a quantitative take estimate.

In order to estimate the number of marine mammals predicted to be exposed to sound levels that would result in harassment, radial distances to predicted isopleths corresponding to harassment thresholds are calculated, as described above. Those distances are then used to calculate the area(s) around the HRG survey equipment predicted to be ensonified to sound levels that exceed harassment thresholds. The area estimated to be ensonified to relevant thresholds in a single day is then calculated, based on areas predicted to be ensonified around the HRG survey equipment and the estimated trackline distance traveled per day by the survey vessel.

The predominant source is the Geo Marine Dual 400 Sparker 800J (see Table 6), which results in the furthest distance to the Level B harassment criteria (160 dB rms 90% re 1 μPa) at 100.0 m (328 ft). This source will be employed on an estimated 152 vessel days. During an

additional 9 vessel days, the Triple Plate Boomer 1000J would be the predominant source used, with an estimated Level B harassment threshold of 22 m (72 ft) as the basis for determining potential take.

The basis for the take estimate is the number of times that marine mammals are predicted to be exposed to sound levels in excess of Level B harassment criteria. Typically, this is determined by multiplying the zone of influence (ZOI) out to the Level B harassment criteria isopleth by local marine mammal density estimates and then correcting for seasonal use by marine mammals, seasonal duration of project-specific noise-generating activities, and estimated duration of individual activities when the maximum noise-generating activities are intermittent or occasional. In the absence of any part of this information, it becomes prudent to take a conservative approach to ensure the potential number of takes is not greatly underestimated. The estimated distance of the daily vessel trackline was determined using the estimated average speed of the vessel and the 24-hour operational period within each of the corresponding survey segments. Using the distance of 100.0 m (328 ft) and 22 m (72 ft) to the 160 dB Level B harassment isopleths for when HRG equipment is in use, the estimated daily vessel track of approximately 121.54 km (75.5 mi) for 24-hour operations, inclusive of an additional circular area to account for radial distance at the start and end of a 24-hour cycle, gives estimates of incidental take by HRG survey equipment based on the ensonified area around the survey equipment as depicted in Table 6.

Based on the maximum estimated distance to the Level B harassment threshold of 100 m (Table 6) and the maximum estimated daily track line distance of 121.54 km, an area of 24.34 km² would be ensonified to the Level B harassment threshold per day during the 152 vessel days that the Geo Marine Dual 400 Sparker 800J is in use. The estimated Level B harassment threshold of 22 m (72 ft) associated with the Triple Plate Boomer 1000J would ensonify 5.35 km² for 9 vessel days as shown in Table 7.

TABLE 7—SURVEY SEGMENT DISTANCES AND ZOIS AT LEVEL B HARASSMENT DISTANCES

Survey segment	Number of active survey vessel days	Estimated distances per day (km)	Calculated ZOI per day (km²)
Lease Area Survey (Sparker In Use)	149	121.54	24.34
Export Cable Corridor Survey (Sparker In Use)	3		
Export Cable Corridor Survey (No Sparker In Use)	9		5.35

The number of marine mammals expected to be incidentally taken per day is then calculated by estimating the number of each species predicted to occur within the daily ensonified area (animals/km²) by incorporating the estimated marine mammal densities. A summary of this method is illustrated in the following formula:

Estimated Take = D × ZOI × # of days

Where:

D = average species density (per km²) and ZOI = maximum daily ensonified area to relevant thresholds.

The habitat-based density models produced by the Duke University Marine Geospatial Ecology Laboratory (Roberts *et al.* 2016, 2017, 2018, 2020) represent the best available information regarding marine mammal densities in the Survey Area. The density data presented by Roberts *et al.* (2016, 2017, 2018, 2020) incorporates aerial and shipboard line-transect survey data from NMFS and other organizations and incorporates data from 8 physiographic and 16 dynamic oceanographic and biological covariates, and controls for the influence of sea state, group size, availability bias, and perception bias on the probability of making a sighting. These density models were originally developed for all cetacean taxa in the U.S. Atlantic (Roberts *et al.* 2016). In subsequent years, certain models have been updated on the basis of additional data as well as certain methodological improvements. More information is available online at *seamap.env.duke.edu/models/Duke-EC-GOM-2015/.* Marine mammal density estimates in the Survey Area (animals/km²) were obtained using these model results (Roberts *et al.* 2016, 2017, 2018, 2020).

For the purposes of exposure analysis density data from Roberts *et al.* (2016, 2017, 2018) were mapped within the boundary of the Survey Area for each segment using geographic information systems. For each survey segment, the maximum densities as reported by Roberts *et al.* (2016, 2017, and 2018), were averaged by season over the survey duration (for spring, summer, fall and winter) for the entire HRG Survey Area based on the planned HRG survey schedule. The maximum average seasonal density within the HRG survey schedule was then selected for inclusion in the take calculations. Note that recently, these data have been updated with new modeling results and have included density estimates for pinnipeds (Roberts *et al.* 2016; 2017; 2018). For pinnipeds, because the seasonality of, and habitat use by, gray seals roughly overlaps with harbor seals, the same estimated abundance has been applied to both gray and harbor seals.

TABLE 8—TOTAL NUMBER OF AUTHORIZED INCIDENTAL TAKES AS A PERCENTAGE OF POPULATION

	Lease area		Cable route corridor (sparker in use)		Cable route corridor (no sparker in use)		Adjusted totals	
	Average seasonal density [1] (No./100 km²)	Calc. take (No.)	Average seasonal density [1] (No./100 km²)	Calc. take (No.)	Average seasonal density [1] (No./100 km²)	Calc. take (No.)	Take authorization (No.)	Instances of take as percentage of population[6]
North Atlantic right whale	[2] 0.078	2.816	[2] 0.049	0.036	[2] 0.049	0.023	[2] 0	0
Humpback whale	0.085	3.087	0.066	0.048	0.066	0.032	[4] 0	0
Fin whale	0.261	9.448	0.122	0.089	0.122	0.059	[4] 0	0
Sei whale	0.002	0.089	0.001	0.000	0.001	0.000	[4] 0	0
Sperm whale	0.007	0.238	0.002	0.002	0.002	0.001	[4] 0	0

TABLE 8—TOTAL NUMBER OF AUTHORIZED INCIDENTAL TAKES AS A PERCENTAGE OF POPULATION—Continued

	Lease area		Cable route corridor (sparker in use)		Cable route corridor (no sparker in use)		Adjusted totals	
	Average seasonal density [1] (No./100 km²)	Calc. take (No.)	Average seasonal density [1] (No./100 km²)	Calc. take (No.)	Average seasonal density [1] (No./100 km²)	Calc. take (No.)	Take authorization (No.)	Instances of take as percentage of population[6]
Minke whale	0.114	4.151	0.041	0.030	0.041	0.020	[4] 0	0
Long-finned pilot whale [8]	0.029	1.038	0.010	0.007	0.010	0.005	[7] 12	0.06
Short-finned pilot whale [8].								
Bottlenose dolphin (Offshore)	18.53	[3] 504.234	50.93	[3] 3.719	50.932	[3] 2.452	511	0.81
Bottlenose dolphin (Southern Migratory Coastal)	18.53	[3] 168.078	50.93	[3] 33.470	50.932	[3] 22.068	224	6.5
Common dolphin	1.84	66.797	0.613	0.447	0.613	0.295	68	0.08
Atlantic white-sided dolphin	1.18	42.992	0.386	0.282	0.386	0.186	44	0.12
Spotted dolphin	0.729	26.425	0.219	0.160	0.219	0.106	27	0.05
Risso's dolphin	0.017	0.605	0.004	0.003	0.004	0.002	[7] 6	0.08
Harbor porpoise	1.059	38.396	0.375	0.274	0.375	0.181	39	0.09
Harbor seal [5]	0.916	33.210	0.806	0.588	0.806	0.388	35	0.02
Gray Seal [5]								0.06

Notes:

[1] Cetacean density values from Duke University (Roberts *et al.* 2016, 2017, 2018).

[2] New density estimate for North Atlantic right whales just became available (Roberts *et al.* 2020) that would make the calculated take closer to 6, but as indicated, given the small size of the Level B harassment zone and the much larger shutdown zone, we expect the mitigation to be effective in ensuring that no take of North Atlantic right whales occurs.

[3] Density model for bottlenose dolphins (Roberts *et al.* 2016, 2017, 2018) does not differentiate between offshore and coastal stocks. Take estimates split based on bottlenose dolphin stock preferred water depths (Reeves *et al.* 2002; Hayes *et al.* 2018).

[4] Take adjusted to 0 given expected effectiveness of mitigation to prevent take (shutdown zone encompasses Level B harassment zone). Calculated take for humpback whale=3; fin whale=10; sei whale=1; sperm whale=1; and minke whale=4.

[5] Pinniped density values reported as ''seals'' and not species-specific.

[6] Calculations of percentage of stock taken are based on the best available abundance estimate as shown in Table 2. In most cases the best available abundance estimate is provided by Roberts *et al.* (2016, 2017, 2018), when available, to maintain consistency with density estimates derived from Roberts *et al.* (2016, 2017, 2018). For North Atlantic right whales the best available abundance estimate is derived from the North Atlantic Right Whale Consortium 2019 Annual Report Card (Pettis *et al.* 2019). For bottlenose dolphins, Roberts *et al.* (2016, 2017, 2018) provides only a single abundance estimate and does not provide abundance estimates at the stock or species level (respectively), so abundance estimates used to estimate percentage of stock taken for bottlenose dolphins are derived from NMFS SARs (Hayes *et al.* 2019).

[7] The number of authorized takes (Level B harassment only) for these species has been increased from the estimated take number to mean group size. Sources for mean group size estimates are as follows: Risso's dolphin, pilot whales (NOAA Fisheries Northeast and Southeast Fisheries Science Centers, 2019, 2018, 2017, 2016, 2015, 2014, 2013, 2012, 2011).

[8] Density values reported as a guild for pilot whales at the genus level.

Take is not authorized for six marine mammal species for which potential takes by Level B harassment were estimated based on the modeling approach described above: North Atlantic right, humpback, fin, sei, sperm, and minke whale. Though the modeling resulted in estimates of take for these species as shown in Table 8, take of these species are expected to be avoided due to mitigation.

Note that the number of authorized takes (Level B harassment only) for Risso's dolphin and pilot whales has been increased from the estimated take number to mean group size. (NOAA Fisheries Northeast and Southeast Fisheries Science Centers, 2019, 2018, 2017, 2016, 2015, 2014, 2013, 2012, 2011).

For bottlenose dolphin densities, Roberts *et al.* (2016, 2017, and 2018) does not differentiate by individual stock. Given the southern coastal migratory stock propensity to be found shallower than the 25-m (82-ft) depth isobath north of Cape Hatteras (Reeves *et al.* 2002; Hayes *et al.* 2018) and only during the summer, the export cable corridor segment was roughly divided along the 25-m (82-ft) depth isobath. Roughly 90 percent of the cable corridor is 25 m (82 ft) or less in depth. The Lease Area is mostly located within depths exceeding 25 m (82 ft), where the southern coastal migratory stock would be unlikely. Roughly 25 percent of the Lease Area survey segment is 25 m (82 ft) or less in depth. Therefore, to account for the potential for mixed stocks within the export cable corridor, 90 percent of the estimated take calculation is applied to the southern coastal migratory stock and the remaining applied to the offshore migratory stock within the export cable corridor Survey Area. Within the Lease Area, 25 percent of the estimated take calculation is applied to the southern coastal migratory stock and the remaining applied to the offshore migratory stock.

Roberts *et al.* (2018) produced density models for all seals and did not differentiate by seal species. The take calculation methodology as described above resulted in an estimate of 35 total seal takes. An even split of takes between harbor and gray seals (*i.e.,* 18 harbor seal takes and 17 gray seal takes) is authorized, based on an assumption that the likelihood of take of either species is equal.

In the instance of the North Atlantic right whale, Dominion will implement and monitor and implement a 500-m (1,640-ft) EZ that exceeds the distance to the Level B harassment isopleth. Given that the mitigation effectively prevents Level B harassment, take has been adjusted to zero individuals. In addition, Dominion will implement and monitor and implement a 100-m (328-ft) EZ to be implemented for all non-delphinid large cetaceans, which is expected to preclude potential interactions with humpback, fin, sei, sperm, and minke whales. Therefore, the low calculated take estimates for these large whales was adjusted to zero individuals for these species and NMFS is not authorizing take of these whale species. Although survey activities will occur at night, two PSO will be on duty during night-time surveys and large whales are generally more easy to detect (including at night) than other smaller marine mammals with less pronounced blows.

Mitigation

In order to issue an IHA under Section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to the activity, and other means of effecting the least practicable impact on the species or stock and its habitat, paying particular attention to rookeries, mating

grounds, and areas of similar significance, and on the availability of the species or stock for taking for certain subsistence uses (latter not applicable for this action). NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting the activity or other means of effecting the least practicable adverse impact upon the affected species or stocks and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, we carefully consider two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned), the likelihood of effective implementation (probability implemented as planned), and;

(2) the practicability of the measures for applicant implementation, which may consider such things as cost, impact on operations, and, in the case of a military readiness activity, personnel safety, practicality of implementation, and impact on the effectiveness of the military readiness activity.

Marine mammal EZs must be established around the HRG survey equipment and monitored by PSOs during HRG surveys as follows:

- 500-m EZ is required for North Atlantic right whales;
- During use of the GeoMarine Dual 400 Sparker 800J, a 100-m EZ is required for all other marine mammals except delphinid(s) from the genera *Delphinus, Lagenorhynchus, Stenella* or *Tursiops* and seals;
- When only the Triple Plate Boomer 1000J is in use, a 25-m EZ is required for all other marine mammals except delphinid(s) from the genera *Delphinus, Lagenorhynchus, Stenella* or *Tursiops* and seals;200-m buffer zone is required for all marine mammals except those species otherwise excluded (*i.e.,* North Atlantic right whale).

If a marine mammal is detected approaching or entering the EZs during the survey, the vessel operator must adhere to the shutdown procedures described below. In addition to the EZs described above, PSOs must visually monitor a 200-m buffer zone for the purposes of pre-clearance. During use of acoustic sources with the potential to result in marine mammal harassment (*i.e.,* anytime the acoustic source is active, including ramp-up), occurrences of marine mammals within the monitoring zone (but outside the EZs) must be communicated to the vessel operator to prepare for potential shutdown of the acoustic source. The buffer zone is not applicable when the EZ is greater than 100 m. PSOs are also required to observe a 500-m monitoring zone and record the presence of all marine mammals within this zone. The zones described above are based upon the radial distance from the active equipment (rather than being based on distance from the vessel itself).

Visual Monitoring

NMFS only requires a single PSO to be on duty during daylight hours. Dominion must have one PSO on duty during the day and has committed that a minimum of two NMFS-approved PSOs must be on duty and conducting visual observations when HRG equipment is in use at night. Visual monitoring must begin no less than 30 minutes prior to ramp-up of HRG equipment and continue until 30 minutes after use of the acoustic source. PSOs must establish and monitor the applicable EZs, Buffer Zone and Monitoring Zone as described above. Visual PSOs must coordinate to ensure 360° visual coverage around the vessel from the most appropriate observation posts, and must conduct visual observations using binoculars and the naked eye while free from distractions and in a consistent, systematic, and diligent manner. PSOs are required to estimate distances to observed marine mammals. It is the responsibility of the Lead PSO on duty to communicate the presence of marine mammals as well as to communicate action(s) that are necessary to ensure mitigation and monitoring requirements are implemented as appropriate. Position data must be recorded using hand-held or vessel global positioning system (GPS) units for each confirmed marine mammal sighting.

Pre-Clearance of the Exclusion Zones

Prior to initiating HRG survey activities, Dominion must implement a 30-minute pre-clearance period. During pre-clearance monitoring (*i.e.,* before ramp-up of HRG equipment begins), the Buffer Zone also acts as an extension of the 100-m EZ in that observations of marine mammals within the 200-m Buffer Zone would also preclude HRG operations from beginning. During this period, PSOs must ensure that no marine mammals are observed within 200 m of the survey equipment (500 m in the case of North Atlantic right whales). HRG equipment must not start up until this 200-m zone (or, 500-m zone in the case of North Atlantic right whales) is clear of marine mammals for at least 30 minutes. The vessel operator must notify a designated PSO of the proposed start of HRG survey equipment as agreed upon with the lead PSO; the notification time must not be less than 30 minutes prior to the planned initiation of HRG equipment in order to allow the PSOs time to monitor the EZs and Buffer Zone for the 30 minutes of pre-clearance. A PSO conducting pre-clearance observations must be notified again immediately prior to initiating active HRG sources.

If a marine mammal is observed within the relevant EZs or Buffer Zone during the pre-clearance period, initiation of HRG survey equipment must not begin until the animal(s) has been observed exiting the respective EZ or Buffer Zone, or, until an additional time period has elapsed with no further sighting (*i.e.,* minimum 15 minutes for porpoises, and 30 minutes for all other species). The pre-clearance requirement includes small delphinoids. PSOs must also continue to monitor the zone for 30 minutes after survey equipment is shut down or survey activity has concluded.

Ramp-Up of Survey Equipment

When technically feasible, a ramp-up procedure must be used for geophysical survey equipment capable of adjusting energy levels at the start or re-start of survey activities. The ramp-up procedure must be used at the beginning of HRG survey activities in order to provide additional protection to marine mammals near the Survey Area by allowing them to detect the presence of the survey and vacate the area prior to the commencement of survey equipment operation at full power. Ramp-up of the survey equipment must not begin until the relevant EZs and Buffer Zone has been cleared by the PSOs, as described above. HRG equipment must be initiated at their lowest power output and would be incrementally increased to full power. If any marine mammals are detected within the EZs or Buffer Zone prior to or during ramp-up, the HRG equipment must be shut down (as described below).

Shutdown Procedures

If an HRG source is active and a marine mammal is observed within or entering a relevant EZ (as described above) an immediate shutdown of the HRG survey equipment is required. When shutdown is called for by a PSO, the acoustic source must be immediately deactivated and any dispute resolved only following deactivation. Any PSO on duty has the authority to delay the start of survey operations or to call for shutdown of the acoustic source if a marine mammal is detected within the applicable EZ. The vessel operator must establish and maintain clear lines of communication directly between PSOs on duty and crew controlling the HRG source(s) to ensure that shutdown commands are conveyed swiftly while allowing PSOs to maintain watch. Subsequent restart of the HRG equipment must only occur after the marine mammal has either been observed exiting the relevant EZ, or, until an additional time period has elapsed with no further sighting of the animal within the relevant EZ (*i.e.,* 15 minutes for small odontocetes and seals, and 30 minutes for large whales).

Upon implementation of shutdown, the HRG source may be reactivated after the marine mammal that triggered the shutdown has been observed exiting the applicable EZ (*i.e.,* the animal is not required to fully exit the Buffer Zone where applicable) or, following a clearance period of 15 minutes for small odontocetes and seals and 30 minutes for all other species with no further observation of the marine mammal(s) within the relevant EZ. If the HRG equipment shuts down for brief periods (*i.e.,* less than 30 minutes) for reasons other than mitigation (*e.g.,* mechanical or electronic failure) the equipment may be re-activated as soon as is practicable at full operational level, without 30 minutes of pre-clearance, only if PSOs have maintained constant visual observation during the shutdown and no visual detections of marine mammals occurred within the applicable EZs and Buffer Zone during that time. For a shutdown of 30 minutes or longer, or if visual observation was not continued diligently during the pause, pre-clearance observation is required, as described above.

The shutdown requirement is waived for certain genera of small delphinids (*i.e., Delphinus, Lagenorhynchus, Stenella,* or *Tursiops*) under certain circumstances. If a delphinid(s) from these genera is visually detected within the EZ shutdown would not be required. If there is uncertainty regarding identification of a marine mammal species (*i.e.,* whether the observed marine mammal(s) belongs to one of the delphinid genera for which shutdown is waived), PSOs must use best professional judgment in making the decision to call for a shutdown.

If a species for which authorization has not been granted, or, a species for which authorization has been granted but the authorized number of takes have been met, approaches or is observed within the area encompassing the Level B harassment isopleth (100 m or 25 m), shutdown must occur.

Vessel Strike Avoidance

Vessel strike avoidance measures include, but are not limited to, the following, except under circumstances when complying with these requirements puts the safety of the vessel or crew at risk:

- Vessel operators and crews must maintain a vigilant watch for all protected species and slow down, stop their vessel, or alter course, as appropriate and regardless of vessel size, to avoid striking any protected species. A visual observer aboard the vessel must monitor a vessel strike avoidance zone around the vessel (distances stated below). Visual observers monitoring the vessel strike avoidance zone may be third-party observers (*i.e.,* PSOs) or crew members, but crew members responsible for these duties must be provided sufficient training to (1) distinguish protected species from other phenomena and (2) broadly to identify a marine mammal as a North Atlantic right whale, other whale (defined in this context as sperm whales or baleen whales other than North Atlantic right whales), or other marine mammal.
- All vessels, regardless of size, must observe a 10-knot speed restriction in specific areas designated by NMFS for the protection of North Atlantic right whales from vessel strikes: Any DMAs when in effect, the Norfolk SMA (from November 1 through April 30). See *www.fisheries.noaa.gov/national/endangered-species-conservation/reducing-ship-strikes-north-atlantic-right-whales* for specific detail regarding these areas.
- Vessel speeds must also be reduced to 10 knots or less when mother/calf pairs, pods, or large assemblages of cetaceans are observed near a vessel.
- All vessels must maintain a minimum separation distance of 500 m from North Atlantic right whales. If a whale is observed but cannot be confirmed as a species other than a North Atlantic right whale, the vessel operator must assume that it is a North Atlantic right whale and take appropriate action.
- All vessels must maintain a minimum separation distance of 100 m from sperm whales and all other baleen whales.
- All vessels must, to the maximum extent practicable, attempt to maintain a minimum separation distance of 50 m from all other protected species, with an understanding that at times this may not be possible (*e.g.,* for animals that approach the vessel).
- When protected species are sighted while a vessel is underway, the vessel must take action as necessary to avoid violating the relevant separation distance (*e.g.,* attempt to remain parallel to the animal's course, avoid excessive speed or abrupt changes in direction until the animal has left the area). If protected species are sighted within the relevant separation distance, the vessel must reduce speed and shift the engine to neutral, not engaging the engines until animals are clear of the area. This does not apply to any vessel towing gear or any vessel that is navigationally constrained.
- These requirements do not apply in any case where compliance would create an imminent and serious threat to a person or vessel or to the extent that a vessel is restricted in its ability to maneuver and, because of the restriction, cannot comply.

Project-specific training is required for all vessel crew prior to the start of survey activities. Confirmation of the training and understanding of the requirements must be documented on a training course log sheet. Signing the log sheet will certify that the crew members understand and will comply with the necessary requirements throughout the survey activities.

Seasonal Operating Requirements

Dominion will conduct HRG survey activities in the vicinity of the North Atlantic right whale Mid-Atlantic SMA near Norfolk and the mouth of the Chesapeake Bay. Activities conducted prior to May 1 must comply with the seasonal mandatory speed restriction period for this SMA (November 1 through April 30) for any survey work or transit within this area.

Throughout all phases of the survey activities, Dominion must monitor NOAA Fisheries North Atlantic right whale reporting systems for the establishment of a DMA. If NOAA Fisheries should establish a DMA in the Lease Area or cable route corridor being surveyed, within 24 hours of the establishment of the DMA Dominion is required to work with NOAA Fisheries

to shut down and/or alter activities to avoid the DMA.

Based on our evaluation of the applicant's measures, NMFS has determined that the required mitigation measures provide the means effecting the least practicable impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Monitoring and Reporting

In order to issue an IHA for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth requirements pertaining to the monitoring and reporting of such taking. The MMPA implementing regulations at 50 CFR 216.104(a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the action area. Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

- Occurrence of marine mammal species or stocks in the area in which take is anticipated (*e.g.,* presence, abundance, distribution, density).
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) Action or environment (*e.g.,* source characterization, propagation, ambient noise); (2) affected species (*e.g.,* life history, dive patterns); (3) co-occurrence of marine mammal species with the action; or (4) biological or behavioral context of exposure (*e.g.,* age, calving or feeding areas).
- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors.
- How anticipated responses to stressors impact either: (1) Long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks.
- Effects on marine mammal habitat (*e.g.,* marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat).
- Mitigation and monitoring effectiveness.

Monitoring Measures

As described above, visual monitoring must be performed by qualified and NMFS-approved PSOs. Dominion is required to use independent, dedicated, trained PSOs, meaning that the PSOs must be employed by a third-party observer provider, must have no tasks other than to conduct observational effort, collect data, and communicate with and instruct relevant vessel crew with regard to the presence of marine mammals and mitigation requirements (including brief alerts regarding maritime hazards), and must have successfully completed an approved PSO training course appropriate for their designated task. Dominion must provide resumes of all proposed PSOs (including alternates) to NMFS for review and approval prior to the start of survey operations.

During survey operations (*e.g.,* any day on which use of an HRG source is planned to occur), a single PSO must be on duty and conducting visual observations during the day on all active survey vessels when HRG equipment is operating. Additionally, Dominion has stated their intention to deploy two PSOs on duty during night operations. Visual monitoring must begin no less than 30 minutes prior to initiation of HRG survey equipment and must continue until one hour after use of the acoustic source ceases. PSOs would coordinate to ensure 360° visual coverage around the vessel from the most appropriate observation posts, and must conduct visual observations using binoculars and the naked eye while free from distractions and in a consistent, systematic, and diligent manner. PSOs may be on watch for a maximum of four consecutive hours followed by a break of at least two hours between watches and may conduct a maximum of 12 hours of observation per 24-hour period. In cases where multiple vessels are surveying concurrently, any observations of marine mammals must would be communicated to PSOs on all survey vessels.

PSOs must be equipped with binoculars and have the ability to estimate distances to marine mammals located in proximity to the vessel and/or EZ. Reticulated binoculars must be made available to PSOs for use as appropriate based on conditions and visibility to support the monitoring of marine mammals. Position data must be recorded using hand-held or vessel GPS units for each sighting. Observations must take place from the highest available vantage point on the survey vessel. General 360-degree scanning must occur during the monitoring periods, and target scanning by the PSO must occur when alerted of a marine mammal presence.

During good conditions (*e.g.,* daylight hours; Beaufort sea state (BSS) 3 or less), to the maximum extent practicable, PSOs must conduct observations when the acoustic source is not operating for comparison of sighting rates and behavior with and without use of the acoustic source and between acquisition periods. Any observations of marine mammals by crew members aboard any vessel associated with the survey must be relayed to the PSO team.

Data on all PSO observations must be recorded based on standard PSO collection requirements. This includes dates, times, and locations of survey operations; dates and times of observations, location and weather; details of marine mammal sightings (*e.g.,* species, numbers, behavior); and details of any observed marine mammal take that occurs (*e.g.,* noted behavioral disturbances).

Reporting Measures

Within 90 days after completion of survey activities, a final technical report must be provided to NMFS that fully documents the methods and monitoring protocols, summarizes the data recorded during monitoring, summarizes the number of marine mammals observed during survey activities (by species, when known), summarizes the mitigation actions taken during surveys (including what type of mitigation and the species and number of animals that prompted the mitigation action, when known), and provides an interpretation of the results and effectiveness of all mitigation and monitoring. Any recommendations made by NMFS must be addressed in the final report prior to acceptance by NMFS.

In the event that Dominion personnel discover an injured or dead marine mammal, Dominion must report the incident to the OPR, NMFS and to the New England/Mid-Atlantic Regional Stranding Coordinator as soon as feasible. The report must include the following information:

- Time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable);
- Species identification (if known) or description of the animal(s) involved;
- Condition of the animal(s) (including carcass condition if the animal is dead);

- Observed behaviors of the animal(s), if alive;
- If available, photographs or video footage of the animal(s); and
- General circumstances under which the animal was discovered.

In the event of a ship strike of a marine mammal by any vessel involved in the activities covered by the authorization, the IHA-holder must report the incident to OPR, NMFS and to the New England/Mid-Atlantic Regional Stranding Coordinator as soon as feasible. The report must include the following information:

- Time, date, and location (latitude/longitude) of the incident;
- Species identification (if known) or description of the animal(s) involved;
- Vessel's speed during and leading up to the incident;
- Vessel's course/heading and what operations were being conducted (if applicable);
- Status of all sound sources in use;
- Description of avoidance measures/requirements that were in place at the time of the strike and what additional measures were taken, if any, to avoid strike;
- Environmental conditions (*e.g.,* wind speed and direction, Beaufort sea state, cloud cover, visibility) immediately preceding the strike;
- Estimated size and length of animal that was struck;
- Description of the behavior of the marine mammal immediately preceding and following the strike;
- If available, description of the presence and behavior of any other marine mammals immediately preceding the strike;
- Estimated fate of the animal (*e.g.,* dead, injured but alive, injured and moving, blood or tissue observed in the water, status unknown, disappeared); and
- To the extent practicable, photographs or video footage of the animal(s).

Negligible Impact Analysis and Determination

NMFS has defined negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through harassment, NMFS considers other factors, such as the likely nature of any responses (*e.g.,* intensity, duration), the context of any responses (*e.g.,* critical reproductive time or location, migration), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS's implementing regulations (54 FR 40338; September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the environmental baseline (*e.g.,* as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

To avoid repetition, our analysis applies to all the species listed in Table 9, given that NMFS expects the anticipated effects of the planned survey to be similar in nature. As discussed in the Potential Effects of Specified Activities on Marine Mammals and Their Habitat section, PTS, masking, non-auditory physical effects, and vessel strike are not expected to occur.

The majority of impacts to marine mammals are expected to be short-term disruption of behavioral patterns, primarily in the form of avoidance or potential interruption of foraging. Marine mammal feeding behavior is not likely to be significantly impacted.

Regarding impacts to marine mammal habitat, prey species are mobile, and are broadly distributed throughout the Survey Area and the footprint of the activity is small; therefore, marine mammals that may be temporarily displaced during survey activities are expected to be able to resume foraging once they have moved away from areas with disturbing levels of underwater noise. Because of the availability of similar habitat and resources in the surrounding area the impacts to marine mammals and the food sources that they utilize are not expected to cause significant or long-term consequences for individual marine mammals or their populations. The HRG survey equipment itself will not result in physical habitat disturbance. Avoidance of the area around the HRG survey activities by marine mammal prey species is possible. However, any avoidance by prey species would be expected to be short term and temporary.

The status of the North Atlantic right whale population is of heightened concern and, therefore, merits additional analysis. The Survey Area includes a biologically important migratory area for North Atlantic right whales (effective March-April and November-December) that extends from Massachusetts to Florida (LaBrecque, *et al.* 2015). As previously noted, no take of North Atlantic right whales has been authorized, and HRG survey operations will be required to shut down at 500 m to further minimize any potential effects to this species. This is highly precautionary considering the Level B harassment isopleth for the largest source utilized (*i.e.*, Geo Marine Dual 400 Sparker 800J is estimated to be 100 m). The fact that the spatial acoustic footprint of the survey is very small relative to the spatial extent of the available migratory habitat leads us to expect that North Atlantic right whale migration will not be impacted by the survey. Additionally, a UME for North Atlantic right whales was declared in June 2017, primarily due to mortality events in the Gulf of St. Lawrence region of Canada and around the Cape Cod area of Massachusetts. Overall, preliminary findings support human interactions, specifically vessel strikes or rope entanglements, as the cause of death for the majority of the North Atlantic right whales. Furthermore, these locations are found far to the north of the Survey Area.

No take has been authorized for ESA-listed species including right, fin, sei, and sperm whales and NMFS does not anticipate that serious injury or mortality would occur to any species, even in the absence of mitigation. The planned survey is not anticipated to affect the fitness or reproductive success of individual animals. Since impacts to individual survivorship and fecundity are unlikely, the planned survey is not expected to result in population-level effects for any ESA-listed species or alter current population trends of any ESA-listed species.

As noted previously, elevated humpback whale mortalities have occurred along the Atlantic coast from Maine through Florida since January 2016. Of the cases examined, approximately half had evidence of human interaction (ship strike or entanglement). The UME does not yet provide cause for concern regarding population-level impacts. Despite the UME, the relevant population of humpback whales (the West Indies breeding population, or distinct population segment) remains healthy.

Beginning in January 2017, elevated minke whale strandings have occurred

along the Atlantic coast from Maine through South Carolina, with highest numbers in Massachusetts, Maine, and New York. This event does not provide cause for concern regarding population level impacts, as the likely population abundance is greater than 20,000 whales. Additionally, elevated numbers of harbor seal and gray seal mortalities were first observed in July 2018 and have occurred across Maine, New Hampshire and Massachusetts. Based on tests conducted so far, the main pathogen found in the seals is phocine distemper virus although additional testing to identify other factors that may be involved in this UME are underway. The UME does not yet provide cause for concern regarding population-level impacts to any of these stocks. For harbor seals, the population abundance is over 75,000 and annual M/SI (350) is well below PBR (2,006) (Hayes *et al.* 2018). The population abundance of gray seals in the United States is in excess of 27,000 and likely increasing (Wood *et al.* 2019). The estimated abundance increases to 505,000 when seals from Canada are included. Given that any Level B harassment of gray and harbor seals will be minor, short term, and temporary the authorized takes of gray and harbor seals would not exacerbate or compound the ongoing UMEs in any way.

Direct physical interactions (ship strikes and entanglements) appear to be responsible for many of the UME humpback and North Atlantic right whale mortalities recorded. The HRG survey will require ship strike avoidance measures which would minimize the risk of ship strikes while fishing gear and in-water lines will not be employed as part of the survey. Furthermore, the planned activities are not expected to promote the transmission of infectious disease among marine mammals. The survey is not expected to result in the deaths of any marine mammals or combine with the effects of the ongoing UMEs to result in any additional impacts not analyzed here. NMFS is not authorizing take of large whales and is not authorizing take of any marine mammal species by serious injury, or mortality.

The required mitigation measures are expected to reduce the number and/or severity of takes by giving animals the opportunity to move away from the sound source before HRG survey equipment reaches full energy and preventing animals from being exposed to sound levels that have the potential to result in more severe Level B harassment during HRG survey activities. Due to the small size of PTS zones no Level A harassment is anticipated or authorized.

NMFS expects that most takes would primarily be in the form of short-term Level B behavioral harassment in the form of brief startling reaction and/or temporary vacating of the area, or decreased foraging (if such activity were occurring)—reactions that (at the scale and intensity anticipated here) are considered to be of low severity and with no lasting biological consequences. Since both the source and the marine mammals are mobile, only a smaller area would be ensonified by sound levels that could result in take for only a short period.

In summary and as described above, the following factors primarily support our determination that the impacts resulting from this activity are not expected to adversely affect the species or stock through effects on annual rates of recruitment or survival:

- No mortality is anticipated or authorized;
- No Level A harassment (PTS) is anticipated or authorized;
- Any foraging interruptions are expected to be short term and unlikely to be cause significantly impacts;
- Impacts on marine mammal habitat and species that serve as prey species for marine mammals are expected to be minimal and the alternate areas of similar habitat value for marine mammals are readily available;
- Take is anticipated to be by Level B behavioral harassment only consisting of brief startling reactions and/or temporary avoidance of the Survey Area;
- Mitigation measures, including visual monitoring and shutdowns, are expected to minimize the intensity of potential impacts to marine mammals.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the required monitoring and mitigation measures, NMFS finds that the total marine mammal take from the planned activity will have a negligible impact on all affected marine mammal species or stocks.

Small Numbers

As noted above, only small numbers of incidental take may be authorized under sections 101(a)(5)(A) and (D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals. When the predicted number of individuals to be taken is fewer than one third of the species or stock abundance, the take is considered to be of small numbers. For this IHA, take of all species or stocks is below one third of the estimated stock abundance (in fact, take of individuals is less than 7 percent of the abundance for all affected stocks). Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities.

Based on the analysis contained herein of the planned activity (including the required mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals will be taken relative to the population size of the affected species or stocks.

Unmitigable Adverse Impact Analysis and Determination

There are no relevant subsistence uses of the affected marine mammal stocks or species implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

Endangered Species Act

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA: 16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally whenever we propose to authorize take of endangered or threatened marine mammal species within NMFS jurisdiction. In the absence of mitigation measures, effects to North Atlantic right whale, fin whale, sei whale, and sperm whale could potentially occur. Accordingly, we requested initiation of consultation under section 7 of the ESA with NMFS Greater Atlantic Region (GARFO) on June 23, 2020, for the issuance of this IHA. NMFS GARFO has determined that issuance of the IHA to Dominion is not likely to adversely affect the North Atlantic right, fin, sei, or sperm whale or the critical habitat of any ESA-listed species or result in the

take of any marine mammals in violation of the ESA.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our proposed action (*i.e.,* the issuance of an IHA) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 of the Companion Manual for NAO 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has determined that the planned action qualifies to be categorically excluded from further NEPA review.

Authorization

NMFS has issued an IHA to Dominion for the potential harassment of small numbers of 10 marine mammal species incidental to the conducting marine site characterization surveys offshore of Virginia in the area of the Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf Offshore Virginia (Lease No. OCS–A–0483) and along a potential submarine cable route to landfall locations, provided the previously mentioned mitigation, monitoring and reporting requirements are followed.

Dated: September 1, 2020.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2020–19688 Filed 9–4–20; 8:45 am]

BILLING CODE 3510–22–P

COMMODITY FUTURES TRADING COMMISSION

Agricultural Advisory Committee

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of meeting.

SUMMARY: The Commodity Futures Trading Commission (CFTC) announces that on September 24, 2020, from 2:00 p.m. to 5:00 p.m. (Eastern Daylight Time), the Agricultural Advisory Committee (AAC) will hold a public meeting via teleconference. At this meeting, the AAC will receive updates from the Livestock Task Force, the second quarter National Farm Loan data and the impending launch of a Brazil-based Soybean futures contract. The meeting will also include a discussion regarding the Division of Enforcement's Self-Reporting Program and the role of intermediaries and the National Futures Association in protecting market participants from fraud.

DATES: The meeting will be held on September 24, 2020, from 2:00 p.m. to 5:00 p.m. (Eastern Daylight Time). Please note that the teleconference may end early if the AAC has completed its business. Members of the public who wish to submit written statements in connection with the meeting should submit them by October 8, 2020.

ADDRESSES: The meeting will be held via teleconference. You may submit public comments on the CFTC website: *https://comments.cftc.gov.* Follow the instructions for submitting comments through the Comments Online process on the website.

If you are unable to submit comments online, please contact Summer Mersinger, Designated Federal Officer, via the contact information listed below to discuss alternate means of submitting your comments. Any statements submitted in connection with the committee meeting will be made available to the public, including publication on the CFTC website, *https://www.cftc.gov.*

FOR FURTHER INFORMATION CONTACT: Summer Mersinger, AAC Designated Federal Officer, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581; *SMersinger@cftc.gov;* (202) 418–6074.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public. Members of the public may listen to the meeting by telephone by calling a domestic toll-free telephone or international toll or toll-free number to connect to a live, listen-only audio feed. Call-in participants should be prepared to provide their first name, last name, and affiliation.

Domestic Toll Free: 877–951–7311.

International Toll and Toll Free: Will be posted on the CFTC's website, *http://www.cftc.gov,* on the page for the meeting, under Related Links.

Pass Code/Pin Code: 8481119.

The meeting agenda may change to accommodate other AAC priorities. For agenda updates, please visit the AAC committee site at: *https://www.cftc.gov/About/CFTCCommittees/AgriculturalAdvisory/index.htm.*

All written submissions provided to the CFTC in any form will also be published on the CFTC's website. Persons requiring special accommodations to attend the meeting because of a disability should notify the contact person above.

(Authority: 5 U.S.C. app. 2 section 10(a)(2)).

Dated: September 2, 2020.

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2020–19775 Filed 9–4–20; 8:45 am]

BILLING CODE 6351–01–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

Credit Union Advisory Council Meeting

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice of public meeting.

SUMMARY: Under the Federal Advisory Committee Act (FACA), this notice sets forth the announcement of a public meeting of the Credit Union Advisory Council (CUAC or Council) of the Bureau of Consumer Financial Protection (Bureau). The notice also describes the functions of the Council.

DATES: The meeting date is Wednesday, September 23, 2020, from approximately 1:00 p.m. to 4:45 p.m. eastern daylight time. This meeting will be held via conference call and is open to the general public. Members of the public will receive the agenda and dial-in information when they RSVP.

FOR FURTHER INFORMATION CONTACT: Kim George, Outreach and Engagement Associate, Consumer Advisory Board and Councils Office, External Affairs, at 202–450–8617, *CFPB_CABandCouncilsEvents@cfpb.gov.* If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 2 of the CUAC Charter provides that pursuant to the executive and administrative powers conferred on the Bureau by section 1012 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act), the Director established the Credit Union Advisory Council under agency authority.

Section 3 of the CUAC Charter states: ''The purpose of the Advisory Council is to advise the Bureau in the exercise of its functions under the Federal consumer financial laws as they pertain to credit unions with total assets of $10 billion or less.''

II. Agenda

The CUAC will discuss broad policy matters related to the Bureau's Unified Regulatory Agenda and general scope of authority; including discussions on recent Bureau initiatives and the impact of the COVID–19 pandemic on consumers and financial markets.

Persons who need a reasonable accommodation to participate should contact *CFPB_504Request@cfpb.gov,* 202–435–9EEO, 1–855–233–0362, or 202–435–9742 (TTY) at least ten (10) business days prior to the meeting or event to request assistance. The request must identify the date, time, location, and title of the meeting or event, the nature of the assistance requested, and contact information for the requester. The Bureau will strive to provide but cannot guarantee that accommodation will be provided for late requests.

Written comments will be accepted from interested members of the public and should be sent to *CFPB_CABandCouncilsEvents@cfpb.gov,* a minimum of seven (7) days in advance of the meeting. The comments will be provided to the CUAC members for consideration. Individuals who wish to join the CUAC must RSVP via this link *https://surveys.consumerfinance.gov/jfe/form/SV_802S461amK1hSwl* by noon, September 22, 2020. Members of the public must RSVP by the due date.

III. Availability

The Council's agenda will be made available to the public on Wednesday, September 22, 2020 via *consumerfinance.gov.* Individuals should express in their RSVP if they require a paper copy of the agenda.

A recording and summary of this meeting will be available after the meeting on the Bureau's website *consumerfinance.gov.*

Kirsten Sutton,

Chief of Staff, Bureau of Consumer Financial Protection.

[FR Doc. 2020–19531 Filed 9–4–20; 8:45 am]

BILLING CODE 4810–AM–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

Community Bank Advisory Council Meeting

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice of public meeting.

SUMMARY: Under the Federal Advisory Committee Act (FACA), this notice sets forth the announcement of a public meeting of the Community Bank Advisory Council (CBAC or Council) of the Bureau of Consumer Financial Protection (Bureau). The notice also describes the functions of the Council.

DATES: The meeting date is Wednesday, September 23, 2020, from approximately 1:00 p.m. to 4:45 p.m. eastern daylight time. This meeting will take place via conference call and is open to the general public. Members of the public will receive the agenda and dial-in information when they RSVP.

FOR FURTHER INFORMATION CONTACT: Kim George, Outreach and Engagement Associate, Consumer Advisory Board and Councils Office, External Affairs, at 202–450–8617, *CFPB_CABandCouncilsEvents@cfpb.gov.* If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 2 of the CBAC Charter provides that pursuant to the executive and administrative powers conferred on the Bureau by section 1012 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, the Director established the Community Bank Advisory Council under agency authority.

Section 3 of the CBAC Charter states: ''The purpose of the Advisory Council is to advise the Bureau in the exercise of its functions under the Federal consumer financial laws as they pertain to community banks with total assets of $10 billion or less.''

II. Agenda

The CBAC will discuss broad policy matters related to the Bureau's Unified Regulatory Agenda and general scope of authority; including discussions on recent Bureau initiatives and the impact of the COVID–19 pandemic on consumers and financial markets.

Persons who need a reasonable accommodation to participate should contact *CFPB_504Request@cfpb.gov,* 202–435–9EEO, 1–855–233–0362, or 202–435–9742 (TTY) at least ten (10) business days prior to the meeting or event to request assistance. The request must identify the date, time, location, and title of the meeting or event, the nature of the assistance requested, and contact information for the requester. The Bureau will strive to provide but cannot guarantee that accommodation will be provided for late requests.

Written comments will be accepted from interested members of the public and should be sent to *CFPB_CABandCouncilsEvents@cfpb.gov,* a minimum of seven (7) days in advance of the meeting. The comments will be provided to the CBAC members for consideration. Individuals who wish to join the Council must RSVP via this link *https://surveys.consumerfinance.gov/jfe/form/SV_802S461amK1hSwl* by noon, September 22, 2020. Members of the public must RSVP by the due date.

III. Availability

The Council's agenda will be made available to the public on Wednesday, September 22, 2020, via *consumerfinance.gov.* Individuals should express in their RSVP if they require a paper copy of the agenda.

A recording and summary of this meeting will be available after the meeting on the Bureau's website *consumerfinance.gov.*

Kirsten Sutton,

Chief of Staff, Bureau of Consumer Financial Protection.

[FR Doc. 2020–19535 Filed 9–4–20; 8:45 am]

BILLING CODE 4810–AM–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

Academic Research Council Meeting

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice of public meeting.

SUMMARY: Under the Federal Advisory Committee Act (FACA), this notice sets forth the announcement of a public meeting of the Academic Research Council (ARC or Council) of the Bureau of Consumer Financial Protection (Bureau). The notice also describes the functions of the Council.

DATES: The meeting date is Thursday, September 24, 2020, from approximately 1:00 p.m. to 4:15 p.m. eastern daylight time. The meeting will take place via conference call and is open to the general public. Members of the public will receive the agenda and dial-in information when they RSVP.

FOR FURTHER INFORMATION CONTACT: Kim George, Outreach and Engagement Associate, at 202–450–8617, or *CFPB_CABandCouncilsEvents@cfpb.gov.* If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 2 of the of the ARC Charter provides that pursuant to the executive and administrative powers conferred on the Bureau by section 1012 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act), the Director established the Academic Research Council under agency

authority. Section 3 of the ARC Charter states: The committee will (1) provide the Bureau with advice about its strategic research planning process and research agenda, including views on the research that the Bureau should conduct relating to consumer financial products or services, consumer behavior, cost-benefit analysis, or other topics to enable the agency to further its statutory purposes and objectives; and (2) provide the Office of Research with technical advice and feedback on research methodologies, data collection strategies, and methods of analysis, including methodologies and strategies for quantifying the costs and benefits of regulatory actions.

II. Agenda

The ARC will discuss research methodologies, assist with providing direction for consumer finance research at the Bureau, and discuss the impact of the COVID–19 pandemic on consumers and financial markets.

Persons who need a reasonable accommodation to participate should contact *CFPB_504Request@cfpb.gov,* 202–435–9EEO, l-855–233–0362, or 202–435–9742 (TTY) at least ten (10) business days prior to the meeting or event to request assistance. The request must identify the date, time, location, and title of the meeting or event, the nature of the assistance requested, and contact information for the requester. The Bureau will strive to provide but cannot guarantee that accommodation will be provided for late requests.

Written comments will be accepted from interested members of the public and should be sent to *CFPB_CABandCouncilsEvents@cfpb.gov,* a minimum of seven (7) days in advance of the meeting. The comments will be provided to the ARC members for consideration. Individuals who wish to join the ARC must RSVP via this link *https://surveys.consumerfinance.gov/jfe/form/SV_d5R4v7iyk4JlDYF* by noon, September 23, 2020. Members of the public must RSVP by the due date.

III. Availability

The Council's agenda will be made available to the public on Wednesday, September 23, 2020, via *consumerfinance.gov.* Individuals should express in their RSVP if they require a paper copy of the agenda.

A recording and transcript of this meeting will be available after the meeting on the Bureau's website *consumerfinance.gov.*

Kirsten Sutton,

Chief of Staff, Bureau of Consumer Financial Protection.

[FR Doc. 2020–19525 Filed 9–4–20; 8:45 am]

BILLING CODE 4810–AM–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

Consumer Advisory Board Meeting

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice of public meeting.

SUMMARY: Under the Federal Advisory Committee Act (FACA), this notice sets forth the announcement of a public meeting of the Consumer Advisory Board (CAB or Board) of the Bureau of Consumer Financial Protection (Bureau). The notice also describes the functions of the Board.

DATES: The meeting date is Wednesday, September 24, 2020, from approximately 1:00 p.m. to 4:45 p.m. eastern daylight time. This meeting will take place via conference call and is open to the general public. Members of the public will receive the agenda and dial-in information when they RSVP.

FOR FURTHER INFORMATION CONTACT: Kim George, Outreach and Engagement Associate, Advisory Board and Councils Office, External Affairs, at 202–450–8617, or email: *CFPB_CABandCouncilsEvents@cfpb.gov.* If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 3 of the Charter of the Board states that: The purpose of the Board is outlined in section 1014(a) of the Dodd-Frank Wall Street Reform and Consumer Protection Act, which states that the Board shall ''advise and consult with the Bureau in the exercise of its functions under the Federal consumer financial laws'' and ''provide information on emerging practices in the consumer financial products or services industry, including regional trends, concerns, and other relevant information.''

To carry out the Board's purpose, the scope of its activities shall include providing information, analysis, and recommendations to the Bureau. The Board will generally serve as a vehicle for market intelligence and expertise for the Bureau. Its objectives will include identifying and assessing the impact on consumers and other market participants of new, emerging, and changing products, practices, or services.

II. Agenda

The CAB will discuss broad policy matters related to the Bureau's Unified Regulatory Agenda and general scope of authority; including discussions on recent Bureau initiatives and the impact of the COVID–19 pandemic on consumers and financial markets.

Persons who need a reasonable accommodation to participate should contact *CFPB_504Request@cfpb.gov,* 202–435–9EEO, 1–855–233–0362, or 202–435–9742 (TTY) at least ten (10) business days prior to the meeting or event to request assistance. The request must identify the date, time, location, and title of the meeting or event, the nature of the assistance requested, and contact information for the requester. The Bureau will strive to provide, but cannot guarantee that accommodation will be provided for late requests.

Written comments will be accepted from interested members of the public and should be sent to *CFPB_CABandCouncilsEvents@cfpb.gov,* a minimum of seven (7) days in advance of the meeting. The comments will be provided to the CAB members for consideration. Individuals who wish to join the Board must RSVP via this link *https://surveys.consumerfinance.gov/jfe/form/SV_802S461amK1hSwl* by noon, September 22, 2020. Members of the public must RSVP by the due date.

III. Availability

The Board's agenda will be made available to the public on Tuesday, September 22, 2020, via *consumerfinance.gov.* Individuals should express in their RSVP if they require a paper copy of the agenda.

A recording and summary of this meeting will be available after the meeting on the Bureau's website *consumerfinance.gov.*

Kirsten Sutton,

Chief of Staff, Bureau of Consumer Financial Protection.

[FR Doc. 2020–19530 Filed 9–4–20; 8:45 am]

BILLING CODE 4810–AM–P

COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

Agency Information Collection Activities: Proposed Collection; Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: Court Services and Offender Supervision Agency for the District of Columbia (CSOSA).

ACTION: Notice and request for comments.

SUMMARY: As part of a federal government-wide effort to streamline the process to seek feedback from the public on service delivery, CSOSA is seeking comment on the development of the following proposed Generic Information Collection Request (Generic ICR): ''Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery'' for approval under the Paperwork Reduction Act (PRA). This notice announces our intent to submit this collection to OMB for approval and solicit comments on specific aspects for the proposed information collection.

DATES: Consideration will be given to all comments received by November 9, 2020.

ADDRESSES: You may submit written comments, identified by ''Collection of Qualitative Feedback on Agency Service Delivery'' to: Rochelle Durant, Program Analyst, Office of General Counsel, Court Services and Offender Supervision Agency at *Rochelle.Durant@csosa.gov.*

Comments submitted in response to this notice may be made available to the public. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket and may be made available on the internet. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comments that may be made available to the public notwithstanding the inclusion of the routine notice.

FOR FURTHER INFORMATION CONTACT: Rochelle Durant, Program Analyst, Office of General Counsel, Court Services and Offender Supervision Agency for the District of Columbia at *Rochelle.Durant@csosa.gov* or (202) 220–5304.

For content support: Trina Stewart, Supervisory Intergovernmental and Community Affairs Specialist, Court Services and Offender Supervision Agency for the District of Columbia at *Trina.Stewart@csosa.gov* or (202) 220–5526.

SUPPLEMENTARY INFORMATION:

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

Abstract: Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they collect or sponsor. Section 3506(c)(2)(A) of the PRA (944 U.S.C. 3506(c)(2)(A) requires federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection of information to OMB for approval. To comply with this requirement, CSOSA is publishing notice of the proposed collection of information set forth in this document. The proposed information collection activity provides a means to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

The Agency has traditionally used paper form surveys as its primary public information collection method. However, to further comply with the goals of the PRA, the Agency recently implemented the use of online electronic survey tools to obtain customer and client feedback regarding Agency programs and supervision support services. *During the COVID–19 pandemic,* the approval from OMB to utilize an electronic option to complete the Agency's standard surveys online was extremely helpful in sustaining our engagement with the community. The contents in the online version and in paper versions of the Agency's surveys will remain identical. Once in person meetings are resumed, CSOSA will continue to offer paper option for respondents who prefer that option.

Similar to the process used for gaining public feedback via the Agency's traditional paper form surveys, the online surveys are forwarded to the meeting participants at the conclusion of an event or program via the participants previously registered email address or at the end of a virtual meeting in the chat box or via a slide with a link that leads to the online survey. The results of the electronic surveys are tallied by the online software and then forwarded to a centralized user account for further evaluation and review or to be merged with any results from completed hard copy paper surveys.

The solicitation of feedback will target areas such as: timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on the Agency's services will be unavailable.

The Agency will only submit a collection for approval under this generic clearance if it meets the following conditions:

1. The collections are voluntary;
2. The collections are low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the federal government;
3. The collections are non-controversial and do not raise issues of concern to other federal agencies;
4. Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;
5. Personally identifiable information (PII) is collected only to the extent necessary and is not retained;
6. Information gathered will be used only internally for general service improvement and program management purposes and is not intended for release outside of the agency;
7. Information gathered will not be used for the purpose of substantially

informing influential policy decisions; and

8. Information gathered will yield qualitative information; the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under this generic clearance provides useful information, but it does not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

As a general matter, information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

Current Actions: New collection of information.

Type of Review: New Collection.

(1) Affected Public: Individuals currently under CSOSA supervision. CSOSA stakeholders including criminal justice system (*e.g.,* judges, law enforcement officers) and community partners.

Estimated Number of Respondents: 540.

Below we provide projected average estimates for the next three years:

Average Expected Annual Number of activities: 18.

Average number of Respondents per Activity: 30.

Annual responses: 540.

Frequency of Response: Once per request.

Average minutes per response: 10.

Burden hours: 75.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. Comments are invited on: (a) Whether the 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 collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) whether paper or electronic information collection is preferred and explanation regarding choice; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Rochelle Durant,

Program Analyst, Court Services and Offender Supervision Agency for the District of Columbia.

[FR Doc. 2020–19732 Filed 9–4–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Innovation Board; Notice of Federal Advisory Committee Meeting

AGENCY: Under Secretary of Defense for Research & Engineering, Department of Defense (DoD).

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The DoD is publishing this notice to announce that the following Federal Advisory Committee meeting of the Defense Innovation Board (DIB) will take place.

DATES: Open to the public, Tuesday, September 15, 2020 from 12:30 p.m. to 2:30 p.m. Eastern Standard Time (EST). This meeting will be held virtually. Link to join will be available on the DIB's website. (Pre-meeting registration is required. See guidance in **SUPPLEMENTARY INFORMATION**, ''Meeting Accessibility'').

FOR FURTHER INFORMATION CONTACT: Ms. Colleen Laughlin, (571) 372–0933 (Voice), *colleen.r.laughlin.civ@mail.mil* or *osd.innovation@mail.mil* (Email). Mailing address is Defense Innovation Board, 3030 Defense Pentagon, Room 5E572, Washington, DC 20301–3030. Website: *http://innovation.defense.gov.* The most up-to-date changes to the meeting agenda can be found on the website.

SUPPLEMENTARY INFORMATION: Due to circumstances beyond the control of the Department of Defense and the Designated Federal Officer (DFO) for the Defense Innovation Board, the Defense Innovation Board was unable to provide public notification required by 41 CFR 102–3.150(a) concerning its September 15, 2020 meeting. Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement. 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 and 102–3.150.

Purpose of the Meeting: To obtain, review, and evaluate information related to the Board's mission to address future challenges and accelerate innovation adoption into the culture, technologies, organizational structures, processes, and any other topics raised by the Secretary of Defense, the Deputy Secretary of Defense, the Chief Management Officer of the Department of Defense (CMO) (''the DoD Appointing Authorities''), or the Under Secretary of Defense for Research and Engineering (USD(R&E).

Agenda: The meeting will begin on September 15th 2020 at 12:30 p.m. ET with opening remarks by the DFO and the Board Chair. After opening remarks are presented, a DoD official will give a presentation and remarks on the importance of innovation in the Department. The Science and Technology subcommittee will brief its work on a recommendation concerning testing, evaluation, verification, and validation—TEVV—of autonomous systems, as well as a Congressionally-mandated assessment pursuant to the FY20 National Defense Authorization Act (NDAA) Section 862. The FY20 NDAA tasked the DIB to provide an independent assessment of the Department's progress in implementing acquisition training and management programs for all software acquisition professionals, software developers, and

other appropriate individuals (as determined by the Secretary of Defense), to earn a certification in software development and software acquisition. The Board will deliberate and vote on these recommendations. The Workforce, Behavior, and Culture subcommittee co-chairs will then brief the Board on its work and recommendations on commercial sector hiring and workforce trends, largely driven by COVID–19, that the Department could consider to be more competitive for technical and digital talent. The Board will deliberate and vote on the recommendation. The Space Advisory Committee chair will then provide an update on the subcommittee's administrative status and mandate. The Board will then receive an update from the Department on the implementation status of its recommendations. The meeting will adjourn at 2:30 p.m. EST.

Meeting Accessibility: Pursuant to Federal statutes and regulations (the FACA, the Sunshine Act, and 41 CFR 102–3.140 through 102–3.165) and the availability of space, the meeting is open to the public from 12:30 p.m. to 2:30 p.m. EST. Members of the public wishing to attend the virtual meeting or wanting to receive a link to the live stream webcast should register on the Board website, *http://innovation.defense.gov/meetings,* no later than September 10, 2020. Members of the media should RSVP to the Office of the Assistant to the Secretary of Defense (Public Affairs), at *osd.pentagon.pa.list.dop-atl@mail.mil.*

Special Accommodations: Individuals requiring special accommodations to access the public meeting should contact the DFO; see the **FOR FURTHER INFORMATION CONTACT** section for contact information, no later than September 10, 2020, so that appropriate arrangements can be made.

Written Statements: Written comments may be submitted to the DFO via email to mailbox address: *osd.innovation@mail.mil* in either Adobe Acrobat or Microsoft Word format. Request that all comments be submitted by September 10. The DFO will compile all written submissions and provide them to Board members for consideration. Please note that because the Board operates under the provisions of the FACA, all submitted comments will be treated as public documents and will be made available for public inspection, including, but not limited to, being posted on the Board's website.

Dated: September 2, 2020.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2020–19802 Filed 9–4–20; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket ID ED–2020–OPEPD–0096]

Administrative Priority and Definitions for Discretionary Grant Programs

AGENCY: Office of Planning, Evaluation and Policy Development, Department of Education.

ACTION: Proposed priority and definitions.

SUMMARY: The Secretary of Education proposes to establish a priority and definitions for discretionary grant programs that would promote the use of the Department of Education's (the Department's) discretionary grants funds to support remote learning (as defined in this notice).

DATES: We must receive your comments on or before October 8, 2020.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments submitted by fax or by email or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

- *Federal eRulemaking Portal:* Go to *www.regulations.gov* to submit your comments electronically. Information on using *Regulations.gov,* including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under ''Help.''
- *Postal Mail, Commercial Delivery, or Hand Delivery:* If you mail or deliver your comments about the proposed priority and definitions, address them to Kelly Terpak, U.S. Department of Education, 400 Maryland Avenue SW, Room 4W312, Washington, DC 20202.

Privacy Note: The Department's policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at *www.regulations.gov.* Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: Kelly Terpak, U.S. Department of Education, 400 Maryland Avenue SW, Room 4W312, Washington, DC 20202. Telephone: (202) 205–5231. Email: *kelly.terpak@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:

Invitation to Comment: We invite you to submit comments regarding the proposed priority and definitions. To ensure that your comments have maximum effect in developing the notice of final priority and definitions, we urge you to identify clearly the specific section of the proposed priority or definition that each comment addresses.

We invite you to assist us in complying with the specific requirements of Executive Orders 12866, 13563, and 13771 and their overall requirement of reducing regulatory burden that might result from the proposed priority and definitions. Please let us know of any further ways we could reduce potential costs or increase potential benefits while preserving the effective and efficient administration of our programs.

During and after the comment period, you may inspect all public comments about the proposed priority and definitions by accessing *Regulations.gov.* Due to the novel coronavirus 2019 (COVID–19) pandemic, the Department buildings are currently not open to the public. However, upon reopening you may also inspect the comments in person in room 4W312, 400 Maryland Avenue SW, Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Eastern time, Monday through Friday of each week except Federal holidays.

Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record: On request we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for the proposed priority and definitions. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

Program Authority: 20 U.S.C. 1221e–3.

Proposed Priority: The Secretary proposes the following priority.

Building Capacity for Remote Learning

Background:

The novel coronavirus 2019 (COVID–19) pandemic resulted in elementary,

secondary, and post-secondary school closures across the country in school year 2019–2020, impacting almost 60 million elementary and secondary school students, and more than 20 million postsecondary students. These closures uncovered divides among schools with respect to their ability to leverage remote learning. Some schools were prepared to help their students continue learning by integrating a host of strategies such as streamlining content delivery, providing formal and informal opportunities for students to receive support and feedback, providing accessible materials, and providing every student access to a device and internet connections while protecting student privacy. But far too many schools were not prepared to offer these supports, and their students did not receive relevant and engaging content, ongoing feedback, or could not access online materials, disproportionately harming the education of lower income children.[1] Concerns about significant potential learning losses persist moving into the 2020–2021 school year. For example, a recent analysis found that if in-person classes do not resume until January 2021, Hispanic, Black, and low income students will lose 9.2, 10.3, and 12.4 months of learning, respectively.[2] These disparate student experiences highlight the importance of in person instruction, especially for certain populations of students, rethinking education in general, and the critical role remote learning plays as a part of regular instructional programming and as a crucial link that can allow high-quality teaching and learning to continue when regular instruction is disrupted. As States, school districts, and schools work to ensure improved student outcomes and continued learning, students throughout the country must have access to high-quality remote learning to both ensure agile and responsive education systems and access to remote learning when it is the right educational option for a child. Educators also need training and support to help them to master remote instruction. Therefore, the Department is proposing a priority to build State and local capacity to support remote learning and instruction. The Secretary may choose to include the entire priority within a grant program or merely one or more of the priority's component parts. In addition, proposed component part (f) of the priority would only be used in conjunction with another component part of the priority.

Proposed Priority: Under this priority, an applicant must propose a project that is designed to address one or more of the following priority areas:

(a) Adopting and supporting models that leverage technology (*e.g.,* universal design for learning, competency-based education (as defined in this notice), or hybrid/blended learning) and provide high-quality digital learning content, applications, and tools.

(b) Providing personalized and job-embedded professional learning to build the capacity of educators to effectively use technology to create remote learning experiences that advance student engagement and learning (*e.g.,* synchronous and asynchronous professional learning, professional learning networks or communities, and coaching).

(c) Providing access to any of the following, in particular to serve learners without access to such technologies: Reliable, high-speed internet, learning devices, and software applications that meet all students' and educators' remote learning needs while inside the school building and in remote learning environments. These technology costs cannot exceed 10 percent of the overall costs for all activities of the project.

(d) Developing performance-based assessments that promote competency-based education that can be delivered remotely or in-person to students and obtain valid and reliable results that accurately document students' skills (*e.g.,* inquiry/game-based assessment or data visualization tools for monitoring ongoing learning).

(e) Supporting the development of digital interoperable credentials (as defined in this notice) that make transparent the competencies achieved through remote learning experiences and allow students to access, control, and share their achievements across a variety of education and training processes (formal or informal, classroom-based, remote, or workplace-based). Information on these credentials must be publicly accessible using linked open data formats to ensure their transferability and the continuity of learning for students.

(f) Providing high-quality remote learning or competency-based education specifically for one or more of the following student subgroups: Students from low-income families, students with disabilities, English learners, Native American students, homeless students, and students attending schools in rural areas.

The remote learning environment must be accessible to individuals with disabilities in accordance with Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act, as applicable. The remote learning environment must also provide appropriate remote learning language assistance services to English learners.

Types of Priorities:

When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a notice in the **Federal Register**. The effect of each type of priority follows:

Absolute priority: Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Competitive preference priority: Under a competitive preference priority, we give competitive preference to an application by (1) awarding additional points, depending on the extent to which the application meets the priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

Invitational priority: Under an invitational priority we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (34 CFR 75.105(c)(1)).

Proposed Definitions

Background:

The Department proposes definitions for ''remote learning,'' ''competency-based education,'' and ''interoperable credentials'' to ensure common understanding of the terms used in the proposed priority.

Proposed Definitions:

The Secretary proposes the following definitions for use in any Department discretionary grant competition in which the proposed priority is used:

Competency-based education (CBE) (also called proficiency-based or mastery-based learning) means learning based on knowledge and skills that are transparent and measurable. Progression is based on demonstrated mastery of what students are expected to know (knowledge) and be able to do (skills), rather than seat time or age.

Interoperable credentials are those credentials built using open standards so that they are shareable, verifiable, portable, and secure. The credentials describe the specific achievements, such as credential type, skill level, or other

[1] Gross, B. and Alice O. (2020). Too Many Schools Leave Learning to Chance During the Pandemic. Center on Reinventing Public Education.

[2] Dorn, E., Hancock, B., Sarakatannis, J., and Viruleg, E. (2020). COVID–19 and student learning in the United States: The hurt could last a lifetime. McKinsey & Company.

information, using common, standardized frameworks so that the data are machine readable, exchangeable, and actionable across technology systems and, when appropriate, on the web. When credentials are interoperable, a full range of an individual's skills and achievements, earned through formal and informal learning experiences or workplace-based training, can be collected together and verified, regardless of available technology systems, reducing challenges as individuals transition between education and employment.

Remote learning means programming where at least part of the learning occurs away from the physical building in a manner that addresses a learner's educational needs. Remote learning may include online, hybrid/blended learning, or non-technology-based learning (*e.g.,* lab kits, project supplies, paper packets).

Final Priority and Definitions:

We will announce the final priority and definitions in a document in the **Federal Register**. We will determine the final priority and definitions after considering responses to the proposed priority and definitions and other information available to the Department. This document does not preclude us from proposing additional priorities, requirements, definitions, or selection criteria, subject to meeting applicable rulemaking requirements.

Note: This document does *not* solicit applications. In any year in which we choose to use the priority and definitions, we invite applications through a notice in the **Federal Register**.

Executive Orders 12866, 13563, and 13771

Regulatory Impact Analysis

Under Executive Order 12866, it must be determined whether this regulatory action is ''significant'' and, therefore, subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of $100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities in a material way (also referred to as an ''economically significant'' rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

This proposed regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

Under Executive Order 13771, for each new regulation that the Department proposes for notice and comment or otherwise promulgates that is a significant regulatory action under Executive Order 12866, and that imposes total costs greater than zero, it must identify two deregulatory actions. For FY 2020, any new incremental costs associated with a new significant regulation must be fully offset by the elimination of existing costs through deregulatory actions. However, Executive Order 13771 does not apply to ''transfer rules'' that cause only income transfers between taxpayers and program beneficiaries, such as those regarding discretionary grant programs. Because the proposed priority and definitions would be used in connection with one or more discretionary grant programs, Executive Order 13771 does not apply.

We have also reviewed this proposed regulatory action under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only on a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency ''to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.'' The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include ''identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.''

We issue the proposed priority and definitions only on a reasoned determination that the benefits would justify the costs. In choosing among alternative regulatory approaches, we selected those approaches that would maximize net benefits. Based on an analysis of anticipated costs and benefits, we believe that the proposed priority and definitions are consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action does not unduly interfere with State, local, and Tribal governments in the exercise of their governmental functions.

Potential Costs and Benefits

The Department believes that this proposed regulatory action would not impose significant costs on eligible entities, whose participation in our programs is voluntary, and costs can generally be covered with grant funds. As a result, the proposed priority and definitions would not impose any particular burden except when an entity voluntarily elects to apply for a grant. The benefits of the proposed priority and definitions would outweigh any associated costs because they would help ensure that the Department's discretionary grant programs select high-quality applicants to implement activities that are designed to address critical remote learning needs.

Clarity of the Regulations

Executive Order 12866 and the Presidential memorandum ''Plain Language in Government Writing'' require each agency to write regulations that are easy to understand.

The Secretary invites comments on how to make these proposed priorities and definitions easier to understand, including answers to questions such as the following:

• Are the requirements in the proposed regulations clearly stated?

• Do the proposed regulations contain technical terms or other wording that interferes with their clarity?

• Does the format of the proposed regulations (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce their clarity?

• Would the proposed regulations be easier to understand if we divided them into more (but shorter) sections?

• Could the description of the proposed regulations in the **SUPPLEMENTARY INFORMATION** section of this preamble be more helpful in making the proposed regulations easier to understand? If so, how?

• What else could we do to make the proposed regulations easier to understand?

To send any comments that concern how the Department could make the proposed priority and definitions easier to understand, see the instructions in the **ADDRESSES** section.

Regulatory Flexibility Act Certification

The Secretary certifies that this proposed regulatory action would not have a significant economic impact on a substantial number of small entities. The U.S. Small Business Administration Size Standards define proprietary institutions as small businesses if they are independently owned and operated, are not dominant in their field of operation, and have total annual revenue below $7,000,000. Nonprofit institutions are defined as small entities if they are independently owned and operated and not dominant in their field of operation. Public institutions are defined as small organizations if they are operated by a government overseeing a population below 50,000.

Of the impacts we estimate accruing to grantees or eligible entities, all are voluntary and related mostly to an increase in the number of applications prepared and submitted annually for competitive grant competitions. Therefore, we do not believe that the proposed priority and definitions would significantly impact small entities beyond the potential for increasing the likelihood of their applying for, and receiving, competitive grants from the Department.

Paperwork Reduction Act

The proposed priority and definitions do not contain any information collection requirements.

Intergovernmental Review: This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the program 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 the 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.

Betsy DeVos,

Secretary.

[FR Doc. 2020–19741 Filed 9–4–20; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Request for Information: Understanding Workforce-Development Assets and Gaps for Technical and Non-Technical Bioenergy Workforce Preparation

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

ACTION: Request for information (RFI).

SUMMARY: The U.S. Department of Energy (DOE) invites public comment on its Request for Information (RFI) number DE–FOA–00002413 regarding bioenergy workforce-development methods and tools available, as well as those needed in the United States. Specifically, this RFI seeks to provide BETO with evidence-based workforce-development data to help individuals to link to existing and new bioenergy workforce-development tools in order to assist in preparing the nation's current and future workforce for the rapidly and continually changing workforce demands to reskill and upskill in the bioenergy industry.

DATES: Responses to the RFI must be received by November 2, 2020.

ADDRESSES: Interested parties are to submit comments electronically to *bioenergizeme@ee.doe.gov.* Include ''Understanding Bioenergy Workforce-Development Assets and Gaps RFI'' as the subject of the email. Only electronic responses will be accepted. The complete RFI document is located at *https://eere-exchange.energy.gov/;* use the drop down search fields or ''bioenergy WD'' in the search field at the upper right of the screen.

FOR FURTHER INFORMATION CONTACT: Sheila Dillard; Phone: (202) 375–9258; Email: *sheila.dillard@ee.doe.gov.*

SUPPLEMENTARY INFORMATION: DOE's Bioenergy Technologies Office (BETO) focuses on applied research and development (R&D) to enable sustainable and cost-effective technologies that are capable of producing bioenergy from non-food sources, such as cellulosic biomass, algae, and wet waste. BETO allocates funding to National Laboratories and industry partners for R&D to reduce the price of biofuel, bioproduct, and biopower production while promoting a thriving U.S. bioeconomy. By working with public- and private-sector partners to advance the domestic bioenergy industry and accompanying workforce, BETO ensures that American families and businesses have multiple affordable and reliable energy and transportation options.

This RFI seeks to provide evidence-based workforce-development data to help individuals link to existing and new bioenergy workforce-development tools, such as the Bioenergy Career Map, which may be found at *https://www.energy.gov/eere/bioenergy/bioenergy-career-map.* DOE is seeking information from industry, academia, K–12 and postsecondary educators, career counselors, National Laboratories, Government agencies, and other stakeholders to aid in identifying existing bioenergy workforce-development (1) learning/skill development assets and (2) gaps that impede skill development and learning opportunities. This evidence-based workforce-development data will also assist in preparing the nation's current and future workforce for the rapidly and continually changing workforce demands to reskill and upskill in the bioenergy industry. The RFI is available

at: *https://eere-exchange.energy.gov/;* use the drop-down search fields or ''BioWD'' in the search field at the upper right of the screen.

Confidential Business Information

Pursuant to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email, postal mail, or hand delivery two well-marked copies: One copy of the document marked ''confidential'' including all the information believed to be confidential, and one copy of the document marked ''non-confidential'' with the information believed to be confidential deleted. Submit these documents via email or on a CD, if feasible. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

It is DOE's policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

Signing Authority

This document of the Department of Energy was signed on September 2, 2020, by Michael Berube, Acting Director of the Bioenergy Technologies Office, Office of 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 September 2, 2020.

Treena V. Garrett,

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

[FR Doc. 2020–19790 Filed 9–4–20; 8:45 am]

BILLING CODE 6450–01–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: RP20–1132–000.
Applicants: Equitrans, L.P.
Description: § 4(d) Rate Filing: Negotiated Rate Agreement—EQT FTS—9/1/2020 to be effective 9/1/2020.
Filed Date: 8/31/20.
Accession Number: 20200831–5111.
Comments Due: 5 p.m. ET 9/14/20.

Docket Numbers: RP20–1133–000.
Applicants: Gulf South Pipeline Company, LLC.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmt (Atlanta Gas 8438 to various eff 9–1–2020) to be effective 9/1/2020.
Filed Date: 8/31/20.
Accession Number: 20200831–5168.
Comments Due: 5 p.m. ET 9/14/20.

Docket Numbers: RP20–1134–000.
Applicants: Florida Gas Transmission Company, LLC.
Description: § 4(d) Rate Filing: Fuel Filing on 8–31–20 to be effective 10/1/2020.
Filed Date: 8/31/20.
Accession Number: 20200831–5124.
Comments Due: 5 p.m. ET 9/14/20.

Docket Numbers: RP20–1135–000.
Applicants: Viking Gas Transmission Company.
Description: Compliance filing Temporary and Limited Waiver of Part 8.26 Fuel and Loss Retention Adjustment.
Filed Date: 8/31/20.
Accession Number: 20200831–5125.
Comments Due: 5 p.m. ET 9/14/20.

Docket Numbers: RP20–1136–000.
Applicants: Gulf South Pipeline Company, LLC.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmt (Marathon 51754 to ConocoPhillips 53068) to be effective 9/1/2020.
Filed Date: 8/31/20.
Accession Number: 20200831–5133.
Comments Due: 5 p.m. ET 9/14/20.

Docket Numbers: RP20–1137–000.
Applicants: Gulf South Pipeline Company, LLC.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmt (Constellation 53028 to Exelon 53080) to be effective 9/1/2020.
Filed Date: 8/31/20.
Accession Number: 20200831–5134.
Comments Due: 5 p.m. ET 9/14/20.

Docket Numbers: RP20–1138–000.
Applicants: Gulf South Pipeline Company, LLC.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmt (Mobile 42488 to Southern 53082) to be effective 9/1/2020.
Filed Date: 8/31/20.
Accession Number: 20200831–5136.
Comments Due: 5 p.m. ET 9/14/20.

Docket Numbers: RP20–1139–000.
Applicants: Crossroads Pipeline Company.
Description: Compliance filing Compliance to RP20–657 Settlement to be effective 10/1/2020.
Filed Date: 8/31/20.
Accession Number: 20200831–5137.
Comments Due: 5 p.m. ET 9/14/20.

Docket Numbers: RP20–1140–000.
Applicants: UGI Sunbury, LLC.
Description: § 4(d) Rate Filing: Modify Annual Charge Adjustment (ACA) Provision to be effective 10/1/2020.
Filed Date: 8/31/20.
Accession Number: 20200831–5138.
Comments Due: 5 p.m. ET 9/14/20.

Docket Numbers: RP20–1141–000.
Applicants: Columbia Gulf Transmission, LLC.
Description: Compliance filing CGT Cashout Report 2020 to be effective N/A.
Filed Date: 8/31/20.
Accession Number: 20200831–5148.
Comments Due: 5 p.m. ET 9/14/20.

Docket Numbers: RP20–1142–000.
Applicants: MoGas Pipeline LLC.
Description: § 4(d) Rate Filing: MoGas Pipeline Annual Fuel Tracker Filing to be effective 10/1/2020.
Filed Date: 8/31/20.
Accession Number: 20200831–5154.
Comments Due: 5 p.m. ET 9/14/20.

Docket Numbers: RP20–1143–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Negotiated Rates—Various 9–1–2020 Releases to be effective 9/1/2020.
Filed Date: 8/31/20.
Accession Number: 20200831–5167.
Comments Due: 5 p.m. ET 9/14/20.

Docket Numbers: RP20–1144–000.
Applicants: Dauphin Island Gathering Partners.
Description: § 4(d) Rate Filing: Negotiated Rate Filing—Chevron 8–31–2020 to be effective 9/1/2020.
Filed Date: 8/31/20.
Accession Number: 20200831–5184.
Comments Due: 5 p.m. ET 9/14/20.

Docket Numbers: RP20–1145–000.
Applicants: NEXUS Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Negotiated Rates—Columbia Gas 860005 9–1–2020 Releases to be effective 9/1/2020.

Filed Date: 8/31/20.
Accession Number: 20200831–5186.
Comments Due: 5 p.m. ET 9/14/20.

Docket Numbers: RP20–1146–000.
Applicants: WBI Energy Transmission, Inc.
Description: § 4(d) Rate Filing: 2020 Semi-Annual Fuel & Electric Power Reimbursement Adjustment to be effective 10/1/2020.
Filed Date: 8/31/20.
Accession Number: 20200831–5261.
Comments Due: 5 p.m. ET 9/14/20.

Docket Numbers: RP20–1147–000.
Applicants: Northern Natural Gas Company.
Description: § 4(d) Rate Filing: 20200831 Negotiated Rate Filing to be effective 9/1/2020.
Filed Date: 8/31/20.
Accession Number: 20200831–5264.
Comments Due: 5 p.m. ET 9/14/20.

Docket Numbers: RP20–1148–000.
Applicants: Dominion Energy Cove Point LNG, LP.
Description: Compliance filing DECP—2020 Revenue Crediting Report to be effective N/A.
Filed Date: 8/31/20.
Accession Number: 20200831–5268.
Comments Due: 5 p.m. ET 9/14/20.

Docket Numbers: RP20–1149–000.
Applicants: Dominion Energy Carolina Gas Transmission.
Description: Compliance filing DECG—2020 Penalty Crediting Sharing Report to be effective N/A.
Filed Date: 8/31/20.
Accession Number: 20200831–5300.
Comments Due: 5 p.m. ET 9/14/20.

Docket Numbers: RP20–1150–000.
Applicants: MarkWest Pioneer, L.L.C.
Description: § 4(d) Rate Filing: Quarterly Fuel Adjustment Filing to be effective 10/1/2020.
Filed Date: 8/31/20.
Accession Number: 20200831–5305.
Comments Due: 5 p.m. ET 9/14/20.

Docket Numbers: RP20–1151–000.
Applicants: El Paso Natural Gas Company, L.L.C.
Description: § 4(d) Rate Filing: Negotiated Rate Agreement Update (APS Sept 2020) to be effective 9/1/2020.
Filed Date: 8/31/20.
Accession Number: 20200831–5316.
Comments Due: 5 p.m. ET 9/14/20.

Docket Numbers: RP20–1152–000.
Applicants: Natural Gas Pipeline Company of America.
Description: § 4(d) Rate Filing: Negotiated Rate Agreements Filing-Sabine Pass Liquefaction, LLC to be effective 10/1/2020.
Filed Date: 8/31/20.
Accession Number: 20200831–5386.
Comments Due: 5 p.m. ET 9/14/20.

Docket Numbers: RP20–1153–000.
Applicants: Southern Star Central Gas Pipeline, Inc.
Description: § 4(d) Rate Filing: Vol. 2—Non-Conforming Discount Agreement—Spire Marketing to be effective 9/1/2020.
Filed Date: 8/31/20.
Accession Number: 20200831–5404.
Comments Due: 5 p.m. ET 9/14/20.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: September 1, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–19767 Filed 9–4–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP20–514–000]

Transcontinental Gas Pipe Line Company, LLC; Notice of Request Under Blanket Authorization

Take notice that on August 24, 2020, Transcontinental Gas Pipe Line Company, LLC (Transco), Post Office Box 1396, Houston, Texas 77251, filed a prior notice application pursuant to sections 157.205 and 157.216 of the Federal Energy Regulatory Commission's (Commission) regulations under the Natural Gas Act, and Transco's blanket certificate issued in Docket No. CP82–426. Transco proposes to abandon an existing 6-inch supply lateral interconnecting with Transco's Mainline A, (hereinafter referred to as the Shell Elba Lateral) and appurtenant metering facilities, all located in St. Landry Parish, Louisiana. Details of Transco's 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 application should be directed to Andre Pereira, Regulatory Analyst, Senior, at: P.O. Box 1396, Houston, Texas 77251; or by phone at: (713) 215–4362.

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 ''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.

Dated: September 1, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–19768 Filed 9–4–20; 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 corporate filings:

Docket Numbers: EC20–94–000.
Applicants: IIF US Holding LP, IIF US Holding 2 LP.
Description: Application for Authorization Under Section 203 of the Federal Power Act, et al. of IIF US Holding LP, et al.
Filed Date: 8/31/20.
Accession Number: 20200831–5451.
Comments Due: 5 p.m. ET 9/21/20.

Docket Numbers: EC20–95–000.
Applicants: Up Power Marketing, LLC.
Description: Application for Authorization Under Section 203 of the Federal Power Act, et al. of UP Power Marketing, LLC.
Filed Date: 8/31/20.
Accession Number: 20200831–5480.
Comments Due: 5 p.m. ET 9/21/20.

Docket Numbers: EC20–96–000.
Applicants: NRG Energy, Inc., Direct Energy Marketing Inc., Direct Energy Services, LLC., Direct Energy Business, LLC, Direct Energy Business Marketing, LLC, Gateway Energy Services Corporation.
Description: Application for Authorization Under Section 203 of the Federal Power Act, et al. of NRG Energy, Inc., et al.
Filed Date: 8/31/20.
Accession Number: 20200831–5492.
Comments Due: 5 p.m. ET 10/15/20.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER12–161–022; ER12–2068–018; ER12–645–022; ER10–2460–018; ER10–2461–019; ER12–682–019; ER10–2463–018; ER11–2201–022; ER13–1139–021; ER13–17–016; ER14–25–017; ER14–2630–014; ER12–1311–018; ER10–2466–019; ER11–4029–018.
Applicants: Bishop Hill Energy LLC., Blue Sky East, LLC, California Ridge Wind Energy LLC, Canandaigua Power Partners, LLC, Canandaigua Power Partners II, LLC, Erie Wind, LLC, Evergreen Wind Power, LLC, Evergreen Wind Power III, LLC, Imperial Valley Solar 1, LLC, Niagara Wind Power, LLC, Prairie Breeze Wind Energy LLC, Regulus Solar, LLC, Stetson Holdings, LLC, Stetson Wind II, LLC, Vermont Wind, LLC.
Description: Notice of Non-Material Change in Status of Bishop Hill Energy LLC, et al.
Filed Date: 8/31/20.
Accession Number: 20200831–5502.
Comments Due: 5 p.m. ET 9/21/20.

Docket Numbers: ER20–282–002.
Applicants: FPL Energy Illinois Wind, LLC.
Description: Compliance filing: Compliance filing for Docket ER20–282 to be effective 12/31/2019.
Filed Date: 9/1/20.
Accession Number: 20200901–5135.
Comments Due: 5 p.m. ET 9/22/20.

Docket Numbers: ER20–2379–000.
Applicants: Sugar Creek Wind One LLC.
Description: Supplement to July 10, 2020 Sugar Creek Wind One LLC tariff filing.
Filed Date: 8/31/20.
Accession Number: 20200831–5484.
Comments Due: 5 p.m. ET 9/21/20.

Docket Numbers: ER20–2586–000.
Applicants: North Fork Ridge Wind, LLC.
Description: Supplement to July 31, 2020 North Fork Ridge Wind, LLC tariff filing.
Filed Date: 8/31/20.
Accession Number: 20200831–5478.
Comments Due: 5 p.m. ET 9/21/20.

Docket Numbers: ER20–2587–000.
Applicants: Kings Point Wind, LLC.
Description: Supplement to July 31, 2020 Kings Point Wind, LLC tariff filing.
Filed Date: 8/31/20.
Accession Number: 20200831–5479.
Comments Due: 5 p.m. ET 9/21/20.

Docket Numbers: ER20–2788–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Compliance filing: 2020–08–31_Compliance Filing regarding Affected Systems (PJM JOA) to be effective 9/1/2020.
Filed Date: 8/31/20.
Accession Number: 20200831–5378.
Comments Due: 5 p.m. ET 9/21/20.

Docket Numbers: ER20–2789–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amendment to ISA No. 4047; Queue None, Robert Mone Plant (consent and amend) to be effective 11/1/2014.
Filed Date: 8/31/20.
Accession Number: 20200831–5399.
Comments Due: 5 p.m. ET 9/21/20.

Docket Numbers: ER20–2790–000.
Applicants: Appalachian Power Company.
Description: § 205(d) Rate Filing: OATT—Revise Attachment K, AEP Texas Inc. Rate Update to be effective 12/31/9998.
Filed Date: 8/31/20.
Accession Number: 20200831–5392.
Comments Due: 5 p.m. ET 9/21/20.

Docket Numbers: ER20–2791–000.
Applicants: PacifiCorp.
Description: Tariff Cancellation: Termination of BPA Construct Agmt for Lost Creek BAA Move to be effective 11/16/2020.
Filed Date: 8/31/20.
Accession Number: 20200831–5434.
Comments Due: 5 p.m. ET 9/21/20.

Docket Numbers: ER20–2792–000.
Applicants: Missisquoi, LLC.
Description: Baseline eTariff Filing: Shared Facilities Agreement to be effective 9/1/2020.
Filed Date: 8/31/20.
Accession Number: 20200831–5438.
Comments Due: 5 p.m. ET 9/21/20.

Docket Numbers: ER20–2793–000.
Applicants: Public Service Company of Colorado.

Description: § 205(d) Rate Filing: 2020–09–01_PSC–HLYCRS-Affected Party SISA–608–000 to be effective 9/2/2020.

Filed Date: 9/1/20.

Accession Number: 20200901–5197.

Comments Due: 5 p.m. ET 9/22/20.

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: September 1, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–19766 Filed 9–4–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER20–2768–000]

Greensville County Solar Project, 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 Greensville County Solar Project, 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 21, 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: September 1, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–19769 Filed 9–4–20; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2017–0720; FRL–10012–58]

Pesticide Registration Review; Draft Human Health and/or Ecological Risk Assessments for Several Pesticides for DDVP, Naled, and Trichlorfon; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of EPA's draft human health and/or ecological risk assessments for the registration review of DDVP, naled, and trichlorfon.

DATES: Comments must be received on or before November 9, 2020.

ADDRESSES: Submit your comments, to the docket identification (ID) number for the specific pesticide of interest provided in the Table in Unit IV, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Please note that due to the public health emergency the EPA Docket Center (EPA/DC) and Reading Room was closed to public visitors on March 31, 2020. Our EPA/DC staff will continue to provide customer service via email, phone, and webform. For further information on EPA/DC services, docket contact information and the current status of the EPA/DC and Reading Room, please visit *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: *For pesticide specific information contact:* The Chemical Review Manager for the pesticide of interest identified in the Table in Unit IV.

For general questions on the registration review program, contact: Melanie Biscoe, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (703) 305–7106; email address: *biscoe.melanie@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, farm worker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the Chemical Review Manager identified in the Table in Unit IV.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. 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 comprehensive draft human health and/or ecological risk assessments for all pesticides listed in the Table in Unit IV. After reviewing comments received during the public comment period, EPA may issue a revised risk assessment, explain any changes to the draft risk assessment, and respond to comments and may request public input on risk mitigation before completing a proposed registration review decision for the pesticides listed in the Table in Unit IV. Through this program, EPA is ensuring that each pesticide's registration is based on current scientific and other knowledge, including its effects on human health and the environment.

III. Authority

EPA is conducting its registration review of the chemicals listed in the Table in Unit IV pursuant to section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Procedural Regulations for Registration Review at 40 CFR part 155, subpart C. Section 3(g) of FIFRA provides, among other things, that the registrations of pesticides are to be reviewed every 15 years. Under FIFRA, a pesticide product may be registered or remain registered only if it meets the statutory standard for registration given in FIFRA section 3(c)(5) (7 U.S.C. 136a(c)(5)). When used in accordance with widespread and commonly recognized practice, the pesticide product must perform its intended function without unreasonable adverse effects on the environment; that is, without any unreasonable risk to man or the environment, or a human dietary risk from residues that result from the use of a pesticide in or on food.

IV. What action is the Agency taking?

Pursuant to 40 CFR 155.58, this notice announces the availability of EPA's human health and/or ecological risk assessments for the pesticides shown in the following table and opens a 60-day public comment period on the risk assessments.

TABLE—DRAFT RISK ASSESSMENTS BEING MADE AVAILABLE FOR PUBLIC COMMENT

Registration review case name and number	Docket ID No.	Chemical review manager and contact information
DDVP (dichlorvos), Case 0310	EPA–HQ–OPP–2009–0209	Carolyn Smith, *smith.carolyn@epa.gov,* (703) 347–8325.
Naled, Case 0092	EPA–HQ–OPP–2009–0053	Anna Romanovsky, *romanovsky.anna@epa.gov,* (703) 347–0203.
Trichlorfon, Case 0104	EPA–HQ–OPP–2009–0097	Christian Bongard, *bongard.christian@epa.gov,* (703) 347–0337.

Pursuant to 40 CFR 155.53(c), EPA is providing an opportunity, through this notice of availability, for interested parties to provide comments and input concerning the Agency's draft human health and/or ecological risk assessments for the pesticides listed in the Table in Unit IV. The Agency will consider all comments received during the public comment period and make changes, as appropriate, to a draft human health and/or ecological risk assessment. EPA may then issue a revised risk assessment, explain any changes to the draft risk assessment, and respond to comments.

Information submission requirements. Anyone may submit data or information in response to this document. To be considered during a pesticide's registration review, the submitted data or information must meet the following requirements:

- To ensure that EPA will consider data or information submitted, interested persons must submit the data or information during the comment period. The Agency may, at its discretion, consider data or information submitted at a later date.
- The data or information submitted must be presented in a legible and useable form. For example, an English translation must accompany any material that is not in English and a written transcript must accompany any information submitted as an audio-graphic or video-graphic record. Written material may be submitted in paper or electronic form.

• Submitters must clearly identify the source of any submitted data or information.

• Submitters may request the Agency to reconsider data or information that the Agency rejected in a previous review. However, submitters must explain why they believe the Agency should reconsider the data or information in the pesticide's registration review.

As provided in 40 CFR 155.58, the registration review docket for each pesticide case will remain publicly accessible through the duration of the registration review process; that is, until all actions required in the final decision on the registration review case have been completed.

Authority: 7 U.S.C. 136 *et seq.*

Dated: August 25, 2020.

Mary Reaves,

Acting Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.

[FR Doc. 2020–19778 Filed 9–4–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2020–0429; FRL–10013–50]

United States Department of Justice and Parties to Certain Litigation; Transfer of Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that pesticide related information submitted to the Environmental Protection Agency (EPA) pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA), including information that may have been claimed as Confidential Business Information (CBI) by the submitter will be transferred to the U.S. Department of Justice (DOJ) and parties to certain litigation. This transfer of data is in accordance with the CBI regulations governing the disclosure of potential CBI in litigation.

DATES: Access to this information by DOJ and the parties to certain litigation is ongoing and expected to continue during the litigation as discussed in this notice.

FOR FURTHER INFORMATION CONTACT: Pesticide Re-Evaluation Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (703) 347–0292; email address: *glyphosateregreview@epa.gov.*

SUPPLEMENTARY INFORMATION:

This notice is being provided pursuant to 40 CFR 2.209(d) to inform affected businesses that EPA, via DOJ, will provide certain information to the parties and the Court in the consolidated matters of *Rural Coalition, et al.* v. *U.S. Environmental Protection Agency,* Case No. 20–70801 (9th Cir.) and *Natural Resources Defense Council, et al.* v. *U.S. Environmental Protection Agency et al.,* Case No. 20–70787 (9th Cir.) (collectively, referred to as the ''Glyphosate Litigation''). The information is contained in documents that have been submitted to EPA pursuant to FIFRA and FFDCA by pesticide registrants or other data-submitters, including information that has been claimed to be, or determined to potentially contain CBI. In the Glyphosate Litigation, the petitioners seek judicial review of EPA's Interim Registration Review Decision (Interim Decision) for the pesticide active ingredient glyphosate that was issued pursuant to the FIFRA, 7 U.S.C. 136 *et seq.*

The documents are being produced as part of the Administrative Record of the Interim Decision at issue and include documents that registrants or other data-submitters may have submitted to EPA regarding the pesticide glyphosate, and that may be subject to various release restrictions under federal law. The information includes documents submitted with pesticide registration applications and may include CBI as well as scientific studies subject to the disclosure restrictions of FIFRA section 10(g), 7 U.S.C. 136h(g).

All documents that may be subject to release restrictions under federal law are designated as ''Confidential or Restricted Information'' under a Protective Order that parties to the Glyphosate litigation jointly filed with the court on July 1, 2020 (Dkt.37–2). The Protective Order precludes public disclosure of any such documents by the parties in this action who have received the information from EPA, unless a party successfully obtains a de-designation as Confidential or Restricted Information of any portion of the Administrative Record via the procedure described in paragraph 6 of the Protective Order, and limits the use of such documents to litigation purposes only.

EPA expects to begin providing documents no later than 10 business days from the issuance of the Protective Order. If filed with the Court, such documents would be filed under seal and would not be available for public review, unless the information contained in the document has been determined to not be subject to FIFRA section 10(g) and all CBI has been redacted. At the conclusion of the Glyphosate Litigation, paragraph 8 of the Protective Order requires that record material EPA designates as ''Confidential or Restricted Information'' be destroyed or returned to EPA.

Authority: 7 U.S.C. 136 *et seq.;* and 21 U.S.C. 301 *et seq.*

Dated: August 31, 2020.

Mary Reaves,

Acting Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.

[FR Doc. 2020–19773 Filed 9–4–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2019–0682; FRL–10013–29]

EPA Draft Proposal To Improve Lepidopteran Resistance Management; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is making available for public comment a proposal to improve current resistance management strategies for certain Lepidopteran pests of *Bacillus thuringiensis* (Bt) plant-incorporated protectants (PIPs) in corn and cotton. EPA is soliciting input from all affected stakeholders such as corn and cotton growers, crop consultants, industry, academia, non-governmental organizations and the general public.

DATES: Comments must be received on or before November 9, 2020.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2019–0682, by one of the following methods:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

• *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.

• *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

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 (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *BPPDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are a registrant or manufacturer of Bt PIPs, grow Bt corn or cotton PIPs for crop or animal production, serve as a corn agronomist, crop consultant or extension specialist, or conduct insect resistance management-related research. 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).
- Pesticide manufacturing (NAICS code 32532).

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to 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.*

C. How can I get copies of this document and other related information?

A copy of the proposal, titled ''EPA Draft Proposal to Address Resistance Risks to Lepidopteran Pests of Bt Following the July 2018 FIFRA Scientific Advisory Panel Recommendation'' is available in the docket under docket identification (ID) number EPA–HQ–OPP–2019–0682.

II. What action is the Agency taking?

EPA is making available for public comment a proposal to improve current resistance management strategies for certain Lepidopteran pests of *Bacillus thuringiensis* (Bt) plant-incorporated protectants (PIPs) in corn and cotton. EPA's proposal contains measures designed to delay lepidopteran development of resistance to Bt corn and cotton PIPs in response to multiple reports of Bt resistance among some pests. The proposal was informed by advice received by the Agency from the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel and from unsolicited comments received from several stakeholder groups. EPA believes that the proposed measures will prolong the effectiveness of Bt PIPs for Lepidopteran pest control. This goal has significance, given the long safety record of Bt PIPs. If used properly, Bt PIPs greatly reduce the need for conventional pesticides and the risks they may present to human health and the environment. EPA is soliciting comments from all affected stakeholders, including corn and cotton growers, crop consultants, industry, academia, and the general public.

As part of its regulation of Bt corn and cotton PIPs, EPA requires measures to delay the development of resistance among target pests. These measures include the use of non-Bt PIP refuges to provide susceptible insects (to dilute any resistance genes in the population), annual monitoring to detect resistance in pest populations, mitigation steps if resistance develops, a refuge compliance program, and grower education.

EPA is concerned about recent cases of Bt resistance among corn and/or cotton pests that have been documented by academic and industry researchers. Bt resistance has been reported for corn earworm, fall armyworm, western bean cutworm, and southwestern corn borer. In a white paper prepared for the SAP meeting, EPA identified a number of risk factors that likely contributed to these resistance cases and could lead to more widespread resistance incidents in the future. These risk factors include a lack of ''high dose'' toxin expression in Bt PIPs for some of the Lepidopteran target pests, cross resistance between different Bt PIPs, cross-pollination of Bt and refuge plants in Bt corn seed blend products, poor compliance with non-PIP refuge requirements, and ineffective resistance monitoring methods. Seeking guidance on these concerns, the Agency convened a FIFRA SAP meeting in July 2018. The panel was tasked with evaluating the reported cases of resistance and EPA's identified risk factors and providing guidance on potential improvements to the current resistance management program. Meeting materials, including EPA's white paper, the charge to the panel, and the SAP's final report, are available in docket number EPA–HQ–OPP–2017–0617.

Following the SAP meeting, EPA developed a proposal to bolster current resistance management strategies for Lepidopteran target pests of Bt corn and cotton PIPs. EPA's proposal addresses the following aspects of resistance management:

- A proposed new resistance definition for ''non-high dose'' Lepidopteran pests, based on unexpected injury (UXI) levels in Bt corn and cotton;
- Enhanced resistance monitoring using sentinel plots in regions at high risk of resistance and investigations of UXI cases with standardized pest damage thresholds;
- Improved resistance mitigation for cases of confirmed resistance by implementing best management practices (BMPs) once UXI has been detected;
- Increased communications among stakeholders to provide ''early warnings'' on potential cases of resistance to Bt PIPs;
- Industry reporting to EPA on UXI investigations and BMP implementation.

EPA believes these proposed enhancements are consistent with the SAP's guidance and will prolong the effectiveness of Bt corn and cotton PIPs by reducing selection pressure for resistance, improving resistance monitoring, and better mitigating populations that do develop resistance. The Agency's goals are to prolong the durability of Bt corn and cotton PIPs while maintaining the environmental benefits of these management tools.

In addition to the above elements, EPA has identified three further

measures for public comment, but will not take a position on them until it has reviewed all stakeholder input:

- Phase down of single traits and non-functional pyramids;
- Increasing percent refuge in seed blend products; and
- Measures to improve refuge compliance.

The Agency is seeking input on the proposal from potentially affected entities and other stakeholders, including (but not limited to) registrants of Bt PIPs, corn and cotton growers, crop consultants/agronomists, commodity groups, extension entomologists, academic researchers, and the general public. Commenters are also encouraged to provide input on the specific recommendations of the SAP, including alternate approaches or counter proposals towards addressing the issues raised by the panel and the Agency's resistance management goals. During the comment period, EPA will seek to further engage affected entities and other stakeholders through webinars in late July and August to discuss the proposal and answer questions.

Authority: 7 U.S.C. 136 *et seq.*

Dated: August 19, 2020.

Jean Overstreet,

Acting Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. 2020–19779 Filed 9–4–20; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1085; FRS 17037]

Information Collection Being Submitted for Review and Approval to Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.'' The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments and recommendations for the proposed information collection should be submitted on or before October 8, 2020.

ADDRESSES: Comments should be sent to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Your comment must be submitted into *www.reginfo.gov* per the above instructions for it to be considered. In addition to submitting in *www.reginfo.gov* also send a copy of your comment on the proposed information collection to Nicole Ongele, FCC, via email to *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Nicole Ongele at (202) 418–2991. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the FCC invited the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

OMB Control Number: 3060–1085.

Title: Section 9.11, Interconnected Voice Over internet Protocol (VoIP) E911 Compliance; Section 9.12, Implementation of the NET 911 Improvement Act of 2008: Location Information from Owners and Controllers of 911 and E911 Capabilities.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Individuals or Households; Business or other for-profit entities; Not-for-profit institutions; State, Local or Tribal government.

Number of Respondents and Responses: 72 respondents; 16,200,496 responses.

Estimated Time per Response: 0.09 hours (five minutes).

Frequency of Response: One-time, on occasion, third party disclosure requirement, and recordkeeping requirement.

Obligation to Respond: Statutory authority for this information collection is contained in 47 U.S.C. 151, 151–154, 152(a), 155(c), 157, 160, 201, 202, 208, 210, 214, 218, 219, 222, 225, 251(e), 255, 301, 302, 303, 307, 308, 309, 310, 316, 319, 332, 403, 405, 605, 610, 615, 615 note, 615a, 615b, 615c, 615a–1, 616, 620, 621, 623, 623 note, 721, and 1471.

Total Annual Burden: 1,481,249 hours.

Total Annual Cost: $238,890,000.

Privacy Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: The Commission is obligated by statute to promote ''safety of life and property'' and to ''encourage and facilitate the prompt deployment throughout the United States of a seamless, ubiquitous, and reliable end-to-end infrastructure'' for public safety. Congress has established 911 as the national emergency number to enable

all citizens to reach emergency services directly and efficiently, irrespective of whether a citizen uses wireline or wireless technology when calling for help by dialing 911. Efforts by federal, state and local government, along with the significant efforts of wireline and wireless service providers, have resulted in the nearly ubiquitous deployment of this life-saving service.

The Order the Commission adopted on May 19, 2005, sets forth rules requiring providers of VoIP services that interconnect with the nation's existing public switched telephone network (interconnected VoIP services) to supply E911 capabilities to their customers.

To ensure E911 functionality for customers of VoIP service providers the Commission requires the following information collections:

A. *Location Registration.* Requires providers to interconnected VoIP services to obtain location information from their customers for use in the routing of 911 calls and the provision of location information to emergency answering points.

B. *Provision of Automatic Location Information (ALI).* Interconnected VoIP service providers will place the location information for their customers into, or make that information available through, specialized databases maintained by local exchange carriers (and, in at least one case, a state government) across the country.

C. *Customer Notification.* Requires that all providers of interconnected VoIP are aware of their interconnected VoIP service's actual E911 capabilities. That all providers of interconnected VoIP service specifically advise every subscriber, both new and existing, prominently and in plain language, the circumstances under which E911 service may not be available through the interconnected VoIP service or may be in some way limited by comparison to traditional E911 service.

D. *Record of Customer Notification.* Requires VoIP providers to obtain and keep a record of affirmative acknowledgement by every subscriber, both new and existing, of having received and understood this advisory.

E. *User Notification.* In addition, in order to ensure to the extent possible that the advisory is available to all potential users of an interconnected VoIP service, interconnected VoIP service providers must distribute to all subscribers, both new and existing, warning stickers or other appropriate labels warning subscribers if E911 service may be limited or not available and instructing the subscriber to place them on or near the customer premises equipment used in conjunction with the interconnected VoIP service.

Section 506 of RAY BAUM'S Act

Section 506 of RAY BAUM'S Act, which requires the Commission to ''consider adopting rules to ensure that the dispatchable location is conveyed with a 9–1–1 call, regardless of the technological platform used and including with calls from multi-line telephone system.'' RAY BAUM'S Act also states that, ''[i]n conducting the proceeding . . . the Commission may consider information and conclusions from other Commission proceedings regarding the accuracy of the dispatchable location for a 9–1–1 call . . . .'' RAY BAUM'S Act defines a ''9–1–1 call'' as a voice call that is placed, or a message that is sent by other means of communication, to a PSAP for the purpose of requesting emergency services.

As part of implementing Section 506 of RAY BAUM'S Act, on August 1, 2019, the Commission adopted a *Report and Order* (*2019 Order*) amending, among other things, its 911 Registered Location and customer notification requirements applicable to VoIP service providers.

The Commission's *2019 Order* changed the wording of section 9.11's Registered Location requirements to facilitate the provision of automated dispatchable location in fixed and non-fixed environments. For non-fixed environments, the rule requires automated dispatchable location, if technically feasible. If not technically feasible, VoIP service providers may fall back to registered location, alternative location information for 911 calls, or a national emergency call center. Regarding customer notification requirements, the Commission afforded service providers flexibility to use any conspicuous means to notify end users of limitations in 911 service. In sum, the requirements adopted in the *2019 Order* leverage technology advancements since the 2005 *Order,* build upon the existing Registered Location requirement, expand options for collecting and supplying end-user location information with 911 calls, are flexible and technologically neutral from a compliance standpoint and serve a vital public safety interest.

NET 911 Act

The NET 911 Act explicitly imposes on each interconnected voice over Internet Protocol (VoIP) provider the obligation to provide 911 and E911 service in accordance with the Commission's existing requirements. In addition, the NET 911 Act directs the Commission to issue regulations by no later than October 21, 2008 that ensure that interconnected VoIP providers have access to any and all capabilities they need to satisfy that requirement.

On October 21, 2008, the Commission released a *Report and Order* (*2008 Order*), FCC 08–249, WC Docket No. 08–171, that implements certain key provisions of the NET 911 Act. As relevant here under the Paperwork Reduction Act (PRA), the Commission requires an owner or controller of a capability that can be used for 911 or E911 service to make that capability available to a requesting interconnected VoIP provider under certain circumstances. In particular, an owner or controller of such capability must make it available to a requesting interconnected VoIP provider if that owner or controller either offers that capability to any commercial mobile radio service (CMRS) provider or if that capability is necessary to enable the interconnected VoIP provider to provide 911 or E911 service in compliance with the Commission's rules. The information collection requirements contained in this collection guarantee continued cooperation between interconnected VoIP service providers and Public Safety Answering Points (PSAPs) in complying with the Commission's E911 requirements.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2020–19685 Filed 9–4–20; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0501; FRS 17045]

Information Collection Being Submitted for Review and Approval to Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it can further reduce the information

collection burden for small business concerns with fewer than 25 employees.

DATES: Written comments and recommendations for the proposed information collection should be submitted on or before October 8, 2020.

ADDRESSES: Comments should be sent to *www.reginfo.gov/public/do/PRAMain*. Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Your comment must be submitted into *www.reginfo.gov* per the above instructions for it to be considered. In addition to submitting in *www.reginfo.gov* also send a copy of your comment on the proposed information collection to Cathy Williams, FCC, via email to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov*. Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the FCC invited the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

OMB Control Number: 3060–0501.

Title: Section 73.1942 Candidates Rates; Section 76.206 Candidate Rates; Section 76.1611 Political Cable Rates and Classes of Time.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 17,561 respondents; 403,610 responses.

Estimated Time per Response: 0.5 hours to 20 hours.

Frequency of Response: Recordkeeping requirement; On occasion reporting requirement; Semi-annual requirement; Third party disclosure requirement.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Sections 154(i) and 315 of the Communications Act of 1934, as amended.

Total Annual Burden: 927,269 hours.

Total Annual Cost: None.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: Section 315 of the Communications Act directs broadcast stations and cable operators to charge political candidates the ''lowest unit charge of the station'' for the same class and amount of time for the same period, during the 45 days preceding a primary or runoff election and the 60 days preceding a general or special election.

The information collection requirements contained in 47 CFR 73.1942 require broadcast licensees and the requirements contained in 47 CFR 76.206 require cable television systems to disclose any station practices offered to commercial advertisers that enhance the value of advertising spots and different classes of time (immediately preemptible, preemptible with notice, fixed, fire sale, and make good). These rule sections also require licensees and cable TV systems to calculate the lowest unit charge. Broadcast stations and cable systems are also required to review their advertising records throughout the election period to determine whether compliance with these rule sections require that candidates receive rebates or credits.

The information collection requirements contained in 47 CFR 76.1611 require cable systems to disclose to candidates information about rates, terms, conditions and all value-enhancing discount privileges offered to commercial advertisers.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2020–19683 Filed 9–4–20; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 20–992; FRS 17049]

Federal Advisory Committee Act; Technological Advisory Council

AGENCY: Federal Communications Commission.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice advises interested persons that the Federal Communications Commission's (FCC) Technological Advisory Council will hold a meeting on Tuesday, September 22, 2020 via conference call and available to the public via the internet at *http://www.fcc.gov/live,* from 10:00 a.m. to 3 p.m.

DATES: Tuesday, September 22, 2020.

ADDRESSES: Federal Communications Commission, 445 12th Street SW, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Michael Ha, Deputy Chief, Policy and Rules Division 202–418–2099; *michael.ha@fcc.gov.*

SUPPLEMENTARY INFORMATION: At the September 22nd meeting, the FCC Technological Advisory Council will hear presentations from its four working groups: 5G/IOT/V–RAN, Future of Unlicensed Operations, Artificial Intelligence, and 5G Radio Access Network Technology. Meetings are broadcast live with open captioning over the internet from the FCC Live web page at *http://www.fcc.gov/live/.* The public may submit written comments

before the meeting to Michael Ha, the FCC's Designated Federal Officer for Technological Advisory Council by email: *michael.ha@fcc.gov* or U.S. Postal Service Mail (Michael Ha, Federal Communications Commission, Room 7–A134, 445 12th Street SW, Washington, DC 20554). Open captioning will be provided for this event. Other reasonable accommodations for people with disabilities are available upon request. Requests for such accommodations should be submitted via email to *fcc504@fcc.gov* or by calling the Office of Engineering and Technology at 202–418–2470 (voice), (202) 418–1944 (fax). Such requests should include a detailed description of the accommodation needed. In addition, please include your contact information. Please allow at least five days advance notice; last minute requests will be accepted but may not be possible to fill.

Federal Communications Commission.

Ronald T. Repasi,

Acting Chief, Office of Engineering and Technology.

[FR Doc. 2020–19770 Filed 9–4–20; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1139; FRS 17044]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before November 9, 2020. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele, (202) 418–2991.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–1139.

Title: FCC Consumer Broadband Services Testing and Measurement.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Businesses or other for-profit and individuals or households.

Number of Respondents and Responses: 501,020 respondents and 501,020 responses.

Estimated Time per Response: 1 hour–200 hours.

Frequency of Response: Biennial reporting requirement and third-party disclosure requirement.

Obligation to Respond: Voluntary. Statutory authority for this information collection is contained in the Broadband Data Improvement Act of 2008, Public Law 110–385, Stat 4096, 103(c)(1).

Total Annual Burden: 46,667 hours.

Total Annual Costs: No Cost.

Nature and Extent of Confidentiality: All participation in the Measuring Broadband America Program is voluntary and any participant can decline to participate at any time. No volunteers' personally identifying information (PII) such as name, phone number, or street addresses will be transmitted to the Commission from the contractor as a matter of vendor policy and agency privacy policy. SamKnows maintains a series of administrative, technical, and physical safeguards to protect against the transmission of PII. At point of registration, individuals will be given full disclosure in a ''privacy statement'' highlighting what information will be collected. Fixed Broadband ISP Partners receive PII about volunteers to confirm the validity of the information against their subscription records, but will be bound by a non-disclosure agreement that will maintain various administrative, technical and physical safeguards to protect the information and limit its use. Mobile Broadband ISP Partners have access to five kinds of information, including location and time of data collection, device type and operating system version, cellular performance and characteristics, and download, upload speed and other broadband performance, also restricted by a non-disclosure agreement that will maintain various administrative, technical and physical safeguards to protect the information and limit its use. ISP Partners providing support to the testing program will likewise be bound to the same series of administrative, technical and physical safeguards developed by SamKnows. In addition, all third parties supporting the program directly will be bound by a ''Code of Conduct'' to ensure all participate and act in good faith and with other legally enforceable documents such as non-disclosure agreements.

Privacy Act Impact Assessment: This information collection effects individuals or households. However, personally identifiable information (PII) such as name, phone number, or street addresses is not being collected by, made available to or made accessible by the Commission but instead by third parties including SamKnows, a third party contractor, and internet Service Provider (ISP) Partners.

Needs and Uses: The Commission will submit this expiring collection after this 60-day comment period to the Office of Management and Budget (OMB) to obtain the full three-year clearance.

This study's collection of information on actual speeds and performance of fixed and mobile broadband connections delivered to consumers by ISPs has been reported to be of great value to academic researchers, manufacturers and technology providers, broadband providers, public interest groups and other diverse stakeholders. Validation of fixed broadband subscribed speeds as opposed to actual speeds by participating ISPs remains unique to this program and provides a context for measured speeds. Mobile broadband performance information is measured using the FCC Speed Test app for Android and iOS devices to test the upload and download speeds, latency and packet loss, as well as the wireless

performance characteristics of the broadband connection and the kind of handsets and versions of operating systems tested. Information the FCC Speed Test App (''Application'') collects is limited to information used to measure volunteers' mobile broadband service and no personally identifiable information, such as subscribers' name, phone number or unique identifiers associated with a device is collected. Software-based tools and online tools exist that can test consumer's broadband connections, including a set of consumer tools launched by the FCC in conjunction with the National Broadband Plan. However, these tools track speeds experienced by consumers, rather than speeds delivered directly to a consumer by an ISP. The distinction is important for supporting Agency broadband policy analysis, as ISPs advertise speeds and performance delivered rather than speeds experienced, which suffers from degradation outside of an ISP's control.

No other dedicated panel of direct fixed and mobile broadband performance measurement using publicly documented methodologies using free and add-free technologies exists today in the country. The program will continue to support existing software-based tools and online tools but the focus of the program will remain the direct measurement of broadband performance delivered to the consumer. The collection effort also has specific elements focused on further network performance statistics, time of day parameters, and other elements affecting consumers' broadband experience that are not tracked elsewhere. The information to be confirmed by ISP Partners about their subscribers or technical and market data regarding the broadband services they provide is unavailable from other sources.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2020–19684 Filed 9–4–20; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RETIREMENT THRIFT INVESTMENT

Board Member Meeting

September 14, 2020, 10:00 a.m., Telephonic

Board Meeting Agenda

Open Session

1. Approval of the August 24, 2020 Joint Board/ETAC Meeting Minutes
2. Monthly Reports
   (a) Investment Performance
   (b) Legislative Report
3. Quarterly Report
   (c) Vendor Risk Management Update
4. CY 20/21 Board Meeting Calendar Review
5. FY21 Budget Review and Approval
6. External Audit Update
7. Internal Audit Update

Closed Session

Information covered under 5 U.S.C. 552b (c)(4) and (c)(9)(b).

CONTACT PERSON FOR MORE INFORMATION: Kimberly Weaver, Director, Office of External Affairs, (202) 942–1640.

SUPPLEMENTARY INFORMATION: Dial-in (listen only) information: Number: 1–877–446–3914, Code: 5433955.

Dated: September 1, 2020.

Megan Grumbine,

General Counsel, Federal Retirement Thrift Investment Board.

[FR Doc. 2020–19780 Filed 9–4–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

[60Day–20–0051; Docket No. ATSDR–2020–0005]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Agency for Toxic Substances and Disease Registry (ATSDR), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Agency for Toxic Substances and Disease Registry (ATSDR), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled ''Assessment of Chemical Exposures (ACE) Investigations.'' The purpose of ACE Investigations is to focus on performing rapid epidemiological assessments to assist state, regional, local, or tribal health departments (the requesting agencies) to respond to or prepare for acute environmental incidents.

DATES: ATSDR must receive written comments on or before November 9, 2020.

ADDRESSES: You may submit comments, identified by Docket No. ATSDR–2020–0005 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov*. Follow the instructions for submitting comments.
- *Mail*: Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. ATSDR will post, without change, all relevant comments to *Regulations.gov*.

Please note: Submit all comments through the Federal eRulemaking portal (*regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7118; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who

are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

5. Assess information collection costs.

Proposed Project

Assessment of Chemical Exposures (ACE) Investigations (OMB Control No. 0923–0051, Exp. 03/31/2021)—Revision —Agency for Toxic Substances and Disease Registry (ATSDR).

Background and Brief Description

The Agency for Toxic Substances and Disease Registry (ATSDR) is requesting a three-year Paperwork Reduction Act (PRA) clearance for the Revision of ''Assessment of Chemical Exposures (ACE) Investigations'' information collection request (ICR)(OMB Control No. 0923–0051; Expiration Date 03/31/2021). ATSDR conducts ACE Investigations to assist state and local health departments after acute environmental incidents.

ATSDR has successfully completed five investigations to date using this valuable mechanism. ATSDR would like to continue these impactful information collections. A brief summary of recent information collections approved under this tool includes the following:

• During 2015, in U.S. Virgin Islands there was a methyl bromide exposure incident at a condominium resort severely injuring a family and causing symptoms in the first responders to the incident. ATSDR interviewed all potentially exposed persons who stayed or worked at the resort to look for signs of exposure. Under this ACE investigation, ATSDR raised awareness among pest control companies that methyl bromide is currently prohibited in homes and other residential settings. Additionally, ATSDR raised awareness among clinicians about the toxicologic syndrome caused by exposure to methyl bromide and the importance of notifying first responders immediately when they have encountered contaminated patients.

• During 2016, the ACE Team conducted a rash investigation in Flint, Michigan. Persons who were exposed to Flint municipal water and had current or worsening rashes were surveyed and referred to free dermatologist screening if desired. Findings revealed that when the city was using water from the Flint River, there were large swings in chorine, pH, and hardness, which could be one possible explanation for the eczema-related rashes.

• During 2016, the ACE Team also conducted a follow-up investigation for people who were referred to a dermatologist in the first Flint investigation. The follow-up interviews resulted in improvements in medical exam and referral processes that were still on-going at the time.

The ACE Investigations have focused on performing rapid epidemiological assessments to assist state, regional, local, or tribal health departments (the requesting agencies) to respond to or prepare for acute chemical releases.

The main objectives for performing these rapid assessments are to:

• Characterize exposure and acute health effects of the affected community to inform health officials and the community;

• Identify needs (*i.e.,* medical, mental health, and basic) of those exposed during the incidents to aid in planning interventions in the community;

• Determine the sequence of events responsible for the incident so that actions can be taken to prevent future incidents;

• Assess the impact of the incidents on the emergency response and health services use and share lessons learned for use in hospital, local, and state planning for environmental incidents; and

• Identify cohorts that may be followed and assessed for persistent health effects resulting from environmental releases.

Because each incident is different, it is not possible to predict in advance exactly what type of, and how many respondents will be consented and interviewed to effectively evaluate the incident. Respondents typically include, but are not limited to, emergency responders such as police, fire, hazardous material technicians, emergency medical services, and personnel at hospitals where patients from the incident were treated. Incidents may occur at businesses or in the community setting; therefore, respondents may also include business owners, managers, workers, customers, community residents, and those passing through the affected area.

The multidisciplinary ACE Team consisting of staff from ATSDR, the Centers for Disease Control and Prevention (CDC), and the requesting agencies will be collecting data. ATSDR has developed a quickly tailored series of draft survey forms used in the field to collect data that will meet the goals of the investigation. ATSDR collections will be administered based on time permitted and urgency. For example, it is preferable to administer the General Survey to as many respondents as possible. However, if there are time constraints, the shorter Household Survey or the former ACE Short Form, now modified as the Epidemiologic Contact Assessment Symptom Exposure (Epi CASE) Survey, may be administered instead. The individual surveys collect information about exposure, acute health effects, health services use, medical history, needs resulting from the incident, communication during the release, health impact on children, and demographic data. Hospital personnel are asked about the surge, response and communication, decontamination, and lessons learned.

Depending on the situation, data collected by face-to-face interviews, telephone interviews, written surveys, mailed surveys, or on-line surveys can be collected. Medical charts may also be considered for review. In rare situations, an investigation might involve collection of clinical specimens.

ATSDR is proposing to increase the utility of this Generic ICR in response to stakeholder requests. We would like to expand the ACE toolkit to be more inclusive of other types of environmental incidents affecting the community and which fall under ATSDR's mandate and, at times, the mandates of our partners in the CDC's National Center for Environmental Health (NCEH) and the National Center for Occupational Safety and Health (NIOSH). In addition to acute chemical releases, we propose to include radiological and nuclear incidents, explosions, natural disasters, and other environmental incidents.

We propose revisions to select information collection forms, which will be deployed using handheld devices whenever possible to reduce burden, and to adjust the number of responses and time per response for several forms. A new brief Eligibility Screener (900 responses per year; 30 hours) will be added prior to administering consent for our surveys. The Epi CASE Survey, formerly the ACE Short Form, has been modified for the expanded scope of eligible incidents requested (1,000 responses per year; 250 hours). To reduce time burden, there will be new field data entry screens and deletion of unused questions for the General Survey (800 responses per year; 333 hours), the Household Survey (120 responses per year; 20 hours) and for the Hospital Survey (40 responses per year; 17 hours). We are retaining the Medical Chart Abstraction Form (250 responses per year; 125 hours) but are removing the Veterinary Chart Abstraction Form as it has not been used in the past.

ATSDR anticipates up to four ACE investigations per year. We are requesting approval for 3,110 annual responses (increase of 1,820 responses per year) and for 775 annual hours (increase of 184 hours per year). Participation in ACE investigations is voluntary and there are no anticipated costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hr)	Total burden (in hr)
Residents, first responders, business owners, employees, customers	Eligibility Screener	900	1	2/60	30
	Epi CASE Survey	1,000	1	15/60	250
	General Survey	800	1	25/60	333
Residents	Household Survey	120	1	10/60	20
Hospital staff	Hospital Survey	40	1	25/60	17
Staff from state, local, or tribal health agencies	Medical Chart Abstraction Form	25	10	30/60	125
Total					775

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2020–19746 Filed 9–4–20; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–20–20EC]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled Enterprise Laboratory Information Management System (ELIMS) to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on December 23, 2019 to obtain comments from the public and affected agencies. CDC received one comment related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) 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;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) 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; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570. 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. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Enterprise Laboratory Information Management System (ELIMS) Existing Collection in Use without an OMB control number—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The collection of specimen information designated for testing by the CDC occurs on a regular and recurring basis (multiple times per day) using an electronic PDF file called the *CDC Specimen Submission 50.34 Form* or an electronic XSLX file called the *Global File Accessioning Template*. Hospitals, doctor's offices, medical clinics, commercial testing labs, universities, state public health laboratories, U.S. federal institutions and foreign institutions use the *CDC Specimen Submission Form 50.34* when submitting a single specimen to CDC Infectious Diseases laboratories for testing. The *CDC Specimen Submission 50.34 Form* consists of over 200 data entry fields (of which five are mandatory fields that must be completed by the submitter) that captures information about the specimen being sent to the CDC for testing. The type of data captured on the *50.34 Form* identifies the origin of the

specimen (human, animal, food, environmental, medical device or biologic), CDC test order name/code, specimen information, patient information (as applicable), animal information (as applicable) information about the submitting organization requesting the testing, patient history (as applicable), owner information and animal history (as applicable) and epidemiological information. The collection of this type of data is pertinent in ensuring a specimen's testing results are linked to the correct patient and the final test reports are delivered to the appropriate submitting organization to aid in making proper health-related decisions related to the patient. Furthermore, the data provided on this form may be used by the CDC to identify sources of potential outbreaks and other public-health related events. When the form is filled out, a user in the submitting organization prints a hard copy of it that will be included in the specimen's shipping package sent to the CDC. The printed form has barcodes on it that allow the CDC testing laboratory to scan its data directly into ELIMS where the specimen's testing lifecycle is tracked and managed.

Likewise, the *Global File Accessioning Template* records the same data as the *50.34 Form* but provides the capability to submit information for a batch of specimens (typically 50–1,000 specimens per batch) to a specific CDC laboratory for testing. The CDC testing laboratory electronically uploads the *Global File Accessioning Template* into ELIMS where the batch of specimens are then logged and are ready to be tracked through their respective testing and reporting workflow. There is no cost to respondents other than their time. The total burden hours are 2,131 hours.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Medical Assistant, Doctor's Office/Hospital	CDC Specimen Submission 50.34 Form	2,000	3	5/60
19–1042 Medical Scientists, Except Epidemiologists, State Public Health Lab.	CDC Specimen Submission 50.34 Form	98	193	5/60
Medical Assistant, Doctor's Office/Hospital	Global File Accessioning Template	15	11	20/60

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2020–19743 Filed 9–4–20; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60 Day–FY–0740; Docket No. CDC–2020–0095]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled Medical Monitoring Project (MMP). The purpose of this data collection is to describe the health-related behaviors, experiences and needs of adults diagnosed with HIV in the United States. Data will be used to guide national and local HIV-related service organization and delivery, and monitor receipt of HIV treatment and prevention services and clinical outcomes.

DATES: CDC must receive written comments on or before November 9, 2020.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2020–0095 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov*. Follow the instructions for submitting comments.
- Mail: Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov*.

Please note: Submit all comments through the Federal eRulemaking portal (*regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7118; Email: *omb@cdc.gov*.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

5. Assess information collection costs.

Proposed Project

Medical Monitoring Project (MMP) (OMB Control No. 0920–0740, Exp. 6/30/2021)—Revision—National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Centers for Disease Control and Prevention (CDC), Division of HIV/AIDS Prevention (DHAP) requests a revision of the currently approved Information Collection Request: ''Medical Monitoring Project'' which expires June 30, 2021. This data collection addresses the need for national estimates of access to, and utilization of HIV-related medical care and services, the quality of HIV-related ambulatory care, and HIV-related behaviors and clinical outcomes.

For the proposed project, the same data collection methods will be used as for the currently approved project. Data would be collected from a probability sample of HIV-diagnosed adults in the U.S. who consent to an interview and abstraction of their medical records. As for the currently approved project, deidentified information would also be extracted from HIV case surveillance records for a dataset (referred to as the minimum dataset), which is used to assess non-response bias, for quality control, to improve the ability of MMP to monitor ongoing care and treatment of HIV-infected persons, and to make inferences from the MMP sample to HIV-diagnosed persons nationally. No other Federal agency collects such nationally representative population-based information from HIV-diagnosed adults. The data are expected to have significant implications for policy, program development, and resource allocation at the state/local and national levels.

The changes proposed in this request update the data collection system to meet prevailing information needs and enhance the value of MMP data, while remaining within the scope of the currently approved project purpose. The result is a 10% reduction in burden, or a reduction of 647 total burden hours annually. The reduction in burden was a result of revisions to the interview questionnaire that were made to improve coherence, boost the efficiency of the data collection, and increase the relevance and value of the information, which decreased the time of interview from 45 minutes to 40 minutes.

Changes made, that did not affect the burden, listed below:

- Non-substantive changes have been made to the respondent consent form to decrease the reading comprehension level and make the form more visual.
- Nine data elements were removed from, and three data elements were added to the Minimum Dataset. Because these data elements are extracted from the HIV surveillance system from which they are sampled, these changes do not affect the burden of the project.
- Seven data elements were added to the medical record abstraction data elements to collect information on SARS-CoV–2 (COVID–19) testing. Because the medical records are abstracted by MMP staff, these changes do not affect the burden of the project.

This proposed data collection would supplement the National HIV Surveillance System (NHSS, OMB Control No. 0920–0573, Exp. 11/30/2022) in 23 selected state and local health departments, which collect information on persons diagnosed with, living with, and dying from HIV infection and AIDS. The participation of respondents is voluntary. There is no cost to the respondents other than their time. Through their participation, respondents will help to improve programs to prevent HIV infection as well as services for those who already have HIV. Total estimated annual burden requested is 5,707 hours.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average hours per response	Total response burden (hours)
Sampled, Eligible HIV-Infected Persons	Interview Questionnaire (Att. 5a).	7,760	1	45/60	5,173
Facility office staff looking up contact information	Look up contact information.	1,940	1	2/60	65
Facility office staff approaching sampled persons for enrollment.	Approach persons for enrollment.	970	1	5/60	81
Facility office staff pulling medical records	Pull medical records	7,760	1	3/60	388
Total					5,707

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2020–19745 Filed 9–4–20; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day-20–20KW]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled ''School Health Profiles Test-Retest Reliability Study'' to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on March 16, 2020 to obtain comments from the public and affected agencies. CDC received two comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) 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;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) 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; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570. 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. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

School Health Profiles Test-Retest Reliability Study—New—National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The purpose of this request is to obtain OMB approval to conduct the School Health Profiles Test-Retest Reliability Study to establish the reliability of the School Health Profiles (''Profiles''). Profiles is a system of school-based surveys conducted by state and local education and health agencies among school principals and lead health education teachers at the secondary school level to assess school health policies and practices related to health education, physical education and physical activity, tobacco use prevention, nutrition, school-based health services, family and community involvement in school health, and school health coordination. CDC seeks a one-year approval to conduct the School Health Profiles Test-Retest Reliability Study.

Profiles surveys are administered widely. In 2018, 48 states, 21 large urban school districts, and two territories conducted School Health Profiles. Across all of these jurisdictions, questionnaires were completed by approximately 10,000 principals and by approximately 9,000 lead health education teachers. States and large urban school districts use Profiles as a data source for performance measures for two CDC cooperative agreements: CDC–RFA–PS18–1807, Promoting Adolescent Health Through School-Based HIV Prevention (PS18–1807), and CDC–RFA–DP18–1801 Improving Student Health and Academic Achievement Through Nutrition, Physical Activity and the Management of Chronic Conditions in Schools (DP18–1801). No other surveillance system measures school health policies and programs nationwide.

Between January and June of 2021, approximately 200 principals and 200 lead health education teachers from regular public secondary schools in the United States containing at least one of grades 6 through 12 will complete both a Time 1 and Time 2 Profiles questionnaire. Five questions will be added at the end of both the principal and lead health education teacher questionnaires at the Time 2 administration to gather data on why responses to the same questions may have changed or stayed the same between the two administrations.

There are no costs to respondents except their time. The total estimated annualized burden hours are 686. OMB approval is requested for one year. Participation is voluntary.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
School Principal	School Principal Questionnaire Time 1	200	1	45/60
School Principal	Nonresponse follow-up call	150	1	5/60
School Principal	School Principal Questionnaire Time 2	200	1	45/60
School Principal	School Principal Supplemental Questions	200	1	5/60
School Principal	Nonresponse follow-up call	150	1	5/60
Lead Health Education Teacher	Lead Health Education Teacher Questionnaire Time 1.	200	1	45/60
Lead Health Education Teacher	Nonresponse follow-up call	150	1	5/60
Lead Health Education Teacher	Lead Health Education Teacher Questionnaire Time 2.	200	1	45/60
Lead Health Education Teacher	Lead Health Education Teacher Supplemental Questions.	200	1	5/60
Lead Health Education Teacher	Nonresponse follow-up call	150	1	5/60

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2020–19744 Filed 9–4–20; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10371]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by November 9, 2020.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number CMS–10371, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at website address at *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html.*

2. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: William N. Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–10371 Cooperative Agreements to Support Establishment of State-Operated Health Insurance Exchanges

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* Revision of an existing information collection request; *Title of Information Collection:* Cooperative Agreements to Support Establishment of State-Operated Health Insurance Exchanges; *Use:* Section 1311(b) of the Affordable Care Act provides the opportunity for each State to establish an Exchange (now referred to as an Exchange). Section 1311 of the Affordable Care Act provides for grants to States for the planning and establishment of these Exchanges. Given the innovative nature of Exchanges and the statutorily-prescribed relationship between the Secretary and States in their development and operation, it is critical that the Secretary work closely with States to provide necessary guidance and technical assistance to ensure that States can meet the prescribed timelines, federal requirements, and goals of the statute. Additionally, under 42 CFR 155.1200(b) State Exchanges are required to provide performance monitoring data to CMS. State Exchanges must provide this data at least annually and in the manner, format, and deadlines specified by HHS. The information collection requirements associated with these ICRs will primarily involve programmatic narrative, accompanying budget narrative and appropriate supporting documentation, and provision of performance outcome and operational data by grantees operating their Exchanges. The SBEs are not required to track or submit any personally identifiable data. It is expected that States will create data with readily available word processing and spreadsheet programs relying on source data from information systems developed from grant funding, ACA section 1332 pass-through funding, or state funding sources and submit such information electronically. *Form Number:* CMS–10371 (OMB Control Number: 0938–1119); *Frequency:* Once; *Affected Public:* State Government agencies, non-profit entities; *Number of Respondents:* 17; *Number of Responses:* 37; *Total Annual Hours:* 12,328. For policy questions regarding this collection contact Courtney Williams at (301) 492–5157.

Dated: September 1, 2020.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2020–19679 Filed 9–4–20; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Federal Case Registry (FCR) (OMB #0970–0421)

AGENCY: Office of Child Support Enforcement, Administration for Children and Families, Health and Human Services (HHS).

ACTION: Request for public comment.

SUMMARY: The Administration for Children and Families (ACF) is requesting a 3-year extension of the Federal Case Registry (FCR). There are no changes to the collection instruments used for the FCR (current Office of Management and Budget (OMB) approval expires January 31, 2021).

DATES: *Comments due within 30 days of publication.* OMB is required to make a decision concerning 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: ACF implemented the FCR within the Federal Parent Locator Service (FPLS) on October 1, 1998, pursuant to federal law. The FCR is a national database of information pertaining to child support cases processed by state child support agencies, referred to as ''IV–D'' cases, and non-IV–D support orders privately established or modified by courts or tribunals on or after October 1, 1998. FCR information is submitted by each State Case Registry (SCR), which is a central registry of child support orders and cases. The FCR automatically compares new SCR submissions to existing FCR information and notifies state agencies if an IV–D case participant in the state appears as a participant in an IV–D or non-IV-case in another state.

Respondents: State child support enforcement agencies.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Total number of responses per respondent	Average burden hours per response	Annual burden hours
Appendix G: Input Record Layout	54	151	0.0333	272

Estimated Total Annual Burden Hours: 272.

Authority: The information collection activities pertaining to the FCR are authorized by: 42 U.S.C. 653(h), which requires the establishment of the FCR within the FPLS; 42 U.S.C. 654a(e), which requires state child support agencies to include a SCR in the state's automated system; and 42 U.S.C. 654a(f)(1), which requires states to conduct information comparison activities between the SCR and the FCR.

John M. Sweet Jr.,

ACF/OPRE Certifying Officer.

[FR Doc. 2020–19840 Filed 9–4–20; 8:45 am]

BILLING CODE 4184–41–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Generic for Administration for Children and Families (ACF) Program Monitoring Activities (New Collection)

AGENCY: Office of Planning, Research, and Evaluation, Administration for Children and Families (ACF), Health and Human Services (HHS).

ACTION: Request for public comment.

SUMMARY: The Administration for Children and Families (ACF) intends to request approval from the Office of Management and Budget (OMB) for a new generic clearance for information collections related to ACF program office monitoring activities. ACF programs promote the economic and social well-being of families, children, individuals, and communities. The proposed Generic for ACF Program Monitoring Activities would allow ACF program offices to collect standardized information from recipients that receive federal funds to ensure oversight, evaluation, support purposes, and stewardship of federal funds.

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: Program monitoring is a post-award process through which ACF assesses a recipient's programmatic performance and business management performance. Monitoring activities are necessary to ensure timely action by ACF to support grantees and protect federal interests.

Program offices would use information collected under this generic clearance to monitor funding recipient activities and to provide support or take appropriate action, as needed. The information gathered will be used primarily for internal purposes, but aggregate data may be included in public materials such as Reports to Congress or program office documents. Following standard OMB requirements, ACF will submit a request for each individual data collection activity under this generic clearance. Each request will include the individual form(s) or instrument(s), a justification specific to the individual information collection, and any supplementary documents. OMB is requested to review requests within 10 days of submission.

Respondents: ACF funding recipients.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Total number of responses per respondent	Average burden hour per response	Total burden hours
Program Monitoring Forms	1500	3	10	45,000

John M. Sweet Jr.,

ACF/OPRE Certifying Officer.

[FR Doc. 2020–19811 Filed 9–4–20; 8:45 am]

BILLING CODE 4184–79–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2020–N–0907]

Medical Device User Fee Amendments for Fiscal Years 2023 Through 2027; Public Meeting; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public meeting; request for comments.

SUMMARY: The Food and Drug Administration (FDA or the Agency) is announcing a virtual public meeting to discuss proposed recommendations for the reauthorization of the Medical Device User Fee Amendments (MDUFA) for fiscal years (FYs) 2023 through 2027 (MDUFA V). MDUFA authorizes FDA to collect user fees to support the process for the review of medical device applications. The current legislative authority for MDUFA expires after September 30, 2022, and new legislation will be required for FDA to continue collecting user fees for the medical device program in future fiscal years. The Federal Food, Drug, and Cosmetic Act (FD&C Act) directs that FDA begin MDUFA reauthorization by publishing a notice in the **Federal Register** requesting public input and holding a public meeting where the public may present its views on the reauthorization, providing a period of 30 days after the public meeting to obtain written comments from the public suggesting changes to MDUFA, and publishing the comments on FDA's website.

DATES: The public meeting will be held on October 27, 2020, from 9 a.m. Eastern Time to 2 p.m. Eastern Time. Submit either electronic or written comments on the medical device user fee program and suggestions regarding the commitments FDA should propose for the next reauthorized program by November 27, 2020. Registration to view the meeting must be received by October 23, 2020.

ADDRESSES: Registration to attend this virtual public meeting and other information can be found at *https://www.fda.gov/medical-devices/workshops-conferences-medical-devices/2020-medical-device-meetings-and-workshops.* (Select this meeting from the posted events list.) See the **SUPPLEMENTARY INFORMATION** section for registration date and information.

You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before November 27, 2020. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time on November 27, 2020. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2020–N–0907 for ''Medical Device User Fee Amendments for Fiscal Years 2023 Through 2027.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting

of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Ellen Olson, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 1664, Silver Spring, MD 20993, 301–796–4322, *ellen.olson@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing its intention to hold a virtual public meeting to begin the reauthorization process of MDUFA, the legislation that authorizes FDA to collect user fees to support the process for the review of device applications. Without new legislation, FDA will no longer be able to collect user fees after FY 2022 to fund the medical device review process.

Section 738A(b)(2) of the FD&C Act (21 U.S.C. 379j–1(b)(2)) requires that before FDA begins negotiations with the regulated industry on MDUFA reauthorization, the Agency perform the following: (1) Publish a notice in the **Federal Register** requesting public input on the reauthorization; (2) hold a public meeting where the public may present its views on the reauthorization, including specific suggestions for changes to the goals set under MDUFA IV; (3) provide a period of 30 days after the public meeting to obtain written comments from the public; and (4) publish the comments on FDA's website at *https://www.fda.gov.* This notice, the public meeting, the 30-day comment period after the meeting, and the posting of the comments on FDA's website will satisfy these requirements.

The purpose of the meeting is to hear stakeholder views on MDUFA as we consider the features to propose, update, and discontinue in the next MDUFA and FDA's recommendation to Congress. Information about the MDUFA program can be found at *https://www.fda.gov/industry/fda-user-fee-programs/medical-device-user-fee-amendments-mdufa.* Information about MDUFA IV can be found at *https://www.fda.gov/industry/medical-device-user-fee-amendments-mdufa/medical-device-user-fee-amendments-2017-mdufa-iv* and the MDUFA IV Performance Goals and Procedures can be found at *https://www.fda.gov/media/102699/download.* FDA is interested in responses to the following general questions and welcomes any other pertinent information stakeholders would like to share:

(1) What is your assessment of the overall performance of MDUFA IV thus far?

(2) What programs/commitments under MDUFA IV are working well?

(3) What programs/commitments can be added or improved to enhance the efficiency and effectiveness of the medical device review process for MDUFA V?

(4) What should the medical device ecosystem, and our medical device program in particular, look like at the end of MDUFA V (*i.e.,* September 2027), and how can MDUFA V support achieving that future state?

II. Topics for Discussion at the Public Meeting

In general, the meeting format will include presentations by FDA and a series of panels representing different stakeholder groups (such as patient advocates, consumer protection groups, industry, healthcare professionals, and academic researchers). FDA will also provide an opportunity for public comment at the meeting, and for organizations and individuals to submit written comments to the docket. The presentations should focus on program improvements and funding issues, including specific suggestions for changes to performance goals, and not focus on policy issues. We will make the agenda for the public meeting available by October 13, 2020, on the internet at *https://www.fda.gov/medical-devices/workshops-conferences-medical-devices/2020-medical-device-meetings-and-workshops.* (Select this meeting from the posted events list.)

III. Participating in the Public Meeting

Registration: To register for the public meeting, please visit FDA's Medical Devices News & Events—Workshops & Conferences calendar at *https://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm.* (Select this public meeting from the posted events list.) Please provide complete contact information for each attendee, including name, title, affiliation, email, and telephone.

Registration is free and based on space availability, with priority given to early registrants. Persons interested in viewing this public meeting must register by October 23, 2020, by 4 p.m. Eastern Time. Registrants will receive confirmation when their registration has been accepted. You will be notified if you are on a waiting list. We will update the website if registration closes before the day of the public meeting.

If you need special accommodations due to a disability, please contact Susan Monahan, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993, 301–796–5661, *susan.monahan@fda.hhs.gov* no later than October 13, 2020.

Requests for Oral Presentations: During online registration, you may indicate if you wish to present during a public comment session or participate in a specific session, and which topic(s) you wish to address. All requests to make oral presentations must be received by September 28, 2020, at 4 p.m. Eastern Time. We will do our best to accommodate requests to make public comments. Individuals and organizations with common interests are urged to consolidate or coordinate their presentations, and request time for a joint presentation, or submit requests for designated representatives to participate in the focused sessions. FDA will determine the amount of time allotted to each presenter and the approximate time each oral presentation is to begin and will notify selected speakers by October 5, 2020. If selected for presentation, any presentation materials must be emailed to Ellen Olson (see **FOR FURTHER INFORMATION CONTACT**) no later than October 20, 2020. No commercial or promotional material will be permitted to be presented or distributed at the public meeting.

Streaming Webcast of the Public Meeting: The webcast link will be available on the registration web page after October 13, 2020.

Transcripts: As soon as a transcript of the public meeting is available, it will be accessible at *https://www.regulations.gov.* It may also be viewed at the Dockets Management Staff (see **ADDRESSES**). A link to the transcript will also be available on the internet *https://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm.* (Select this meeting from the posted events list.)

Dated: September 2, 2020.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2020–19771 Filed 9–4–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request; Information Collection Request Title: Scientific Registry of Transplant Recipients Information Collection Effort for Potential Donors for Living Organ Donation OMB No. 0906–0034 – Revision

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this ICR should be received no later than November 9, 2020.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov.*

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call Lisa Wright-Solomon, the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference.

Information Collection Request Title: Scientific Registry of Transplant Recipients Information Collection Effort for Potential Donors for Living Organ Donation OMB No. 0906–0034—Revision.

Abstract: The Scientific Registry of Transplant Recipients (SRTR) is administered under contract with HRSA, an agency of HHS. HHS is authorized to establish and maintain mechanisms to evaluate the long-term effects associated with living donations (42 U.S.C. 273a) and is required to submit to Congress an annual report on the long-term health effects of living donation (42 U.S.C. 273b). In 2018, the SRTR contractor implemented a pilot living donor registry in which transplant programs registered all potential living donors who provide informed consent to participate in the pilot registry. The SRTR's authority to collect information concerning potential living organ donors is set forth in the HHS organ procurement and transplantation network regulation, 42 CFR part 121, requiring organ procurement organizations and transplant hospitals to submit to the SRTR, as appropriate, information regarding ''donors of organs'' and ''other information that the Secretary deems appropriate'' (42 CFR 121.11(b)(2)).

In 2018, an updated version of the data collection instrument was approved. The data collection modifications improve the quality of the data and reduce the administrative burden for respondents.

Need and Proposed Use of the Information: The transplant programs submit health information collected at the time of donation evaluation through a secure web-based data collection tool developed by the contractor. The SRTR contractor maintains contact with registry participants and collects data on long-term health outcomes through surveys. The data collection includes outcomes of evaluation, including reasons for non-donation. The living donor registry is an ongoing effort, and the goal is to continue to collect data on living organ donor transplant programs in the United States over time. Monitoring and reporting of long-term health outcomes of living organ donors post-donation will continue to provide useful information to transplant programs in their future donor selection process and aid potential living organ donors in their decision to pursue living donation.

There were minor revisions to the burden per response as it has decreased from the current amount due to improvements to the efficiency of the processes used by programs for data submission, as well as the tools provided for program use by SRTR

Likely Respondents: Potential living donors, transplant programs, medical and scientific organizations, and public organizations.

Burden Statement: Burden, in this context, means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Average number of responses per respondent	Total number of responses	Average burden per response (in hours)	Total Burden Hours
Potential Living Donor Registration form	[a] 16	112	1,792	.27	484
Potential Living Donor Follow-up form	[b] 754	1	754	.50	377
Reasons Did not Donate form (liver or kidney)	[a] 16	106	1,696	.23	390
Total	786		4,245		1,251

[a] Number of respondents is based on the current number of transplant programs and is likely to increase as additional programs decide to participate.

[b] Number of living organ donor candidates submitting follow-up forms in 2019.

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques

or other forms of information technology to minimize the information collection burden.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2020–19777 Filed 9–4–20; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request; Information Collection Request Title: Substance Use Disorder Treatment and Recovery Loan Repayment Program, OMB No. 0906–xxxx—New

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, HRSA submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period. OMB may act on HRSA's ICR only after the 30 day comment period for this notice has closed.

DATES: Comments on this ICR should be received no later than October 8, 2020.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain*. Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email Lisa Wright-Solomon, the HRSA Information Collection Clearance Officer at *paperwork@hrsa.gov* or call (301) 443–1984.

SUPPLEMENTARY INFORMATION:

Information Collection Request Title: Substance Use Disorder Treatment and Recovery Loan Repayment Program OMB No. 0906–xxxx—New

Abstract: The Further Consolidated Appropriations Act, 2020 included no less than $12,000,000 for HRSA to establish the Loan Repayment Program for Substance Use Disorder Treatment Workforce. This funding will allow HRSA to provide the repayment of education loans for individuals working in either a full-time substance use disorder treatment job that involves direct patient care in a Health Professional Shortage Area (HPSA) designated for Mental Health or a county where the average drug overdose death rate exceeds the national average.

Eligible disciplines include but are not limited to behavioral health paraprofessionals, occupational therapists and counselors. Eligible treatment facilities include but are not limited to inpatient psychiatric facilities, recovery centers, detox facilities, emergency department and local community jails and detention centers. The Department of Health and Human Services agrees to repay the qualifying educational loans up to $250,000.00 in return for six years of service obligation. The forms utilized by the Substance Use Disorder Treatment and Recovery (STAR) Loan Repayment Program (LRP) include the following: the STAR LRP Application, the Authorization for Disclosure of Loan Information form, the Privacy Act Release Authorization form, the Employment Verification form, and the Site Application form, if applicable. The aforementioned forms collect information that is needed for selecting participants and repaying qualifying educational loans.

Eligible facilities for the STAR LRP are facilities that provide in-patient and outpatient, ambulatory, primary and mental/behavioral health care services to populations residing in a mental health HPSA or a county where the average drug overdose death rate exceeds the national average. The facilities that may provide related in-patient services may include, but are not limited to Centers for Medicare & Medicaid Services-approved Critical Access Hospitals, American Indian Health Facilities (Indian Health Service Facilities, Tribally-Operated 638 Health Programs, and Urban Indian Health Programs), inpatient rehabilitation centers and psychiatric facilities. HRSA will recruit facilities for approval. New facilities must submit an application for review and approval. The application requests will contain supporting information on the clinical service site, recruitment contact and services provided. Assistance in completing this application may be obtained through the appropriate HRSA personnel. HRSA will use the information collected on the applications to determine eligibility of the facility for the assignment of health professionals and to verify the need for clinicians.

Note: Despite the similarity in the titles, the STAR LRP is not the existing NHSC Substance Use Disorder LRP (OMB #0915–0127), which is authorized under Title III of the Public Health Service Act. The STAR LRP is a newly authorized Title VII program that has different service requirements, loan repayment protocols, and authorized employment facilities.

A 60-day notice published in the **Federal Register** on June 4, 2020, vol. 85, No. 108; pp. 34454–34456. There were no public comments.

Need and Proposed Use of the Information: The need and purpose of this information collection is to obtain information that is used to assess a STAR LRP applicant's eligibility and qualifications for the program, and to obtain information for eligible site applicants. Clinicians interested in participating in the STAR LRP must submit an application to the program in order to participate, and health care facilities located in a high overdose rate or Mental Health HPSAs must submit a Site Application to determine the eligibility of sites to participate in the STAR LRP. The STAR LRP application asks for personal, professional and financial information needed to determine the applicant's eligibility to participate in the STAR LRP. In addition, applicants must provide information regarding the loans for which repayment is being requested.

Likely Respondents: Likely respondents include: licensed primary care medical, mental and behavioral health providers, and other paraprofessionals who are employed or seeking employment, and are interested in serving underserved populations; health care facilities interested in participating in the STAR LRP, and becoming an approved service site; STAR LRP sites providing behavioral health care services directly, or through a formal affiliation with a comprehensive community-based primary behavioral health setting, facility providing comprehensive behavioral health services, or various substance abuse treatment facility sub-types.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying

information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
STAR LRP Application	300	1	300	.50	150
Authorization for Disclosure of Loan Information Form	300	1	300	.50	150
Privacy Act Release Authorization Form	300	1	300	.50	150
Employment Verification Form	300	1	300	.50	150
Site Application	400	1	400	1.00	400
Total	1,600		1,600		1000

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2020–19776 Filed 9–4–20; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Meeting of the Advisory Council on Blood Stem Cell Transplantation

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 Council on Blood Stem Cell Transplantation (ACBSCT) has scheduled a public meeting. Information about ACBSCT and the agenda for this meeting can be found on the ACBSCT website at *https://bloodstemcell.hrsa.gov/about/advisory-council.*

DATES: September 25, 2020, from 12:00 p.m.–6:00 p.m. Eastern Time (ET).

ADDRESSES: This meeting will be held by webinar and conference call. The webinar link, conference call-in number, registration information, and meeting materials can be accessed through the registration link on the ACBSCT website at *https://bloodstemcell.hrsa.gov/about/advisory-council.*

FOR FURTHER INFORMATION CONTACT: Robert Walsh, Designated Federal Official, (DFO), at Division of Transplantation, HRSA, 5600 Fishers Lane, Rockville, Maryland 20857; 301–443–6839; or *ACBSCTHRSA@hrsa.gov.*

SUPPLEMENTARY INFORMATION: ACBSCT provides advice and recommendations to the Secretary of HHS (Secretary) and the HRSA Administrator on the activities of the C.W. Bill Young Cell Transplantation Program (CWBYCTP) and the National Cord Blood Inventory (NCBI) Program. The principal purpose of these programs is to make blood stem cells from adult donors and cord blood units available for patients who need a transplant to treat life-threatening conditions such as leukemia, and who lack a suitably matched relative who can be the donor.

During the September 25, 2020, meeting, the ACBSCT will receive updates on the operation of the CWBYCTP and the NCBI and discuss cord blood as a continued source of blood stem cells for transplant in the context of other available sources of blood stem cells for transplant. Agenda items are subject to change as priorities dictate. Refer to the ACBSCT website for any updated information concerning the meeting.

Members of the public will have the opportunity to provide comments. Public participants may submit written statements in advance of the scheduled meeting. Oral comments will be honored in the order they are requested and may be limited as time allows. Requests to submit a written statement or make oral comments to ACBSCT should be sent to Robert Walsh, DFO, using the contact information above at least three business days prior to the meeting.

Individuals who plan to attend and need special assistance or another reasonable accommodation should notify Robert Walsh at the address and phone number listed above at least 10 business days prior to the meeting.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2020–19690 Filed 9–4–20; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the President's Council on Sports, Fitness, and Nutrition

AGENCY: Office of Disease Prevention and Health Promotion, Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice of meeting.

SUMMARY: As stipulated by the Federal Advisory Committee Act, the U.S. Department of Health and Human Services (HHS) is hereby giving notice that the President's Council on Sports, Fitness & Nutrition (PCSFN) will hold its annual meeting. The meeting will be open to the public.

DATES: The meeting will take place on Thursday, September 17, 2020, from 1:00 p.m. to 5:00 p.m. (EDT).

ADDRESSES: The meeting will be held virtually using an online platform. To register to attend the meeting, please visit the registration website at *https://kauffmaninc.adobeconnect.com/ch_pcsfn_sept2020/event/event_info.html.*

FOR FURTHER INFORMATION CONTACT: Jennifer Anne Bishop, Sc.D., M.P.H., Designated Federal Officer for the PCSFN, 1101 Wootton Parkway, Suite

420, Rockville, MD 20852, (240) 453–8826. Information about PCSFN, including details about the upcoming meeting, can be obtained at *https://health.gov/our-work/pcsfn.*

SUPPLEMENTARY INFORMATION: The primary functions of the PCSFN include: (1) Advising the President, through the Secretary, concerning progress made in carrying out the provisions of Executive Order 13265, as amended by Executive Order 13824, and recommending to the President, through the Secretary, actions to accelerate such progress; and (2) recommending to the Secretary actions to expand opportunities at the national, state, and local levels for participation in youth sports and engagement in physical fitness and activity (taking into account the HHS Physical Activity Guidelines for Americans, and including consideration for youth with disabilities).

Recommendations may address, but are not necessarily limited to: Increasing awareness of the benefits of participation in youth sports, regular physical activity, and good nutrition; promoting private and public sector strategies to increase participation in youth sports; identifying metrics to gauge youth sports participation and physical activity; and discussing a national and local strategy to recruit volunteers who will support youth participation in sports and regular physical activity.

The Council shall meet, at a minimum, once per fiscal year. The September 2020 meeting will discuss: (1) Activities related to the promotion of the National Youth Sports Strategy; (2) research on promoting youth sports participation; and (3) actions to expand youth sports participation opportunities at the national, state, and local levels. The meeting agenda is in development and will be posted at *https://health.gov/our-work/pcsfn* when it is finalized.

The meeting on September 17, 2020 is open to the public and the media. Individuals who need special assistance, such as sign language interpretation or other reasonable accommodations, should indicate the special accommodation when registering online or by notifying Jennifer Bishop, Sc.D., M.P.H. at *Jennifer.bishop@hhs.gov,* no later than 5:00 p.m. (EDT) on Monday, September 7, 2020. Members of the public who wish to view the meeting must pre-register using the following link: *https://kauffmaninc.adobeconnect.com/ch_pcsfn_sept2020/event/event_info.html.*

Dated: September 1, 2020.

Paul Reed,

Acting Director, Office of Disease Prevention and Health Promotion.

[FR Doc. 2020–19682 Filed 9–4–20; 8:45 am]

BILLING CODE 4150–35–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel: NIAMS T32 Review Meeting.

Date: October 14, 2020.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Arthritis and Musculoskeletal and Skin Diseases, National Institutes of Health, 6701 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Yasuko Furumoto, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of Arthritis and Musculoskeletal and Skin Diseases, National Institutes of Health, 6701 Democracy Blvd., Room 820, Bethesda, MD 20817, (301) 827–7835, *yasuko.furumoto@nih.gov.*

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel: NIAMS AMSC Member Conflict Review.

Date: October 21, 2020.

Time: 11:00 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Arthritis and Musculoskeletal and Skin Diseases, National Institutes of Health, 6701 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Kan Ma, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of Arthritis, Musculoskeletal and Skin Diseases, NIH, 6701 Democracy Boulevard, Suite 814, Bethesda, MD 20892, (301) 451–4838, *mak2@mail.nih.gov.*

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel: NIAMS Ancillary Studies Review Meeting.

Date: October 26, 2020.

Time: 1:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Arthritis and Musculoskeletal and Skin Diseases, National Institutes of Health, 6701 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Yin Liu, Ph.D., MD, Scientific Review Officer, Scientific Review Branch, National Institute of Arthritis and Musculoskeletal and Skin Diseases, National Institutes of Health, 6701 Democracy Blvd., Room 824, Bethesda, MD 20817, (301) 594–8919, *liuy@mail.nih.gov.*

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel: NIAMS AMS Member Conflict Review.

Date: October 28, 2020.

Time: 11:00 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Arthritis and Musculoskeletal and Skin Diseases, National Institutes of Health, 6701 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Kan Ma, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of Arthritis, Musculoskeletal and Skin Diseases, NIH, 6701 Democracy Boulevard, Suite 814, Bethesda, MD 20892, (301) 451–4838, *mak2@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: September 2, 2020.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–19832 Filed 9–4–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Council of Councils, September 11, 2020, 10:15 a.m. to 04:55 p.m., virtual meeting which was published in the **Federal Register** on August 17, 2020, 85 FR 50033.

The meeting notice is amended to change the afternoon open session meeting end time as follows: The

afternoon open session will now be held from 2:15 p.m. to 5:25 p.m.

Dated: September 1, 2020.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–19731 Filed 9–4–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director; Notice of Charter Renewal

In accordance with Title 41 of the U.S. Code of Federal Regulations, Section 102–3.65(a), notice is hereby given that the Charter for the Fogarty International Center Advisory Board was renewed for an additional two-year period on August 31, 2020.

It is determined that the FICAB is in the public interest in connection with the performance of duties imposed on the National Institutes of Health by law, and that these duties can best be performed through the advice and counsel of this group.

Inquiries may be directed to Claire Harris, Director, Office of Federal Advisory Committee Policy, Office of the Director, National Institutes of Health, 6701 Democracy Boulevard, Suite 1000, Bethesda, Maryland 20892 (Mail Stop Code 4875), Telephone (301) 496–2123, or *harriscl@mail.nih.gov.*

Dated: September 1, 2020.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–19757 Filed 9–4–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Emergency Awards: Rapid Investigation of Severe Acute Respiratory Syndrome Coronavirus 2 (SARS–CoV–2) and Coronavirus Disease 2019 (COVID19) (R21 Clinical Trial Not Allowed).

Date: September 30, 2020.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G62, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Eleazar Cohen, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G62, Rockville, MD 20892, (240) 669–5081, *ecohen@niaid.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: September 1, 2020.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–19756 Filed 9–4–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

United States Coast Guard

[Docket No. USCG–2020–0188]

Recertification of Cook Inlet Regional Citizens' Advisory Council

AGENCY: Coast Guard, Homeland Security (DHS).

ACTION: Notice of recertification.

SUMMARY: The Coast Guard announces the recertification of the Cook Inlet Regional Citizens' Advisory Council (CIRCAC) as an alternative voluntary advisory group for Cook Inlet, Alaska. This certification allows the CIRCAC to monitor the activities of terminal facilities and crude oil tankers under the Cook Inlet Program established by the Oil Terminal and Oil Tanker Environmental Oversight and Monitoring Act of 1990.

DATES: This recertification is effective for the period from September 1, 2020, through August 31, 2021.

FOR FURTHER INFORMATION CONTACT: For information about this document, call or email LT Lauren Bloch, Seventeenth Coast Guard District (dpi), by phone at (907) 463–2812 or email at *Lauren.E.Bloch@uscg.mil.*

SUPPLEMENTARY INFORMATION:

Background and Purpose

The Coast Guard published guidelines on December 31, 1992 (57 FR 62600), to assist groups seeking recertification under the Oil Terminal and Oil Tanker Environmental Oversight and Monitoring Act of 1990 (33 U.S.C. 2732) (the Act). The Coast Guard issued a policy statement on July 7, 1993 (58 FR 36504), to clarify the factors that the Coast Guard would be considering in making its determination as to whether advisory groups should be certified in accordance with the Act, and the procedures which the Coast Guard would follow in meeting its certification responsibilities under the Act. Most recently, on September 16, 2002 (67 FR 58440), the Coast Guard changed its policy on recertification procedures for regional citizen's advisory council by requiring applicants to provide comprehensive information every three years. For the two years in between, applicants only submit information describing substantive changes to the information provided at the last triennial recertification. This is the year in the triennial cycle in which CIRCAC provided comprehensive information on its application for recertification. The Coast Guard solicited public comments on CIRCAC recertification through a Notice; Request for comments published on June 11, 2020, titled ''Application for Recertification of Cook Inlet Regional Citizens' Advisory Council'' (85 FR 35658).

Discussion of Comments

On June 11, 2020, the Coast Guard published a Notice; Request for comments titled ''Application for Recertification of Cook Inlet Regional Citizens' Advisory Council'' in the **Federal Register** (85 FR 35658). We received 39 comments, all in support of the CIRCAC recertification. No public meeting was requested. The comments consistently cited CIRCAC's broad representation of the respective communities' interest, appropriate actions to keep the public informed, improvements to both spill response preparation and spill prevention, and oil spill industry monitoring efforts that

combat complacency—as intended by the Act.

Recertification

By letter dated August 28, 2020, the Commander, Seventeenth Coast Guard District, certified that the CIRCAC qualifies as an alternative voluntary advisory group under 33 U.S.C. 2732(o). The triennial review is valid until August 31, 2023. The annual recertification will terminate on August 31, 2021.

Dated: August 28, 2020.

Matthew T. Bell, Jr.,

Rear Admiral, U.S. Coast Guard, Commander, Seventeenth Coast Guard District.

[FR Doc. 2020–19730 Filed 9–4–20; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0041]

Agency Information Collection Activities: Bonded Warehouse Regulations

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and must be submitted no later than November 9, 2020 to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice must include the OMB Control Number 1651–0041 in the subject line and the agency name. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Email.* Submit comments to: *CBP_PRA@cbp.dhs.gov.*

(2) *Mail.* Submit written comments to CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE, 10th Floor, Washington, DC 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number 202–325–0056 or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Bonded Warehouse Regulations.

OMB Number: 1651–0041.

Current Actions: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to the information collected.

Type of Review: Extension (without change).

Affected Public: Businesses.

Abstract: Owners or lessees desiring to establish a bonded warehouse must make written application to the U.S. Customs and Border Protection (CBP) port director of the port where the warehouse is located. The application must include the warehouse location, a description of the premises, and an indication of the class of bonded warehouse permit desired. Owners or lessees desiring to alter or to relocate a bonded warehouse may submit an application to the CBP port director of the port where the facility is located. The authority to establish and maintain a bonded warehouse is set forth in 19 U.S.C. 1555, and provided for by 19 CFR 19.2, 19 CFR 19.3, 19 CFR 19.6, 19 CFR 19.14, and 19 CFR 19.36.

Estimated Number of Respondents: 198.

Estimated Number of Annual Responses per Respondent: 46.7.

Estimated Number of Total Annual Responses: 9,254.

Estimated Time per Response: 32 minutes.

Estimated Total Annual Burden Hours: 4,932.

Dated: September 1, 2020.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2020–19692 Filed 9–4–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2020–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency; DHS.

ACTION: Notice; correction.

SUMMARY: On August 21, 2020, FEMA published in the **Federal Register** a changes in flood hazard determination notice that contained an erroneous table. This notice provides corrections to that table, to be used in lieu of the information published at 85 FR 41608. The table provided here represents the changes in flood hazard determinations and communities affected for Unincorporated Areas of Kaufman County, Texas.

DATES: These flood hazard determinations will be finalized on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

Correction

In the changes in flood hazard determination notice published at 85 FR 41608 in the August 21, 2020 issue of the **Federal Register**, FEMA published a table with erroneous information. This table contained inaccurate case number for Unincorporated Areas of Kaufman County, Texas.

In this document, FEMA is publishing a table containing the accurate information. The information provided below should be used in lieu of that previously published.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Texas: Kaufman (FEMA Docket No.: B–2023)..	Unincorporated areas of Kaufman County (20–06–0329P).	The Honorable Hal Richards Kaufman County Judge 100 West Mulberry Street Kaufman, TX 75142.	Kaufman County Development Services Department 106 West Grove Street Kaufman, TX 75142.	Jul. 6, 2020.	480411

[FR Doc. 2020–19729 Filed 9–4–20; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[201A2100DD/AAKC001030/A0A501010.999900]

HEARTH Act Approval of Kickapoo Traditional Tribe of Texas Business Leasing Code

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Indian Affairs (BIA) approved the Kickapoo Traditional Tribe of Texas' (Tribe) Part 3 Business Leases, Chapter 27 Leasing Code under the Helping Expedite and Advance Responsible Tribal Homeownership Act of 2012 (HEARTH Act). With this approval, the Tribe is authorized to enter into business leases without further BIA approval.

DATES: BIA issued the approval on September 1, 2020.

FOR FURTHER INFORMATION CONTACT: Ms. Sharlene Round Face, Bureau of Indian Affairs, Division of Real Estate Services, *sharelene.roundface@bia.gov,* (505) 563–3132.

SUPPLEMENTARY INFORMATION:

I. Summary of the HEARTH Act

The HEARTH Act makes a voluntary, alternative land leasing process available to Tribes, by amending the Indian Long-Term Leasing Act of 1955, 25 U.S.C. 415. The HEARTH Act authorizes Tribes to negotiate and enter into business leases of Tribal trust lands with a primary term of 25 years, and up to two renewal terms of 25 years each, without the approval of the Secretary of the Interior (Secretary). The HEARTH Act also authorizes Tribes to enter into leases for residential, recreational, religious or educational purposes for a primary term of up to 75 years without the approval of the Secretary. Participating Tribes develop Tribal leasing regulations, including an environmental review process, and then must obtain the Secretary's approval of those regulations prior to entering into leases. The HEARTH Act requires the Secretary to approve Tribal regulations if the Tribal regulations are consistent with the Department of the Interior's (Department) leasing regulations at 25 CFR part 162 and provide for an environmental review process that meets requirements set forth in the HEARTH Act. This notice announces that the Secretary, through the Assistant Secretary—Indian Affairs, has approved the Tribal regulations for the Kickapoo Traditional Tribe of Texas.

II. Federal Preemption of State and Local Taxes

The Department's regulations governing the surface leasing of trust and restricted Indian lands specify that, subject to applicable Federal law, permanent improvements on leased land, leasehold or possessory interests, and activities under the lease are not subject to State and local taxation and may be subject to taxation by the Indian Tribe with jurisdiction. See 25 CFR 162.017. As explained further in the

preamble to the final regulations, the Federal government has a strong interest in promoting economic development, self-determination, and Tribal sovereignty. 77 FR 72440, 72447–48 (December 5, 2012). The principles supporting the Federal preemption of State law in the field of Indian leasing and the taxation of lease-related interests and activities applies with equal force to leases entered into under Tribal leasing regulations approved by the Federal government pursuant to the HEARTH Act.

Section 5 of the Indian Reorganization Act, 25 U.S.C. 5108, preempts State and local taxation of permanent improvements on trust land. *Confederated Tribes of the Chehalis Reservation* v. *Thurston County,* 724 F.3d 1153, 1157 (9th Cir. 2013) (citing *Mescalero Apache Tribe* v. *Jones,* 411 U.S. 145 (1973)). Similarly, section 5108 preempts State taxation of rent payments by a lessee for leased trust lands, because ''tax on the payment of rent is indistinguishable from an impermissible tax on the land.'' *See Seminole Tribe of Florida* v. *Stranburg,* 799 F.3d 1324, 1331, n.8 (11th Cir. 2015). In addition, as explained in the preamble to the revised leasing regulations at 25 CFR part 162, Federal courts have applied a balancing test to determine whether State and local taxation of non-Indians on the reservation is preempted. *White Mountain Apache Tribe* v. *Bracker,* 448 U.S. 136, 143 (1980). The *Bracker* balancing test, which is conducted against a backdrop of ''traditional notions of Indian self-government,'' requires a particularized examination of the relevant State, Federal, and Tribal interests. We hereby adopt the *Bracker* analysis from the preamble to the surface leasing regulations, 77 FR at 72447–48, as supplemented by the analysis below.

The strong Federal and Tribal interests against State and local taxation of improvements, leaseholds, and activities on land leased under the Department's leasing regulations apply equally to improvements, leaseholds, and activities on land leased pursuant to Tribal leasing regulations approved under the HEARTH Act. Congress's overarching intent was to ''allow Tribes to exercise greater control over their own land, support self-determination, and eliminate bureaucratic delays that stand in the way of homeownership and economic development in Tribal communities.'' 158 Cong. Rec. H. 2682 (May 15, 2012). The HEARTH Act was intended to afford Tribes ''flexibility to adapt lease terms to suit [their] business and cultural needs'' and to ''enable [Tribes] to approve leases quickly and efficiently.'' H. Rep. 112–427 at 6 (2012).

Assessment of State and local taxes would obstruct these express Federal policies supporting Tribal economic development and self-determination, and also threaten substantial Tribal interests in effective Tribal government, economic self-sufficiency, and territorial autonomy. *See Michigan* v. *Bay Mills Indian Community,* 572 U.S. 782, 810 (2014) (Sotomayor, J., concurring) (determining that ''[a] key goal of the Federal Government is to render Tribes more self-sufficient, and better positioned to fund their own sovereign functions, rather than relying on Federal funding''). The additional costs of State and local taxation have a chilling effect on potential lessees, as well as on a tribe that, as a result, might refrain from exercising its own sovereign right to impose a Tribal tax to support its infrastructure needs. *See id.* at 810–11 (finding that State and local taxes greatly discourage Tribes from raising tax revenue from the same sources because the imposition of double taxation would impede Tribal economic growth).

Similar to BIA's surface leasing regulations, Tribal regulations under the HEARTH Act pervasively cover all aspects of leasing. *See* 25 U.S.C. 415(h)(3)(B)(i) (requiring Tribal regulations be consistent with BIA surface leasing regulations). Furthermore, the Federal government remains involved in the Tribal land leasing process by approving the Tribal leasing regulations in the first instance and providing technical assistance, upon request by a Tribe, for the development of an environmental review process. The Secretary also retains authority to take any necessary actions to remedy violations of a lease or of the Tribal regulations, including terminating the lease or rescinding approval of the Tribal regulations and reassuming lease approval responsibilities. Moreover, the Secretary continues to review, approve, and monitor individual Indian land leases and other types of leases not covered under the Tribal regulations according to the Part 162 regulations.

Accordingly, the Federal and Tribal interests weigh heavily in favor of preemption of State and local taxes on lease-related activities and interests, regardless of whether the lease is governed by Tribal leasing regulations or Part 162. Improvements, activities, and leasehold or possessory interests may be subject to taxation by the Kickapoo Traditional Tribe of Texas.

Tara Sweeney,

Assistant Secretary—Indian Affairs.

[FR Doc. 2020–19704 Filed 9–4–20; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[201A2100DD/AAKC001030/ A0A51010.999900]

Land Acquisitions; Tejon Indian Tribe

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The Assistant Secretary—Indian Affairs has made a final determination to acquire 10.36 acres, more or less, into trust for the Indians of the Tejon Indian Tribe.

DATES: The Assistant Secretary—Indian Affairs made the final determination on September 1, 2020.

FOR FURTHER INFORMATION CONTACT: Ms. Sharlene M. Round Face, Bureau of Indian Affairs, Division of Real Estate Services, 1849 C Street NW, MS 4620–MIB, Washington, DC 20240, telephone (505) 563–3132, email: *sharlene.roundface@bia.gov.*

SUPPLEMENTARY INFORMATION: This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by part 209 of the Departmental Manual, and is published to comply with the requirement of 25 CFR 151.12(c)(2)(ii) that notice of the decision to acquire land in trust be promptly published in the **Federal Register**.

On the date listed in the **DATES** section of this notice, the Assistant Secretary—Indian Affairs issued a decision to accept land in trust for the Tejon Indian Tribe under the authority of the 25 U.S.C. 5108, Indian Reorganization Act of June 18, 1934 (48 Stat. 985).

Legal Description

THE NORTHERLY 589.34 FEET OF SECTION 28, TOWNSHIP 12 NORTH, RANGE 19 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT OF SURVEY OF SAID LAND ON FILE IN THE BUREAU OF LAND MANAGEMENT SITUATED WEST OF THE WESTERLY LINE OF WHEELER RIDGE ROAD AND SOUTH OF THE SOUTHERLY LINE OF DAVID ROAD, IN THE COUNTY OF KERN, STATE OF CALIFORNIA.

EXCEPTING THEREFROM ALL OIL, GAS AND OTHER HYDROCARBON SUBSTANCES IN, ON AND UNDER SAID LAND, AS RESERVED IN PREVIOUS DEEDS OF RECORD.

Tara Sweeney,

Assistant Secretary—Indian Affairs.

[FR Doc. 2020–19705 Filed 9–4–20; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[201A2100DD/AAKC001030/ A0A501010.999900253G]

Indian Gaming; Tribal-State Class III Gaming Compacts Taking Effect in the State of Oklahoma

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: On July 1, 2020, the Kialegee Tribal Town, and the United Keetoowah Band of Cherokee Indians in Oklahoma, respectively, submitted compacts with the State of Oklahoma governing certain forms of Class III gaming. This notice announces that the Kialegee Tribal Town and State of Oklahoma Gaming Compact and the United Keetoowah Band of Cherokee Indians and State of Oklahoma Gaming Compact are taking effect.

DATES: The compacts take effect September 8, 2020.

FOR FURTHER INFORMATION CONTACT: Ms. Paula L. Hart, Director, Office of Indian Gaming, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, *paula.hart@bia.gov,* (202) 219–4066.

SUPPLEMENTARY INFORMATION: Under section 11 of the Indian Gaming Regulatory Act (IGRA), Public Law 100–497, 25 U.S.C. 2701 *et seq.,* the Secretary of the Interior shall publish in the **Federal Register** notice of approved Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. As required by 25 CFR 293.4, all compacts are subject to review and approval by the Secretary. The Secretary took no action on the Kialegee Tribal Town and State of Oklahoma Gaming Compact and the United Keetoowah Band of Cherokee Indians and State of Oklahoma Gaming Compact within 45 days of their submission. Therefore, the Compacts are considered to have been approved, but only to the extent they are consistent with IGRA. *See* 25 U.S.C. 2710(d)(8)(C).

Tara Sweeney,

Assistant Secretary—Indian Affairs.

[FR Doc. 2020–19707 Filed 9–4–20; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[201A2100DD/AAKC001030/ A0A51010.999900]

Land Acquisitions; Jamestown S'Klallam Tribe

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The Assistant Secretary—Indian Affairs has made a final determination to acquire 44.10 acres, more or less, into trust for the Jamestown S'Klallam Tribe.

DATES: The Assistant Secretary—Indian Affairs made the final determination on September 1, 2020.

FOR FURTHER INFORMATION CONTACT: Ms. Sharlene M. Round Face, Bureau of Indian Affairs, Division of Real Estate Services, 1001 Indian School Road NW, Albuquerque, NM 87104, telephone (505) 563–3132.

SUPPLEMENTARY INFORMATION: This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by part 209 of the Departmental Manual, and is published to comply with the requirement of 25 CFR 151.12(c)(2)(ii) that notice of the decision to acquire land in trust be promptly published in the **Federal Register**.

On the date listed in the **DATES** section of this notice, the Assistant Secretary—Indian Affairs issued a decision to accept land in trust for the Jamestown S'Klallam Tribe under the authority of Section 5 of the Indian Reorganization Act of 1934 (48 Stat. 984).

The Jamestown S'Klallam Tribe

Clallam County, Washington

Legal Description Containing 44.10 Acres, More or Less

Parcel 9

PARCELS 1, 2, 3, AND 7 OF SURVEY RECORDED DECEMBER 22, 1989 IN VOLUME 16 OF SURVEYS, PAGE 96, UNDER AUDITOR'S FILE NO. 626555, BEING A PORTION OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 30 NORTH, RANGE 2 WEST, W.M., CLALLAM COUNTY, WASHINGTON;

TOGETHER WITH THAT PORTION OF THE NORTHWEST QUARTER OF SAID SECTION 22, TOWNSHIP 30 NORTH, RANGE 2 WEST, W.M., AWARDED TO JAMESTOWN S'KLALLAM TRIBE, A TRIBAL GOVERNMENT, BY JUDGEMENT FILED OCTOBER 4, 2017, IN CLALLAM COUNTY SUPERIOR COURT CAUSE NO. 17–2–00622–2.

TOGETHER WITH THOSE PORTIONS LYING SOUTHERLY OF THE LINE AS MONUMENTED, DESCRIBED AND SHOWN ON SURVEY RECORDED MARCH 16, 2018, IN VOLUME 81 OF SURVEYS, PAGE 98, UNDER CLALLAM COUNTY RECORDING NO. 2018–1362091, AND CONVEYED TO JAMESTOWN S'KLALLAM TRIBE, A TRIBAL GOVERNMENT, BY BOUNDARY LOCATION AGREEMENT RECORDED MARCH 16, 2018, UNDER CLALLAM COUNTY AUDITOR'S FILE NO. 2018–1362092.

EXCEPT THE EAST 8 FEET OF SAID SOUTHEAST QUARTER OF THE NORTHWEST QUARTER.

AND EXCEPT THOSE PORTIONS LYING NORTHERLY OF THE LINE AS MONUMENTED, DESCRIBED AND SHOWN ON SURVEY RECORDED MARCH 16, 2018, IN VOLUME 81 OF SURVEYS, PAGE 98, UNDER CLALLAM COUNTY RECORDING NO. 2018–1362091, AND CONVEYED TO DONALD KNAPP, BY BOUNDARY LOCATION AGREEMENT RECORDED MARCH 16, 2018, UNDER CLALLAM COUNTY AUDITOR'S FILE NO. 2018–1362092.

Parcel 10

PARCELS 4, 5, AND 6 OF SURVEY RECORDED DECEMBER 22, 1989 IN VOLUME 16 OF SURVEYS, PAGE 96, UNDER AUDITOR'S FILE NO. 626555, BEING A PORTION OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 30 NORTH, RANGE 2 WEST, W.M., CLALLAM COUNTY, WASHINGTON.

TOGETHER WITH THAT PORTION OF THE NORTHWEST QUARTER OF SAID SECTION 22, TOWNSHIP 30 NORTH, RANGE 2 WEST, W.M., AWARDED TO JAMESTOWN S'KLALLAM TRIBE, A TRIBAL GOVERNMENT, BY JUDGEMENT FILED OCTOBER 4, 2017, IN CLALLAM COUNTY SUPERIOR COURT CAUSE NO. 17–2–00622–2.

TOGETHER WITH THOSE PORTIONS LYING EASTERLY OF THE LINE AS MONUMENTED, DESCRIBED AND SHOWN ON SURVEY RECORDED

MARCH 16, 2018, IN VOLUME 81 OF SURVEYS, PAGE 98, UNDER CLALLAM COUNTY RECORDING NO. 2018–1362091, AND CONVEYED TO JAMESTOWN S'KLALLAM TRIBE, A TRIBAL GOVERNMENT, BY BOUNDARY LOCATION AGREEMENT RECORDED MARCH 16, 2018, UNDER CLALLAM COUNTY AUDITOR'S FILE NO. 2018–1362092.

EXCEPT THOSE PORTIONS LYING WESTERLY OF THE LINE AS MONUMENTED, DESCRIBED AND SHOWN ON SURVEY RECORDED MARCH 16, 2018, IN VOLUME 81 OF SURVEYS, PAGE 98, UNDER CLALLAM COUNTY RECORDING NO. 2018–1362091, AND CONVEYED TO JANET N. EMERSON, BY BOUNDARY LOCATION AGREEMENT RECORDED MARCH 16, 2018, UNDER CLALLAM COUNTY AUDITOR'S FILE NO. 2018–1362092.

AND EXCEPT THOSE PORTIONS LYING NORTHERLY OF THE LINE AS MONUMENTED, DESCRIBED AND SHOWN ON SURVEY RECORDED MARCH 16, 2018, IN VOLUME 81 OF SURVEYS, PAGE 98, UNDER CLALLAM COUNTY RECORDING NO. 2018–1362091, AND CONVEYED TO DONALD KNAPP, BY BOUNDARY LOCATION AGREEMENT RECORDED MARCH 16, 2018, UNDER CLALLAM COUNTY AUDITOR'S FILE NO. 2018–1362092.

Parcel 11

THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 30 NORTH, RANGE 2 WEST, W.M., CLALLAM COUNTY, WASHINGTON.

TOGETHER WITH THOSE PORTIONS LYING EASTERLY OF THE LINE AS MONUMENTED, DESCRIBED AND SHOWN ON SURVEY RECORDED MARCH 16, 2018, IN VOLUME 81 OF SURVEYS, PAGE 98, UNDER CLALLAM COUNTY RECORDING NO. 2018–1362091, AND CONVEYED TO JAMESTOWN S'KLALLAM TRIBE, A TRIBAL GOVERNMENT, BY BOUNDARY LOCATION AGREEMENT RECORDED MARCH 16, 2018, UNDER CLALLAM COUNTY AUDITOR'S FILE NO. 2018–1362092.

SITUATE IN CLALLAM COUNTY, STATE OF WASHINGTON. PCLS 1,2,3, & 7 SVY V16 96 EXC PTN; PCLS 4, 5, & 6 SVY V16 P96; PTN NE4NW4 232 T30N R2WWM & PTN SW4NW4 S33 T30N R2WWM.

Tara Sweeney,

Assistant Secretary—Indian Affairs.

[FR Doc. 2020–19706 Filed 9–4–20; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLAZC03000.L12200000.EA0000.AZ–SRP–030–21–01]

Notice of Temporary Closure and Restrictions of Selected Public Lands in Mohave County, AZ

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of temporary closure and restrictions.

SUMMARY: Notice is hereby given that temporary closures and restrictions of activities will be in effect on public lands administered by the Bureau of Land Management (BLM), Lake Havasu Field Office, to minimize the risk of potential collisions with spectators and racers during the permitted operation of the 2020 Mad Media UTV World Championship desert races.

DATES: The temporary closure will be in effect from 7 a.m., October 8, 2020, through midnight, October 10, 2020. The temporary restrictions will be in effect from 8 a.m., October 7, 2020, through midnight, October 10, 2020.

FOR FURTHER INFORMATION CONTACT: Jason West, Field Manager, BLM Lake Havasu Field Office, 1785 Kiowa Avenue, Lake Havasu City, Arizona 86403; telephone 928–505–1200. Also see the Lake Havasu Field Office website: *https://www.blm.gov/office/lake-havasu-field-office.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The temporary closure and restrictions affect public lands in the Standard Wash Off-Highway Vehicle (OHV) Open Area near Lake Havasu City, Mohave County, Arizona. Location of the temporary closure and restrictions are depicted on maps found online at the BLM National Environmental Policy Act (NEPA) Register web page: *https://go.usa.gov/xfPtM.* In addition, the closure, restrictions, and maps of the closure area will be posted at event access points, available at the Lake Havasu Field Office, and posted on the BLM external web page: *https://www.blm.gov/office/lake-havasu-field-office.*

The closure and restrictions are issued under the authority of 43 CFR 8364.1, which allows the BLM to establish closures for the protection of persons, property, and public lands and resources. Violation of any of the terms, conditions, or restrictions contained within this closure order may subject the violator to citation or arrest with a penalty or fine or imprisonment, or both as specified by law.

Temporary Closure and Restrictions and Existing Regulations

l. Environmental Resource Management and Protection

a. No person may deface, disturb, remove, or destroy any natural object.

b. *Fireworks:* The use, sale, or possession of personal fireworks is prohibited.

c. Cutting or collecting firewood of any kind, including dead and downed wood or other vegetative material is prohibited.

d. *Grey Water Discharge:* The discharge and dumping of grey water onto the ground surface is prohibited. Grey water is defined as water that has been used for cooking, washing, dishwashing, or bathing and/or contains soap, detergent, food scraps, or food residue, regardless of whether such products are biodegradable or have been filtered or disinfected.

e. *Black Water Discharge:* The discharge and dumping of black water onto the ground surface is prohibited. Black water is defined as wastewater containing feces, urine, and/or flush water.

f. *Human Waste:* The depositing of human waste (liquid and/or solid) on the ground surface is prohibited.

g. *Trash:* The discharge of all trash/litter onto the ground surface is prohibited. All event participants must pack out or properly dispose of all trash at an appropriate disposal facility.

h. *Hazardous Materials:* The dumping or discharge of vehicle oil, petroleum products, or other hazardous household, commercial, or industrial refuse or waste onto the ground surface is prohibited. This applies to all recreational vehicles, trailers, motorhomes, port-a-potties, generators, and other camp infrastructure.

2. Alcohol/Prohibited Substance

a. Possession of an open container of an alcoholic beverage by the driver or

operator of any motorized vehicle, whether or not the vehicle is in motion, is prohibited.

b. Possession of alcohol by minors. The following are prohibited:

i. Consumption or possession of any alcoholic beverage by a person under 21 years of age on public lands; and

ii. Selling, offering to sell, or otherwise furnishing or supplying any alcoholic beverage to a person under 21 years of age on public lands.

c. Operation of a motor vehicle while under the influence of alcohol, marijuana, narcotics, or dangerous drugs is prohibited.

3. Drug Paraphernalia

a. The possession of drug paraphernalia is prohibited.

4. Disorderly Conduct

a. Disorderly conduct is prohibited. Disorderly conduct means that an individual, with the intent of recklessly causing public alarm, nuisance, jeopardy, or violence, or recklessly creating a risk thereof:

i. Engages in fighting or violent behavior;

ii. Uses language, an utterance or gesture, or engages in a display or act that is physically threatening or menacing, or done in a manner that is likely to inflict injury or incite an immediate breach of the peace; or

iii. Obstructs, resists, or attempts to elude a law enforcement officer, or fails to follow their orders or directions.

5. Eviction of Persons

a. The temporary closure and restriction area is closed to any person who:

i. Has been evicted from the event by the permit holder, whether or not the eviction was requested by the BLM;

ii. Has been evicted from the event by the BLM; or

iii. Has been ordered by a law enforcement officer to leave the area of the permitted event.

b. Any person evicted from the event forfeits all privileges to be present within the temporary closure and restriction area.

6. Motor Vehicles

a. Motor vehicles must comply with the following requirements:

i. The operator of a motor vehicle must possess a valid driver's license.

ii. Motor vehicles and trailers must possess evidence of valid registration.

iii. Motor vehicle operators must possess evidence of valid insurance.

iv. Motor vehicles and trailers must not block a street used for vehicular travel or a pedestrian pathway. Parking any off-highway vehicle in violation of posted restrictions; or in such a manner as to obstruct or impede normal or emergency traffic movement or the parking of other vehicles; creating a safety hazard; or endangering any person, property, or feature is prohibited. Vehicles parked in violation are subject to citation, removal, and/or impoundment at the owner's expense.

v. Motor vehicles must not exceed the posted speed limit.

vi. Operating a vehicle through, around, or beyond a restrictive sign, barricade, fence, or traffic control barrier or device is prohibited.

vii. Failure to obey any person authorized to direct traffic or control access to the event area, including law enforcement officers, BLM officials, and designated race officials, is prohibited.

b. The temporary closure area is closed to motor vehicle use, except as provided below. Motor vehicles may be operated within the temporary closure area under the circumstances listed below:

i. Race participants and support vehicles on designated routes;

ii. BLM, medical, law enforcement, and firefighting vehicles are authorized at all times; or

iii. Vehicles operated by the permit holder's staff or contractors and volunteers are authorized at all times. These vehicles must display evidence of event registration at all times in such a manner that it is visible at the front of the vehicle while the vehicle is in motion.

7. Public Camping

a. The temporary closure and restriction area is closed to public camping with the following exceptions:

i. The permitted event's spectators, who are camped in designated spectator areas, as marked by protective fencing, barriers, and informational signage provided by the permit holder; or

ii. The permit holder's authorized staff, contractors, and BLM-authorized event managers.

b. Spectator area site reservations, denying other visitors or parties from utilizing unoccupied portions of the spectator area by marking with flags, tape, posts, cones, etc., is prohibited. Vehicles and trailers may not be left unattended for over 72 hours.

c. Allowing any pet or other animal to be unrestrained is prohibited. All pets must be restrained by a leash of not more than six feet in length.

d. Failure to observe restricted area quiet hours of midnight to 6 a.m. is prohibited.

8. Weapons

a. Discharging or use of firearms or other weapons is prohibited.

b. The prohibition above shall not apply to county, state, tribal and Federal law enforcement personnel who are working in their official capacity at the event.

9. Racecourse Closure

a. The designated racecourse as shown in the Lake Havasu Field Office approved Resource Management Plan and Decision Record is closed to public entry during the temporary closure.

b. The temporary closure area is closed to use by members of the public with the following exceptions:

i. The person is an employee or authorized volunteer with the BLM, a law enforcement officer, emergency medical service provider, fire protection provider, or another public agency employee working at and assigned to the event; or

ii. The person is working at or attending the event directly on behalf of the permit holder.

c. Failure to obey any official sign posted by the BLM, law enforcement, Mohave County, or the permit holder is prohibited.

Enforcement: Any person who violates these closure rules may be tried before a United States Magistrate and fined in accordance with 18 U.S.C. 3571, imprisoned no more than 12 months under 43 U.S.C. l733(a) and 43 CFR 8360.0–7, or both. In accordance with 43 CFR 8365.1–7, State or local officials may also impose penalties for violations of Arizona law. A complete list of laws and regulations applicable to public lands in Arizona may be viewed at: *http://www.azd.uscourts.gov/sites/default/files/general-orders/19-14.pdf.*

Authority: 43 CFR 8364.l.

Jason West,

Field Manager.

[FR Doc. 2020–19765 Filed 9–4–20; 8:45 am]

BILLING CODE 4310–32–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWY920000. L57000000.FI0000. 17XL5017AR]

Notice of Proposed Reinstatement of Terminated Oil and Gas Leases WYW–178369, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: As provided for under the Mineral Leasing Act of 1920, as amended, the Bureau of Land Management (BLM) received a petition for reinstatement of competitive oil and gas lease WYW–178369 from WPX Energy RM Company for land in Sweetwater County, Wyoming. The lessee filed the petition on time, along with all rentals due since the lease terminated under the law. No leases affecting this land were issued before the petition was filed.

FOR FURTHER INFORMATION CONTACT: Christopher Hite, Branch Chief for Fluid Minerals Adjudication, Bureau of Land Management, Wyoming State Office, 5353 Yellowstone Road, Cheyenne, Wyoming 82009; phone 307–775–6176; email *chite@blm.gov.* Persons who use a telecommunications device for the deaf may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact Christopher Hite during normal business hours. The FRS is available 24 hours a day, seven days a week, to leave a message or question with the above individual. A reply will be sent during normal business hours.

SUPPLEMENTARY INFORMATION: Termination of a lease is automatic and statutorily imposed by Congress when rental fees are not paid in a timely manner. Lease reinstatement terms are also set by Congress. Oil and gas lease WYW–178369 in Sweetwater County, Wyoming, was terminated by operation of law effective December 1, 2016, for failure to pay rental timely. The lessee of record petitioned for reinstatement of the lease and met all filing requirements for a Class II reinstatement.

The lessee agreed to the amended lease terms for rentals of $10 per acre, or fraction thereof, per year and royalty rates of 16⅔ percent. The lessee paid the required $500 administrative fee and the $159 cost of publishing this notice. The lessee meets the requirements for reinstatement of the leases per Sec. 31(d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188). Reinstatement of these leases conforms to the terms and conditions of all applicable land use plans, including the 2015 Approved Resource Management Plan Amendments for the Rocky Mountain Region, and other applicable National Environmental Policy Act documents.

The BLM proposes to reinstate the lease effective December 1, 2016, under the amended terms and conditions of the lease and the increased rental and royalty rates cited above. The lease will be reinstated 30 days after publication of this proposed reinstatement notice in the **Federal Register**.

(Authority: 30 U.S.C. 188(e)(4) and 43 CFR 3108.2–3(b)(2)(v))

Christopher Hite,

Chief, Branch of Fluid Minerals Adjudication.

[FR Doc. 2020–19758 Filed 9–4–20; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[F–19525–A; F–19525–C; F–19525–A2; F–19525–B2; 20X.LLAK944200.L14100000.HY0000]

Alaska Native Claims Selection

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of decision approving lands for conveyance.

SUMMARY: The Bureau of Land Management (BLM) hereby provides constructive notice that it will issue an appealable decision approving conveyance of the surface estate in certain lands to Council Native Corporation, for the Native village of Council, pursuant to the Alaska Native Claims Settlement Act of 1971 (ANCSA). As provided by ANCSA, the BLM will convey the subsurface estate in the same lands to Bering Straits Native Corporation when the BLM conveys the surface estate to Council Native Corporation.

DATES: Any party claiming a property interest in the lands affected by the decision may appeal the decision in accordance with the requirements of 43 CFR part 4 within the time limits set out in the **SUPPLEMENTARY INFORMATION** section.

ADDRESSES: You may obtain a copy of the decision from the Bureau of Land Management, Alaska State Office, 222 West Seventh Avenue, #13, Anchorage, AK 99513–7504.

FOR FURTHER INFORMATION CONTACT: Eileen Ford, BLM Alaska State Office, 907–271–5715, or *eford@blm.gov.* The BLM Alaska State Office may also be contacted via Telecommunications Device for the Deaf (TDD) through the Federal Relay Service at 1–800–877–8339. The relay service is available 24 hours a day, 7 days a week, to leave a message or question with the BLM. The BLM will reply during normal business hours.

SUPPLEMENTARY INFORMATION: As required by 43 CFR 2650.7(d), notice is hereby given that the BLM will issue an appealable decision to Council Native Corporation. The decision approves conveyance of the surface estate in certain lands pursuant to ANCSA (43 U.S.C. 1601, *et seq.*). As provided by ANCSA, the subsurface estate in the same lands will be conveyed to Bering Straits Native Corporation when the surface estate is conveyed to Council Native Corporation. The lands are located in the vicinity of Council, Alaska, and are described as:

Lot 1, U.S. Survey No. 9993, Alaska.
Containing 129.97 acres.

Kateel River Meridian, Alaska

T. 6 S., R. 24 W.,
Sec. 33.
Containing 640 acres.
T. 7 S., R. 24 W.,
Secs. 4, 22, 23, and 24.
Containing 2,559.68 acres.
T. 6 S., R. 25 W.,
Sec. 22;
Tracts D, E, and P;
Tracts Q, R, S, and T;
Tracts X, Y, Z, and B1.
Containing 4,628.70 acres.
Aggregating 7,958.35 acres.

The decision addresses public access easements, if any, to be reserved to the United States pursuant to Sec. 17(b) of ANCSA (43 U.S.C. 1616(b)), in the lands described above.

The BLM will also publish notice of the decision once a week for four consecutive weeks in the ''Nome Nugget'' newspaper.

Any party claiming a property interest in the lands affected by the decision may appeal the decision in accordance with the requirements of 43 CFR part 4 within the following time limits:

1. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who fail or refuse to sign their return receipt, and parties who receive a copy of the decision by regular mail which is not certified, return receipt requested, shall have until October 8, 2020 to file an appeal.

2. Parties receiving service of the decision by certified mail shall have 30 days from the date of receipt to file an appeal.

Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4 shall be deemed to have waived their rights. Notices of appeal transmitted by facsimile will not be accepted as timely filed.

Eileen Ford,

Land Transfer Resolution Specialist, Adjudication Section.

[FR Doc. 2020–19781 Filed 9–4–20; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[20X.LLMTC03200.L13200000.EL0000. LVEME17CE560 MO #4500145975]

Notice of Availability, Notice of a Public Hearing, and Request for Comment on Environmental Assessment, Maximum Economic Recovery, and Fair Market Value for BNI Coal LTD's Lease-by-Application NDM–105513, Oliver County, ND

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability and public hearing.

SUMMARY: The Bureau of Land Management (BLM), North Dakota Field Office (NDFO) is publishing this notice to announce that an Environmental Assessment (EA) for BNI Coal Ltd.'s (BNI) Federal Coal Lease-by-Application (LBA), serial number NDM–105513, is available for public review and comment. The BLM is also announcing that it will hold a public hearing to receive comments on the EA, Fair Market Value (FMV), and Maximum Economic Recovery (MER) of the coal resources contained in the proposed BNI LBA lease tracts.

DATES: The public hearing will be held from 3:00 p.m. to 5:00 p.m. CDT on Thursday, September 24, 2020. Written comments should be submitted and received by the NDFO no later than Thursday, October 8, 2020.

ADDRESSES: The public hearing will be held at the Betty Hagel Memorial Civic Center, 312 Lincoln Ave., Center, ND 58530. Should pandemic conditions in North Dakota change to prevent or further restrict an in-person meeting, the public hearing may be held as a teleconference. Updates would be provided through eplanning and a press release.

In addition, copies of the EA are available at *http://ow.ly/f1y650ASuiG* and at the NDFO. You may submit comments related to the BNI's EA, FMV and MER by any of the following methods:

Electronic: http://ow.ly/f1y650ASuiG; or by mail at: Bureau of Land Management North Dakota Field Office, Attention: Carissa Shilling, 99 23rd Avenue West, Suite A, Dickinson, ND 58601.

FOR FURTHER INFORMATION CONTACT: Carissa Shilling, Geologist; telephone: 406–233–3163; email: *cshilling@blm.gov;* or at the address provided in the **ADDRESSES** section. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service at 1–800–877–8339 to contact Ms. Shilling during normal business hours. The Service is available 24 hours a day, 7 days a week, to leave a message or question. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: On February 14, 2017, BNI submitted an application to lease several Federal coal lease tracts comprising 630 acres, located in Oliver County, North Dakota. The BLM developed the issue-based EA which analyzed and disclosed potential direct, indirect, and cumulative impacts of leasing and subsequent mining of the proposed lease tracts. The tracts are located at the Center Mine and contain about 6.97 million tons of in-place Federal coal resources. The tracts underlie private surface and are described as follows:

Fifth Principal Meridian, North Dakota

T. 141 N., R. 83 W.,
Sec. 8, S½ NE¼NE¼.
T. 141 N., R. 84 W.,
Sec. 14, E½NE¼, S½SW, and SE¼.
T. 142 N., R. 84 W.,
Sec. 20, NE¼, NW¼SW¼, NW¼NE¼SE¼, and E½SW¼.

The areas described aggregate 630.00 acres.

Through this notice, the BLM is inviting the public to provide comments regarding the potential environmental impacts related to the proposed action, and to submit comments on the FMV and the MER for the proposed LBA tract. All public comments, whether written or oral, will receive consideration prior to the BLM's decision regarding the leasing of the Federal coal contained in the tracts.

Public comments on the EA should address the potential environmental impacts of the proposed action. Public comments on the FMV and MER for the proposed lease tracts may address, but do not necessarily have to be limited to, the following:

1. The quantity and quality of the Federal coal resource;

2. The mining method to be employed to obtain the MER of the coal resource, including the name of the coal bed(s) to be mined, timing and rate of production, restriction of mining, and the inclusion of the lease tracts into the existing mining operation;

3. The price that the mined coal would bring when sold;

4. Costs, including mining and reclamation, and the anticipated timing of production;

5. The percentage rate at which anticipated income streams should be discounted, either with inflation, or in the absence of inflation, in which case the anticipated rate of inflation should be given;

6. Depreciation, depletion, amortization, and other tax accounting factors;

7. The value of privately held mineral or surface estate in the Center Mine area.

Any proprietary information or data that you submit to the BLM must be marked as confidential and mailed directly to the BLM NDFO, Attention: Carissa Shilling (see **ADDRESSES** earlier) to assure the data will be treated in accordance with the applicable laws and regulations governing the confidentiality of such information or data. A copy of the comments submitted by the public on the EA, FMV, and MER for the tracts, except those portions identified as proprietary and that meet one of the exemptions in the Freedom of Information Act, will be available for public inspection at the BLM NDFO (see **ADDRESSES** earlier), during regular business hours (8:00 a.m.–4:30 p.m.), Monday through Friday.

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, the BLM cannot guarantee that we will be able to do so.

Authority: 40 CFR 1506.6, 43 CFR 3425.3 and 3425.4

John Mehlhoff,
Montana/Dakotas State Director.

[FR Doc. 2020–19800 Filed 9–4–20; 8:45 am]

BILLING CODE 4310–DN–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0030724; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Tennessee Valley Authority, Knoxville, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Tennessee Valley Authority (TVA) has completed an inventory of associated funerary objects in consultation with the appropriate Indian Tribes and Native Hawaiian organizations, and has determined that there is no cultural affiliation between the associated funerary objects and any

present-day Indian Tribes or Native Hawaiian organizations. Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these associated funerary objects should submit a written request to the TVA. If no additional requestors come forward, transfer of control of the associated funerary objects to the Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these associated funerary objects should submit a written request with information in support of the request to the TVA at the address in this notice by October 8, 2020.

ADDRESSES: Dr. Thomas O. Maher, Tennessee Valley Authority, 400 West Summit Hill Drive, WT11C, Knoxville, TN 37902–1401, telephone (865) 632–7458, email *tomaher@tva.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of associated funerary objects under the control of the Tennessee Valley Authority, Knoxville, TN. The associated funerary objects were removed from site 1MA48 in Madison County, AL.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the associated funerary objects was made by TVA professional staff in consultation with representatives of the Alabama-Coushatta Tribe of Texas (previously listed as Alabama-Coushatta Tribes of Texas); Alabama-Quassarte Tribal Town; Cherokee Nation; Coushatta Tribe of Louisiana; Eastern Band of Cherokee Indians; Eastern Shawnee Tribe of Oklahoma; Poarch Band of Creeks (previously listed as Poarch Band of Creek Indians of Alabama); The Chickasaw Nation; The Choctaw Nation of Oklahoma; The Muscogee (Creek) Nation; Thlopthlocco Tribal Town; and the United Keetoowah Band of Cherokee Indians in Oklahoma (hereafter referred to as ''The Consulted Tribes'').

History and Description of the Remains

The site listed in this notice was excavated as part of TVA's Wheeler Reservoir Project by the Alabama Museum of Natural History (AMNH) at the University of Alabama, using labor provided by the Civil Works Administration, a precursor to the Works Progress Administration. Details regarding the excavation of this site may be found in *The Flint River Site, MA48,* a report by William S. Webb and David L. DeJarnette. The associated funerary objects excavated from the site listed in this notice have been in the physical custody of the AMNH at the University of Alabama since they were excavated. Human remains and associated funerary objects from 1MA48 were the subject of two previous Notices of Inventory Completion's published in the **Federal Register** (81 FR 60380–60381, September 1, 2016 and 84 FR 38055–38056, August 5, 2019). All the cultural items listed in those notices have been transferred to The Chickasaw Nation. Recently, missing funerary objects removed from site 1MA48 were discovered during the improvement of the curation of TVA's archeological collection at AMNH.

From June to December 1938, excavations took place at the Flint River site, 1MA48, in Madison County, AL. Excavation commenced after TVA had acquired the two parcels of land encompassing site 1MA48 on November 11, 1935 and July 3, 1936. Excavations revealed multiple occupations, including the Late Archaic (4000–1000 B.C.) period, Colbert (300 B.C.–A.D. 100), Flint River (A.D. 500–1000), and the early Mississippian Langston phase (A.D. 900–1200). The 61 associated funerary objects listed in this notice include 46 shell beads, one bone awl, 12 polished and incised antler fragments, and two bone tools.

Determinations Made by the Tennessee Valley Authority

Officials of the Tennessee Valley Authority have determined that:

- Pursuant to 25 U.S.C. 3001(3)(A), the 61 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the associated funerary objects and any present-day Indian Tribe.
- According to final judgments of the Indian Claims Commission or the Court of Federal Claims, the land from which the associated funerary objects were removed is the aboriginal land of the Cherokee Nation; Eastern Band of Cherokee Indians; and the United Keetoowah Band of Cherokee Indians in Oklahoma. The Cherokee Nation; Eastern Band of Cherokee Indians; and the United Keetoowah Band of Cherokee Indians in Oklahoma have declined to accept transfer of control of these associated funerary objects.
- The Treaty of September 20, 1816, indicates that the land from which the Native American human remains were removed is the aboriginal land of The Chickasaw Nation.
- Pursuant to 43 CFR 10.11(c)(4), the Tennessee Valley Authority has agreed to transfer control of the associated funerary objects to The Chickasaw Nation.

Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these associated funerary objects should submit a written request with information in support of the request to Dr. Thomas O. Maher, Tennessee Valley Authority, 400 West Summit Hill Drive, WT11C, Knoxville, TN 37902–1401, telephone (865) 632–7458, email *tomaher@tva.gov,* by October 8, 2020. After that date, if no additional requestors have come forward, transfer of control of the associated funerary objects to The Chickasaw Nation may proceed.

The Tennessee Valley Authority is responsible for notifying The Consulted Tribes that this notice has been published.

Dated: August 3, 2020.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2020–19697 Filed 9–4–20; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0030758; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Item: Museum of Riverside, Riverside, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Museum of Riverside, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, has determined that the

cultural item listed in this notice meets the definition of a sacred object. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request to the Museum of Riverside. If no additional claimants come forward, transfer of control of the cultural item to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request with information in support of the claim to the Museum of Riverside at the address in this notice by October 8, 2020.

ADDRESSES: Robyn G. Peterson, Ph.D., Museum Director, Museum of Riverside, 3580 Mission Inn Avenue, Riverside, CA 92501, telephone (951) 826–5792, email *rpeterson@riversideca.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate a cultural item under the control of the Museum of Riverside, Riverside, CA, that meets the definition of sacred object under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Item

On an unknown date, one sacred item was removed from the traditional land of the Diegueño/Kumeyaay in San Diego County, CA. A letter dated May 5, 1952, documents the donor's bequest of the sacred object to the Museum. The one sacred object is a ca. 1900 basketry feathered shaman's hat. The cultural affiliation and identity of the cultural item were determined in consultation with Clint Linton, a member of the Iipay Nation of Santa Ysabel, California (previously listed as Santa Ysabel Band of Diegueño Mission Indians of the Santa Ysabel Reservation) and Kumeyaay Tribal NAGPRA representative. The Museum also sent letters pertaining to this sacred object to the leader for each of the 13 federally recognized Kumeyaay Tribes (Campo Band of Diegueño Mission Indians of the Campo Indian Reservation, Capitan Grande Band of Diegueño Mission Indians of California: Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, Ewiiaapaayp Band of Kumeyaay Indians, Inaja Band of Diegueño Mission Indians of California, Jamul Indian Village of California, La Posta Band of Diegueño Mission Indians, Lipay Nation of Santa Ysabel, Manzanita Band of Diegueño Mission Indians, Mesa Grande Band of Diegueño Mission Indians, San Pasqual Band of Diegueño Mission Indians of California, Sycuan Band of the Kumeyaay Nation, and Viejas Band of Kumeyaay Indians).

Determinations Made by the Museum of Riverside

Officials of the Museum of Riverside have determined that:

- Pursuant to 25 U.S.C. 3001(3)(C), the one cultural item described above is a specific ceremonial object needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the sacred object and the Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, California; Capitan Grande Band of Diegueno Mission Indians of California (Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, California; Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, California); Ewiiaapaayp Band of Kumeyaay Indians, California; Iipay Nation of Santa Ysabel, California (previously listed as Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel Reservation); Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, California; Jamul Indian Village of California; La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation, California; Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, California; Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, California; San Pasqual Band of Diegueno Mission Indians of California; and the Sycuan Band of the Kumeyaay Nation (hereafter referred to as ''The Tribes'').

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Robyn G. Peterson, Ph. D, Museum Director, Museum of Riverside, 3580 Mission Inn Avenue, Riverside, CA 92501, telephone (951) 826–5792, email *rpeterson@riversideca.gov,* by October 8, 2020. After that date, if no additional claimants have come forward, transfer of ownership of the sacred object to The Tribes may proceed.

The Museum of Riverside is responsible for notifying The Tribes that this notice has been published.

Dated: August 10, 2020.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2020–19702 Filed 9–4–20; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0030727; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Tennessee Valley Authority, Knoxville, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Tennessee Valley Authority (TVA) has completed an inventory of an associated funerary object, in consultation with the appropriate Indian Tribes, and has determined that a cultural affiliation between the associated funerary object and present-day Indian Tribes can reasonably be traced. Lineal descendants or representatives of any Indian Tribe not identified in this notice that wish to request transfer of control of this associated funerary object should submit a written request to the TVA. If no additional requestors come forward, transfer of control of the associated funerary object to the Indian Tribes stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe not identified in this notice that wish to request transfer of control of this associated funerary object should submit a written request with information in support of the request to the TVA at the address in this notice by October 8, 2020.

ADDRESSES: Dr. Thomas O. Maher, Tennessee Valley Authority, 400 West Summit Hill Drive, WT11C, Knoxville TN 37902–1401, telephone (865) 632–7458, email *tomaher@tva.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of associated funerary objects under the control of the Tennessee Valley Authority, Knoxville, TN. The associated funerary object was removed from an archeological site in Jackson County, AL.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the funerary object was made by TVA professional staff in consultation with representatives of the Absentee Shawnee Tribe of Indians of Oklahoma; Alabama-Coushatta Tribe of Texas (previously listed as Alabama-Coushatta Tribes of Texas); Alabama-Quassarte Tribal Town; Cherokee Nation; Eastern Band of Cherokee Indians; Eastern Shawnee Tribe of Oklahoma; Kialegee Tribal Town; Poarch Band of Creeks (previously listed as Poarch Band of Creek Indians of Alabama); Seminole Tribe of Florida; Shawnee Tribe; The Chickasaw Nation; The Muscogee (Creek) Nation; The Seminole Nation of Oklahoma; Thlopthlocco Tribal Town; and the United Keetoowah Band of Cherokee Indians in Oklahoma (hereafter referred to as ''The Consulted Tribes'').

History and Description of the Associated Funerary Object

The site listed in this notice—1JA180, the Rudder site, in Jackson County, AL—was excavated as part of TVA's Guntersville Reservoir project by the Alabama Museum of Natural History (AMNH) at the University of Alabama, using labor and funds provided by the Works Progress Administration. Details regarding the excavation of this site may be found in ''*An Archaeological Survey of Guntersville Basin on the Tennessee River in Northern Alabama,*'' by William S. Webb and Charles G. Wilder.

Human remains and other associated funerary objects from site 1JA180 were listed in a Notice of Inventory Completion published in the **Federal Register** on January 14, 2014 (79 FR 2877–2878, January 14, 2014). The cultural items listed in that notice have been transferred to The Muscogee (Creek) Nation. Recently, an additional associated funerary object from this site was discovered during the improvement of the curation of TVA's archeological collection at AMNH.

On March 30, 1939, burial unit 8 was excavated at 1JA180, the Rudder site, in Jackson County, AL, following TVA's purchase of the site on November 22, 1937. Site 1JA180 was composed of a truncated trapezoidal mound showing multiple construction periods and a smaller mound containing most of the burial units. The culturally affiliated NAGPRA cultural items from site 1JA180 are from the Henry Island phase of the Mississippian period. The one associated funerary object is a shell bead.

Spanish and French explorers of the 16th and 17th centuries indicated the presence of chiefdom-level tribal entities in the southeastern United States, and TVA has determined that the Coosa paramount chiefdom noted in historical chronicles is most likely related to Henry Island phase sites in this part of the Guntersville Reservoir. Tribal groups or towns that are constituents of The Muscogee (Creek) Nation claim descent from the Coosa chiefdom. Consequently, based on historical and oral traditional information, the preponderance of the evidence indicates that in this part of the Guntersville Reservoir area, Henry Island phase sites are most likely culturally associated with groups now part of The Muscogee (Creek) Nation.

Determinations Made by the Tennessee Valley Authority

Officials of the Tennessee Valley Authority have determined that:

- Pursuant to 25 U.S.C. 3001(3)(A), the one associated funerary object described in this notice is reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the associated funerary object listed in this notice and The Muscogee (Creek) Nation.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe not identified in this notice that wish to request transfer of control of this associated funerary object should submit a written request with information in support of the request to Dr. Thomas O. Maher, Tennessee Valley Authority, 400 West Summit Hill Drive, WT11C, Knoxville, TN 37902–1401, telephone (865) 632–7458, email *tomaher@tva.gov,* by October 8, 2020. After that date, if no additional requestors have come forward, transfer of control of the associated funerary object to The Muscogee (Creek) Nation may proceed.

The Tennessee Valley Authority is responsible for notifying The Consulted Tribes that this notice has been published.

Dated: August 3, 2020.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2020–19696 Filed 9–4–20; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0030726; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Tennessee Valley Authority, Knoxville, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Tennessee Valley Authority (TVA) has completed an inventory of associated funerary objects in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the associated funerary objects and any present-day Indian Tribes or Native Hawaiian organizations. Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these associated funerary objects should submit a written request to the TVA. If no additional requestors come forward, transfer of control of the associated funerary objects to the Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these associated funerary objects should submit a written request with information in support of the request to the TVA at the address in this notice by October 8, 2020.

ADDRESSES: Dr. Thomas O. Maher, Tennessee Valley Authority, 400 West Summit Hill Drive, WT11C, Knoxville, TN 37902–1401, telephone (865) 632–7458, email *tomaher@tva.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C.

3003, of the completion of an inventory of associated funerary objects under the control of Tennessee Valley Authority, Knoxville, TN. The associated funerary objects were removed from archeological sites in Marshall County, AL.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the associated funerary objects was made by TVA professional staff in consultation with representatives of the Absentee-Shawnee Tribe of Oklahoma; Alabama-Coushatta Tribe of Texas (previously listed as Alabama-Coushatta Tribes of Texas); Cherokee Nation; Coushatta Tribe of Louisiana; Eastern Band of Cherokee Indians; Poarch Band of Creeks (previously listed as Poarch Band of Creek Indians of Alabama); The Chickasaw Nation; The Choctaw Nation of Oklahoma; The Muscogee (Creek) Nation; The Seminole Nation of Oklahoma; and the United Keetoowah Band of Cherokee Indians in Oklahoma (hereafter referred to as ''The Consulted Tribes'').

History and Description of the Associated Funerary Objects

The three sites listed in this notice—1MS80, 1MS147, and 1MS91—were excavated as part of TVA's Guntersville Reservoir project by the Alabama Museum of Natural History (AMNH) at the University of Alabama, using labor and funds provided by the Works Progress Administration. Details regarding the excavation of these sites may be found in ''*An Archaeological Survey of Guntersville Basin on the Tennessee River in Northern Alabama,*'' a report by William S. Webb and Charles G. Wilder. The associated funerary objects listed in this notice have been in the physical custody of the AMNH at the University of Alabama since they were excavated.

Human remains and associated funerary objects from sites 1MS80 and 1MS147 were listed in a Notice of Inventory Completion published in the **Federal Register** on May 3, 2019 (84 FR 19111–19113, May 3, 2019), and human remains and associated funerary objects from site 1MS91 were listed in a Notice of Inventory Completion in the **Federal Register** on September 16, 2016 (81 FR 63793–63795, September 16, 2016). Pursuant to 43 CFR 10.11(c)(2)(i), all the cultural items listed in those notices have been transferred to the Alabama-Coushatta Tribe of Texas (previously listed as Alabama-Coushatta Tribes of Texas); Alabama-Quassarte Tribal Town; Coushatta Tribe of Louisiana; and The Muscogee (Creek) Nation. Recently, five additional associated funerary objects removed from these three sites were discovered during the improvement of the curation of TVA's archeological collection at AMNH.

From June to October 1938, excavation took place at the Harris site, 1MS80, in Marshall County, AL, following TVA's purchase of the site on January 26, 1937. This shell-midden site was excavated through trenches and horizontal blocks. Although there are no radiocarbon dates from this site, artifacts from the excavation suggest occupations during the Copena (A.D. 100–500), Flint River (A.D. 500–1000), and Henry Island (A.D. 1200–1500) phases. The one associated funerary object is a sandstone geode. The human remains with which it is associated could not be assigned to a specific occupation.

From June 1938 to May 1939, excavation took place at the Columbus City Landing site, 1MS91, northeast of the city of Guntersville, in Marshall County, AL, following TVA's purchase of the site on March 8, 1937. Both the village (Unit I) and adjacent mounds (Unit II) were investigated. Artifacts recovered from this excavation revealed that the primary occupations date to the Middle Woodland (A.D. 100–500), Mississippian (A.D. 1200–1500), and historic periods. The three associated funerary objects are three Baytown Plain sherds that were removed from burial 58, in Unit II. The human remains with which they are associated could not be assigned to a specific occupation.

From January to March 1940, excavation took place at the McDonald site, 1MS147, in Marshall County, AL, following TVA's acquisition of the site on August 5, 1938. This site was composed of both a village and a mound. Although there are no radiocarbon dates from this site, the artifacts indicate that it was primarily occupied during the Copena phase (A.D. 100–500). The one associated funerary object is a Hamilton projectile point that was removed from burial 7. The human remains with which it is associated could not be assigned to a specific occupation.

Determinations Made by the Tennessee Valley Authority

Officials of the Tennessee Valley Authority have determined that:

- Pursuant to 25 U.S.C. 3001(3)(A), the five objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the associated funerary objects and any present-day Indian Tribe.
- According to final judgments of the Indian Claims Commission or the Court of Federal Claims, the land from which the associated funerary objects were removed is the aboriginal land of the Cherokee Nation; Eastern Band of Cherokee Indians; and the United Keetoowah Band of Cherokee Indians in Oklahoma. The Cherokee Nation; Eastern Band of Cherokee Indians; and the United Keetoowah Band of Cherokee Indians in Oklahoma have declined to accept transfer of control of these cultural items.
- Pursuant to 43 CFR 10.11(c)(4), the Tennessee Valley Authority has agreed to transfer control of the associated funerary objects to the Alabama-Coushatta Tribe of Texas (previously listed as Alabama-Coushatta Tribes of Texas); Alabama-Quassarte Tribal Town; Coushatta Tribe of Louisiana; and The Muscogee (Creek) Nation.

Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of the associated funerary objects should submit a written request with information in support of the request to Dr. Thomas O. Maher, Tennessee Valley Authority, 400 West Summit Hill Drive, WT11C, Knoxville, TN 37902–1401, telephone (865) 632–7458, email *tomaher@tva.gov,* by October 8, 2020. After that date, if no additional requestors have come forward, transfer of control of the associated funerary objects to the Alabama-Coushatta Tribe of Texas (previously listed as Alabama-Coushatta Tribes of Texas); Alabama-Quassarte Tribal Town; Coushatta Tribe of Louisiana; and The Muscogee (Creek) Nation may proceed.

The Tennessee Valley Authority is responsible for notifying The Consulted Tribes that this notice has been published.

Dated: August 3, 2020.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2020–19693 Filed 9–4–20; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0030683; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Michigan State University, East Lansing, MI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: Michigan State University has completed an inventory of human remains and associated funerary objects in consultation with the appropriate Indian Tribes or Native Hawaiian organizations and has determined that there is no cultural affiliation between the human remains and associated funerary objects and any present-day Indian Tribes or Native Hawaiian organizations. Representatives of any Indian Tribes or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to Michigan State University. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribes or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Michigan State University at the address in this notice by October 8, 2020.

ADDRESSES: Judith Stoddart, Associate Provost for University Collections and Arts Initiatives, Michigan State University, 466 W Circle Drive, East Lansing, MI 48824–1044, telephone (517) 432–2524, email *stoddart@msu.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of Michigan State University, East Lansing, MI. The human remains and associated funerary objects were removed from Alcona County, MI.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by Michigan State University professional staff in consultation with representatives of the Bay Mills Indian Community, Michigan; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Hannahville Indian Community, Michigan; Keweenaw Bay Indian Community, Michigan; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Little River Band of Ottawa Indians, Michigan; Little Traverse Bay Bands of Odawa Indians, Michigan; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Nottawaseppi Huron Band of the Potawatomi, Michigan (previously listed as Huron Potawatomi, Inc.); Pokagon Band of Potawatomi Indians, Michigan and Indiana; Saginaw Chippewa Indian Tribe of Michigan; Sault Ste. Marie Tribe of Chippewa Indians, Michigan; and two non-federally recognized Indian groups, the Burt Lake Band of Ottawa and Chippewa Indians, and the Grand River Band of Ottawa Indians (hereafter referred to as ''The Consulted Tribes and Groups'').

An invitation to consult was extended to the Absentee-Shawnee Tribe of Indians of Oklahoma; Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Chippewa Cree Indians of the Rocky Boy's Reservation, Montana (previously listed as Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana); Citizen Potawatomi Nation, Oklahoma; Delaware Nation, Oklahoma; Delaware Tribe of Indians; Eastern Shawnee Tribe of Oklahoma; Forest County Potawatomi Community, Wisconsin; Kickapoo Traditional Tribe of Texas; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Menominee Indian Tribe of Wisconsin; Miami Tribe of Oklahoma; Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band); Ottawa Tribe of Oklahoma; Peoria Tribe of Indians of Oklahoma; Prairie Band Potawatomi Nation (previously listed as Prairie Band of Potawatomi Nation, Kansas); Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Seneca Nation of Indians (previously listed as Seneca Nation of New York); Seneca-Cayuga Nation (previously listed as Seneca-Cayuga Tribe of Oklahoma); Shawnee Tribe; Sokaogon Chippewa Community, Wisconsin; St. Croix Chippewa Indians of Wisconsin; Stockbridge Munsee Community, Wisconsin; Tonawanda Band of Seneca (previously listed as Tonawanda Band of Seneca Indians of New York); Turtle Mountain Band of Chippewa Indians of North Dakota; and the Wyandotte Nation, hereafter referred to as ''The Invited Tribes.''

History and Description of the Remains

On September 9, 2017, human remains representing, at minimum, one individual were removed from Harrisville Township, Alcona County, MI. The human remains (FA 054–17) were discovered during the excavation of a building site. Property owner Cheryl Lee Holmes notified the Alcona County Sheriff's office of the discovery. The human remains were transferred to Michigan State University's Forensic Anthropology Laboratory, where they were analyzed. No known individual was identified. No associated funerary objects are present.

On an unknown date, human remains representing, at minimum, two individuals were removed from the Black site (20EA30), Sunfield Township, Eaton County, MI. Edward Black, the site's owner, encountered the human remains (4335.13) when plowing behind his barn. He transferred them to the Michigan State University Museum. A crew was subsequently sent to the site to test the burial location for any associated funerary objects. During excavation, it was discovered that the human remains had possibly been reinterred. Likely, the human remains were previously discovered during construction of a barn and reinterred where they were redisturbed during

plowing. No known individuals were identified. The 15 associated funerary objects are one .22 caliber cartridge, four lots of fire-cracked rock fragments, seven flakes, one mineral, one unknown iron object, and one lot of iron wires.

Determinations Made by Michigan State University

Officials of Michigan State University have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on biological evidence.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of three individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 15 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian Tribe.
- According to final judgments of the Indian Claims Commission or the Court of Federal Claims, the land from which the Native American human remains were removed is the aboriginal land of the Saginaw Chippewa Indian Tribe of Michigan.
- Treaties, Acts of Congress, or Executive Orders indicate that the land from which the Native American human remains were removed is the aboriginal land of the Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bay Mills Indian Community, Michigan; Chippewa Cree Indians of the Rocky Boy's Reservation, Montana (previously listed as Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana); Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Keweenaw Bay Indian Community, Michigan; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Little Shell Tribe of Chippewa Indians of Montana; Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band); Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Saginaw Chippewa Indian Tribe of Michigan; Sault Ste. Marie Tribe of Chippewa Indians, Michigan; Sokaogon Chippewa Community, Wisconsin; St. Croix Chippewa Indians of Wisconsin; and the Turtle Mountain Band of Chippewa Indians of North Dakota.
- According to other authoritative government sources, the land from which the Native American human remains were removed is the aboriginal land of the Miami Tribe of Oklahoma.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains may be to the Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bay Mills Indian Community, Michigan; Chippewa Cree Indians of the Rocky Boy's Reservation, Montana (previously listed as Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana); Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Keweenaw Bay Indian Community, Michigan; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Little Shell Tribe of Chippewa Indians of Montana; Miami Tribe of Oklahoma; Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band); Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Saginaw Chippewa Indian Tribe of Michigan; Sault Ste. Marie Tribe of Chippewa Indians, Michigan; Sokaogon Chippewa Community, Wisconsin; St. Croix Chippewa Indians of Wisconsin; and the Turtle Mountain Band of Chippewa Indians of North Dakota (hereafter referred to as ''The Tribes'').

Additional Requestors and Disposition

Representatives of any Indian Tribes or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Judith Stoddart, Associate Provost for University Collections and Arts Initiatives, Michigan State University, 466 W Circle Drive, East Lansing, MI 48824–1044, telephone (517) 432–2524, email *stoddart@msu.edu,* by October 8, 2020. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Tribes may proceed.

Michigan State University is responsible for notifying The Tribes, The Consulted Tribes and Groups, and The Invited Tribes that this notice has been published.

Dated: August 14, 2020.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2020–19699 Filed 9–4–20; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0030665; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Michigan State University, East Lansing, MI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: Michigan State University has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations and has determined that there is no cultural affiliation between the human remains and any present-day Indian Tribes or Native Hawaiian organizations. Representatives of any Indian Tribes or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to Michigan State University. If no additional requestors come forward, transfer of control of the human remains to the Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribes or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Michigan State University at the address in this notice by October 8, 2020.

ADDRESSES: Judith Stoddart, Associate Provost for University Collections and Arts Initiatives, Michigan State University, 466 W Circle Drive, East Lansing, MI 48824–1044, telephone (517) 432–2524, email *stoddart@msu.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the

Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of Michigan State University, East Lansing, MI. The human remains were removed from Monroe County, MI.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by Michigan State University professional staff in consultation with representatives of the Bay Mills Indian Community, Michigan; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Hannahville Indian Community, Michigan; Keweenaw Bay Indian Community, Michigan; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Little River Band of Ottawa Indians, Michigan; Little Traverse Bay Bands of Odawa Indians, Michigan; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Nottawaseppi Huron Band of the Potawatomi, Michigan (previously listed as Huron Potawatomi, Inc.); Pokagon Band of Potawatomi Indians, Michigan and Indiana; Saginaw Chippewa Indian Tribe of Michigan; Sault Ste. Marie Tribe of Chippewa Indians, Michigan; and two non-federally recognized Indian groups, the Burt Lake Band of Ottawa and Chippewa Indians, and the Grand River Band of Ottawa Indians (hereafter referred to as ''The Consulted Tribes and Groups'').

An invitation to consult was extended to the Absentee-Shawnee Tribe of Indians of Oklahoma; Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Chippewa Cree Indians of the Rocky Boy's Reservation, Montana (previously listed as Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana); Citizen Potawatomi Nation, Oklahoma; Delaware Nation, Oklahoma; Delaware Tribe of Indians; Eastern Shawnee Tribe of Oklahoma; Forest County Potawatomi Community, Wisconsin; Kickapoo Traditional Tribe of Texas; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Little Shell Tribe of Chippewa Indians of Montana; Menominee Indian Tribe of Wisconsin; Miami Tribe of Oklahoma; Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band); Ottawa Tribe of Oklahoma; Peoria Tribe of Indians of Oklahoma; Prairie Band Potawatomi Nation (previously listed as Prairie Band of Potawatomi Nation, Kansas); Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Seneca Nation of Indians (previously listed as Seneca Nation of New York); Seneca-Cayuga Nation (previously listed as Seneca-Cayuga Tribe of Oklahoma); Shawnee Tribe; Sokaogon Chippewa Community, Wisconsin; St. Croix Chippewa Indians of Wisconsin; Stockbridge Munsee Community, Wisconsin; Tonawanda Band of Seneca (previously listed as Tonawanda Band of Seneca Indians of New York); Turtle Mountain Band of Chippewa Indians of North Dakota; and the Wyandotte Nation (hereafter referred to as ''The Invited Tribes'').

History and Description of the Remains

On July 28, 1958, human remains representing, at minimum, two individuals were removed during the construction of a private boating club just west of the north end of Toledo Park Beach (aka Toledo Beach) in LaSalle Township, Monroe County, MI. The human remains were discovered when two construction workers uprooted the stump of an elm tree to level the surface and found the remains embedded in the roots of the tree. The workers alerted the Michigan State Police, who assigned the human remains case number 58–1951. At an unknown date, the human remains were transferred to Michigan State University. On October 4, 2017, the human remains were discovered at the University's Forensic Anthropology Laboratory. No known individuals were identified. No associated funerary objects are present.

Determinations Made by Michigan State University

Officials of Michigan State University have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on biological evidence.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian Tribe.
- According to final judgments of the Indian Claims Commission or the Court of Federal Claims, the land from which the Native American human remains were removed is the aboriginal land of the Citizen Potawatomi Nation, Oklahoma; Forest County Potawatomi Community, Wisconsin; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Hannahville Indian Community, Michigan; Little River Band of Ottawa Indians, Michigan; Little Traverse Bay Bands of Odawa Indians, Michigan; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Nottawaseppi Huron Band of the Potawatomi, Michigan (previously listed as Huron Potawatomi, Inc.); Ottawa Tribe of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; and the Prairie Band Potawatomi Nation (previously listed as Prairie Band of Potawatomi Nation, Kansas).
- Treaties, Acts of Congress, or Executive Orders indicate that the land from which the Native American human remains were removed is the aboriginal land of the Absentee-Shawnee Tribe of Indians of Oklahoma; Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bay Mills Indian Community, Michigan; Chippewa Cree Indians of the Rocky Boy's Reservation, Montana (previously listed as Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana); Citizen Potawatomi Nation, Oklahoma; Delaware Nation, Oklahoma; Delaware Tribe of Indians; Eastern Shawnee Tribe of Oklahoma; Forest County Potawatomi Community, Wisconsin; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Hannahville Indian Community, Michigan; Keweenaw Bay Indian Community, Michigan; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Little River Band of Ottawa Indians,

Michigan; Little Shell Tribe of Chippewa Indians of Montana; Little Traverse Bay Bands of Odawa Indians, Michigan; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band); Nottawaseppi Huron Band of the Potawatomi, Michigan (previously listed as Huron Potawatomi, Inc.); Ottawa Tribe of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Prairie Band Potawatomi Nation (previously listed as Prairie Band of Potawatomi Nation, Kansas); Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Saginaw Chippewa Indian Tribe of Michigan; Sault Ste. Marie Tribe of Chippewa Indians, Michigan; Seneca Nation of Indians (previously listed as Seneca Nation of New York); Seneca-Cayuga Nation (previously listed as Seneca-Cayuga Tribe of Oklahoma); Shawnee Tribe; Sokaogon Chippewa Community, Wisconsin; St. Croix Chippewa Indians of Wisconsin; Stockbridge Munsee Community, Wisconsin; Tonawanda Band of Seneca (previously listed as Tonawanda Band of Seneca Indians of New York); Turtle Mountain Band of Chippewa Indians of North Dakota; and the Wyandotte Nation.

- According to other authoritative government sources, the land from which the Native American human remains were removed is the aboriginal land of the Miami Tribe of Oklahoma; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; and the Sac & Fox Tribe of the Mississippi in Iowa.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains may be to the Absentee-Shawnee Tribe of Indians of Oklahoma; Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bay Mills Indian Community, Michigan; Chippewa Cree Indians of the Rocky Boy's Reservation, Montana (previously listed as Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana); Citizen Potawatomi Nation, Oklahoma; Delaware Nation, Oklahoma; Delaware Tribe of Indians; Eastern Shawnee Tribe of Oklahoma; Forest County Potawatomi Community, Wisconsin; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Hannahville Indian Community, Michigan; Keweenaw Bay Indian Community, Michigan; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Little River Band of Ottawa Indians, Michigan; Little Shell Tribe of Chippewa Indians of Montana; Little Traverse Bay Bands of Odawa Indians, Michigan; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Miami Tribe of Oklahoma; Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band); Nottawaseppi Huron Band of the Potawatomi, Michigan (previously listed as Huron Potawatomi, Inc.); Ottawa Tribe of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Prairie Band Potawatomi Nation (previously listed as Prairie Band of Potawatomi Nation, Kansas); Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Saginaw Chippewa Indian Tribe of Michigan; Sault Ste. Marie Tribe of Chippewa Indians, Michigan; Seneca Nation of Indians (previously listed as Seneca Nation of New York); Seneca-Cayuga Nation (previously listed as Seneca-Cayuga Tribe of Oklahoma); Shawnee Tribe; Sokaogon Chippewa Community, Wisconsin; St. Croix Chippewa Indians of Wisconsin; Stockbridge Munsee Community, Wisconsin; Tonawanda Band of Seneca (previously listed as Tonawanda Band of Seneca Indians of New York); Turtle Mountain Band of Chippewa Indians of North Dakota; and the Wyandotte Nation (hereafter referred to as ''The Tribes'').

Additional Requestors and Disposition

Representatives of any Indian Tribes or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Judith Stoddart, Associate Provost for University Collections and Arts Initiatives, Michigan State University, 466 W. Circle Drive, East Lansing, MI 48824–1044, telephone (517) 432–2524, email *stoddart@msu.edu,* by October 8, 2020. After that date, if no additional requestors have come forward, transfer of control of the human remains to The Tribes may proceed.

Michigan State University is responsible for notifying The Consulted Tribes and Groups, The Invited Tribes, and The Tribes that this notice has been published.

Dated: August 14, 2020.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2020–19698 Filed 9–4–20; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–NER–FRST–30580; PS.SNELA0085.00.1]

Minor Boundary Revision at First State National Historical Park

AGENCY: National Park Service, Interior.

ACTION: Notification of boundary revision.

SUMMARY: The boundary of First State National Historical Park is modified to include approximately 254 acres of land located in Concord Township, Delaware County, Pennsylvania, immediately adjoining the boundary of First State National Historical Park. Subsequent to the boundary revision, the National Park Service will acquire the land by donation from The Conservation Fund, a nonprofit conservation organization.

DATES: The effective date of this boundary revision is September 8, 2020.

ADDRESSES: The map depicting this boundary revision is available for inspection at the following locations: National Park Service, Land Resources Program Center, Interior Region 1, New England Office, 115 John Street, 5th Floor, Lowell, MA 01852, and National Park Service, Department of the Interior, 1849 C Street NW, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Realty Officer Jennifer Cherry, National Park Service, Land Resources Program Center, Interior Region 1, New England Office, 115 John Street, 5th Floor, Lowell, MA 01852, telephone (978) 970–5260.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to 54 U.S.C. 100506(c), the boundary of First State National Historical Park is modified to include two adjoining tracts containing a total of 254 acres of land, more or less. This boundary revision is depicted on Map No. 207/139,641, dated August 2017.

54 U.S.C. 100506(c) provides that, after notifying the House Committee on Natural Resources and the Senate Committee on Energy and Natural

Resources, the Secretary of the Interior is authorized to make a boundary revision upon publication of notice in the **Federal Register**. The Committees have been notified of this boundary revision. This boundary revision and subsequent acquisition will ensure preservation and protection of the park's scenic and historic resources.

Gay Vietzke,

Regional Director, Interior Region 1.

[FR Doc. 2020–19708 Filed 9–4–20; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0030757; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of the Interior, Bureau of Reclamation, Interior Region 10: California—Great Basin, Sacramento, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of the Interior, Bureau of Reclamation, Interior Region 10: California—Great Basin (Reclamation Region 10), has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to Reclamation Region 10. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the U.S. Department of the Interior, Bureau of Reclamation, Interior Region 10—California—Great Basin, at the address in this notice by October 8, 2020.

ADDRESSES: Melanie Ryan, NAGPRA Specialist/Physical Anthropologist, Bureau of Reclamation, Interior Region 10: California—Great Basin, CGB–153, 2800 Cottage Way, Sacramento, CA 95825, telephone (916) 978–5526, email *emryan@usbr.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the U.S. Department of the Interior, Bureau of Reclamation, Interior Region 10: California—Great Basin, Sacramento, CA, and currently housed at the Department of Anthropology Museum, University of California, Davis, Davis, CA. The human remains and associated funerary objects were removed from Federal land in Napa County, CA managed by Reclamation Region 10.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains and associated funerary objects was made by Reclamation Region 10 professional staff in consultation with representatives of the Yocha Dehe Wintun Nation, California (previously listed as Rumsey Indian Rancheria of Wintun Indians of California) conducted from 2017 to 2019.

History and Description of the Remains

In 1977, the human remains of, at minimum, two individuals were removed from the Indian Hill Site (CA–NAP–433), located near the west shore of Lake Berryessa and northeast of Putah Bridge in Napa County, CA. In the 1950s, after the construction of Monticello Dam, the site was inundated with the infilling of Lake Berryessa. In 1976–77, the reservoir receded in response to severe drought, exposing the site. Reclamation responded by sponsoring salvage excavations by a University of California, Davis (UC Davis) field school under the direction of Professors Delbert L. True and Martin A. Baumhoff. In the fall of 1976, the field school completed a surface survey, and in the summer of 1977, it conducted excavations. Approximately three cubic meters were excavated from eight units, each measuring 1 meter by 1 meter. All material was excavated in arbitrary, 10-centimeter levels and passed through 1/8-inch mesh. The maximum depth of the units ranged from 10 to 80 centimeters, with an average depth of 38 centimeters. During the excavations, no burials were documented, but 37 pieces of disassociated human bone were recovered and recorded. Following excavation, all the recovered materials were sent to the Department of Anthropology Museum, UC Davis.

In 1995, UC Davis completed a NAGPRA inventory and a Notice of Inventory Completion (NIC) for CA–NAP–433 NAGPRA collections and submitted them to the National Park Service. Subsequent lands research confirmed Reclamation's ownership and control of the CA–NAP–433 collection. On June 18, 2014, Ms. Megon Noble, at UC Davis, contacted Reclamation Region 10 to inform them that she was consulting with the Yocha Dehe Wintun Nation, California, on a non-Reclamation collection and had informed the tribe about the CA–NAP–433 collection.

Reclamation Region 10 initiated tribal consultation on the CA–NAP–433 collection in July 2017. In 2019, Reclamation Region 10 conducted a physical inventory of the CA–NAP–433 collection. In doing so, 156 human remains fragments were identified. The fragmentary remains included the 37 human skeletal fragments identified and recorded during the excavation of Units 8N/1E and 9N/1E, and an additional 119 human skeletal fragments from Units 8N–1E, 9N–1E, and 7N–E1, and ''Sector G'' that had been misidentified as faunal remains. No known individuals were identified. The 456 associated funerary objects are: 153 pieces of debitage, 145 culturally unmodified objects, 27 faunal bones, 26 organic samples, 24 flake tools, 23 bifaces, 15 cores, 13 handstones, six projectile points, five choppers, four formed flake tools, three modified stones, two awls, two cobble tools, two milling slabs, one hammerstone, one mortar, one modified faunal bone, one fire-cracked rock, one piece of miscellaneous ground stone, and one piece of ochre.

Determinations Made by the U.S. Department of the Interior, Bureau of Reclamation, Interior Region 10: California—Great Basin

Officials of the U.S. Department of the Interior, Bureau of Reclamation, Interior Region 10: California—Great Basin have determined that:

• Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of two individuals of Native American ancestry.

• Pursuant to 25 U.S.C. 3001(3)(A), the 456 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.

• Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, California; Kletsel Dehe Band of Wintun Indians (previously listed as Cortina Indian Rancheria and the Cortina Indian Rancheria of Wintun Indians of California); and the Yocha Dehe Wintun Nation, California (previously listed as Rumsey Indian Rancheria of Wintun Indians of California) (hereafter referred to as ''The Tribes'').

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Melanie Ryan, NAGPRA Specialist/Physical Anthropologist, Bureau of Reclamation, Interior Region 10: California—Great Basin, CGB–153, 2800 Cottage Way, Sacramento, CA 95825, telephone (916) 978–5526, email *emryan@usbr.gov,* by October 8, 2020. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Tribes may proceed.

The U.S. Department of the Interior, Bureau of Reclamation, Interior Region 10: California—Great Basin, is responsible for notifying The Tribes that this notice has been published.

Dated: August 10, 2020.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2020–19703 Filed 9–4–20; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0030738; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: American Museum of Natural History, New York, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The American Museum of Natural History has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and associated funerary objects and any present-day Indian Tribes or Native Hawaiian organizations. Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the American Museum of Natural History. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the American Museum of Natural History at the address in this notice by October 8, 2020.

ADDRESSES: Nell Murphy, American Museum of Natural History, Central Park West at 79th Street, New York, NY 10024, telephone (212) 769–5837, email *nmurphy@amnh.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the American Museum of Natural History, New York, NY. The human remains and associated funerary objects were removed from Fox Farm, Mays Lick vicinity, in Mason County, KY.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the American Museum of Natural History professional staff in consultation with representatives of the Cherokee Nation; Eastern Band of Cherokee Indians; Shawnee Tribe; The Chickasaw Nation; The Muscogee (Creek) Nation; and the United Keetoowah Band of Cherokee Indians in Oklahoma (hereafter referred to as ''The Consulted Tribes'').

History and Description of the Remains

In 1895, human remains representing, at minimum, 187 individuals were removed from Fox Farm, near Mays Lick, in Mason County, KY. Harlan Ingersoll Smith, an archeologist at the American Museum of Natural History, collected these human remains as part of an expedition. These human remains and their associated funerary objects were accessioned into the Museum's collection that same year. The human remains include 32 adult males; seven adults who may be male; 33 adult females; seven adults who may be female; 32 adults of indeterminate sex; three individuals whose age and sex are indeterminate; and 73 subadults. No known individuals were identified. The 188 associated funerary objects are 14 shell pendants (more than 90 pieces); one lot of pearl shell beads (30 pieces); seven lots of Marginella apicina shell beads (more than 168 pieces); three lots of cylindrical Marginella shell beads (more than 62 pieces); two lots of Olive shell beads (11 pieces); one lot of coal or shale spherical shell beads (14 pieces); 15 lots of cylindrical shell beads (more than 350 pieces); two spherical shell beads; 20 lots of shell beads (more than 500 pieces); one conch shell bead; six lots of Unio shells (11 pieces); three lots of olive shells (15); one lot of Busycon shells (three); one pearl shell; two conical sea shells; one lot of shell objects (four pieces); one worked shell; one shell; one large shell ornament (in more than 50 pieces); nine bone awls (one of which was made from a wild turkey tibia); two awl shaped shells; eight stone disks; five perforated shell disks; three stone pipe blanks; three stone pipes (one of which is incised with a figure of a man); 10 bone beads or tubes (one of which is incised); three coal or shale pieces; one lot of small

ceramic dishes (three pieces); one antler projectile point; 20 stone projectile points (two of which are chert, one of which is flint, and three of which are serrated); one chert piece; one rubbed stone; one stone drill; three stone celts; one bone fish hook; nine pottery sherds (one of which is in the shape of a bird head); three hammerstone pebbles; one bone button; one cut animal jaw; one lot of fox squirrel jaws (more than 50 pieces); one lot of bear teeth cut on edge (three); one pack or wood rat skull; one diseased animal bone; three deer antlers; one lot of perforated teeth (28 pieces); two pieces of bone; one piece of burned bone worked to a point; one cover stone; one lot of charred corn; one lot of charred corn cobs; one lot of charred beans and corn; one lot of charred beans, walnuts, and corn; one lot of charred hickory nut shells; and one lot of charred walnuts.

Determinations Made by the American Museum of Natural History

Officials of the American Museum of Natural History have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 187 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 188 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and associated funerary objects and any present-day Indian Tribe.
- Treaties, Acts of Congress, or Executive Orders, indicate that the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of the Cherokee Nation; Eastern Band of Cherokee Indians; and the United Keetoowah Band of Cherokee Indians in Oklahoma.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains and associated funerary objects may be to the Cherokee Nation; Eastern Band of Cherokee Indians; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Nell Murphy, American Museum of Natural History, Central Park West at 79th Street, New York, NY 10024, telephone (212) 769–5837, email *nmurphy@amnh.org,* by October 8, 2020. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Cherokee Nation; Eastern Band of Cherokee Indians; and the United Keetoowah Band of Cherokee Indians in Oklahoma may proceed.

The American Museum of Natural History is responsible for notifying The Consulted Tribes that this notice has been published.

Dated: August 4, 2020.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2020–19701 Filed 9–4–20; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0030728; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Tennessee Valley Authority, Knoxville, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Tennessee Valley Authority (TVA) has completed an inventory of human remains and associated funerary objects in consultation with the appropriate Indian Tribes, and has determined that there is no cultural affiliation between the human remains and associated funerary objects and any present-day Indian Tribes. Representatives of any Indian Tribe not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the TVA. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the Indian Tribe stated in this notice may proceed.

DATES: Representatives of any Indian Tribe not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the TVA at the address in this notice by October 8, 2020.

ADDRESSES: Dr. Thomas O. Maher, Tennessee Valley Authority, 400 West Summit Hill Drive, WT11C, Knoxville TN 37902–1401, telephone (865) 632–7458, email *tomaher@tva.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Tennessee Valley Authority, Knoxville, TN. The human remains and associated funerary objects were removed from archeological site 40HS44 in Humphreys County, TN.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains and associated funerary objects was made by the TVA in consultation with representatives of the Cherokee Nation; Coushatta Tribe of Louisiana; Eastern Band of Cherokee Indians; The Chickasaw Nation; The Muscogee (Creek) Nation; The Osage Nation (previously listed as Osage Tribe); The Seminole Nation of Oklahoma; Thlopthlocco Tribal Town; and the United Keetoowah Band of Cherokee Indians in Oklahoma (hereafter referred to as ''The Consulted Tribes'').

History and Description of the Remains

During March 3–29, 1942, human remains representing, at minimum, 21 individuals were removed from 40HS44, the Hobbs site, in Humphreys County, TN. The site was excavated as part of TVA's Kentucky reservoir project by the University of Tennessee, using labor and funds provided by the Works Progress Administration. The human remains belong to 12 adults and nine sub-adults. Six individuals were female and three were male; the sex of the other twelve could not be identified. No known individuals were identified. The 55 associated funerary objects include three animal bone fragments, one animal bone projectile point, one animal bone scraper, one antler point, one femur caput, two lithic debitage, 39 ceramic bottle sherds, two ceramic jars, one lithic projectile point, and four shell fragments. These human remains and associated funerary objects have been in the physical custody of the University of

Tennessee at Knoxville (UTK) since they were excavated.

Details regarding the excavations at 40HS44 have never been published, and no field report could be found at UTK. The state site form indicates that the Hobbs site was a shell mound of 1.5 acres in extent. Excavation maps indicate that the site was bisected by perpendicular trenches to identify its stratigraphy. Small excavation units were extended off the trenches to help define features. One rectangular wall trench structure was identified during the excavation. Designated house 1, this structure was 20 x 16 feet. Individual post molds were 3–4 inches in diameter and placed within the wall trench. A specific floor of this structure could not be identified. There are no radiocarbon dates for this site, but the wall-trench structure and recovered pottery vessels suggest a Mississippian occupation.

Determinations Made by the Tennessee Valley Authority

Officials of the Tennessee Valley Authority have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on their presence in a prehistoric archeological site and osteological analysis.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 21 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 55 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and associated funerary objects and any present-day Indian Tribe.
- According to final judgements of the Indian Claims Commission or the U.S. Court of Federal Claims, the land from which the cultural items were removed is the aboriginal land of the Cherokee Nation; Eastern Band of Cherokee Indians; and the United Keetoowah Band of Cherokee Indians in Oklahoma.
- The Treaty of September 20, 1816, indicates that the land from which the cultural items were removed is the aboriginal land of The Chickasaw Nation.
- Pursuant to 43 CFR 10.11(c)(1)(ii), the disposition of the human remains may be to the Cherokee Nation; Eastern Band of Cherokee Indians; The Chickasaw Nation; and the United Keetoowah Band of Cherokee Indians in Oklahoma. The Cherokee Nation; Eastern Band of Cherokee Indians; and the United Keetoowah Band of Cherokee Indians in Oklahoma have declined to accept transfer of control of the human remains. The Tennessee Valley Authority has agreed to transfer control of the human remains to The Chickasaw Nation.
- Pursuant to 43 CFR 10.11(c)(4), the Tennessee Valley Authority has agreed to transfer control of the associated funerary objects to The Chickasaw Nation.

Additional Requestors and Disposition

Representatives of any Indian Tribe not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Dr. Thomas O. Maher, Tennessee Valley Authority, 400 West Summit Hill Drive, WT11C, Knoxville, TN 37902–1401, telephone (865) 632–7458, email *tomaher@tva.gov,* by October 8, 2020. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary object to The Chickasaw Nation may proceed.

The Tennessee Valley Authority is responsible for notifying The Consulted Tribes that this notice has been published.

Dated: August 3, 2020.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2020–19695 Filed 9–4–20; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0030487; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Princeton University, Princeton, NJ

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: Princeton University has completed an inventory of associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations and has determined that there is a cultural affiliation between the associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of associated funerary objects should submit a written request to Princeton University. If no additional requestors come forward, transfer of control of the associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these associated funerary objects should submit a written request with information in support of the request to Princeton University at the address in this notice by October 8, 2020.

ADDRESSES: Bryan R. Just, Princeton University Art Museum, Princeton, NJ 08544, telephone (609) 258–8805, email *bjust@princeton.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of associated funerary objects under the control of Princeton University, Princeton, NJ. The associated funerary objects were removed from Chevelon, Homolovi I, and Homolovi II, in Navajo County, AZ.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by Princeton University professional staff in consultation with representatives of the Hopi Tribe of Arizona and the Zuni Tribe of the Zuni Reservation, New Mexico.

History and Description of the Remains

In 1899, human remains and associated funerary objects were excavated from Chevelon, Homolovi I, and Homolovi II, in Navajo County, AZ, by J.A. Burt on behalf of the Field Museum of Natural History, and they were accessioned by the Field Museum in February of 1900. In 1907, as part of a larger transfer of pottery, one bowl from each of the three sites was sent to Princeton University. The human

remains with which the three bowls are associated are in the control and possession of the Field Museum of Natural History, Chicago, IL. No known individuals were identified. The associated funerary objects are these three ceramic bowls.

Chevelon was occupied from around A.D. 1250 until 1450. According to documentation from the Field Museum of Natural History, the bowl from Chevelon (73363) was excavated from grave 80. The bowl is black-on-yellow with geometric designs on the inside and outside of the bowl.

Homolovi I was occupied from around A.D. 1285 to 1390. According to documentation from the Field Museum of Natural History, the bowl from Homolovi I (73404) was excavated from grave 29. The bowl is black-on-orange with a geometric design on the inside of the bowl.

Homolovi II was occupied from around A.D. 1350 to 1400. According to documentation from the Field Museum of Natural History, the bowl from Homolovi II (73531) was excavated from grave 13. The bowl is black-on-white bowl with geometric designs on the inside and outside of the bowl.

Determinations Made by Princeton University

Officials of Princeton University have determined that:

- Pursuant to 25 U.S.C. 3001(3)(A), the three objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American associated funerary objects and the Hopi Tribe of Arizona and the Zuni Tribe of the Zuni Reservation, New Mexico.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these associated funerary objects should submit a written request with information in support of the request to Bryan R. Just, Princeton University Art Museum, Princeton, NJ 08544, telephone (609) 258–8805, email *bjust@princeton.edu,* by October 8, 2020. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Hopi Tribe of Arizona and the Zuni Tribe of the Zuni Reservation, New Mexico may proceed.

Princeton University is responsible for notifying the Hopi Tribe of Arizona and the Zuni Tribe of the Zuni Reservation, New Mexico that this notice has been published.

Dated: June 18, 2020.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2020–19700 Filed 9–4–20; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0030725; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Tennessee Valley Authority, Knoxville, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Tennessee Valley Authority (TVA) has completed an inventory of human remains and associated funerary objects in consultation with the appropriate Indian Tribes, and has determined that there is no cultural affiliation between the human remains and associated funerary objects and any present-day Indian Tribes. Representatives of any Indian Tribe not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the TVA. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the Indian Tribe stated in this notice may proceed.

DATES: Representatives of any Indian Tribe not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the TVA at the address in this notice by October 8, 2020.

ADDRESSES: Dr. Thomas O. Maher, Tennessee Valley Authority, 400 West Summit Hill Drive, WT11C, Knoxville TN 37902–1401, telephone (865) 632–7458, email *tomaher@tva.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Tennessee Valley Authority, Knoxville, TN, and stored at the McClung Museum of Natural History and Culture (MM) at the University of Tennessee, Knoxville, TN. The human remains and associated funerary objects were excavated from site 40BN77, also known as the McDaniel archeological site, in Benton County, TN.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains and associated funerary objects was made by TVA professional staff in consultation with representatives of the Cherokee Nation; Coushatta Tribe of Louisiana; Eastern Band of Cherokee Indians; The Chickasaw Nation; The Muscogee (Creek) Nation; The Osage Nation (previously listed as Osage Tribe); The Seminole Nation of Oklahoma; Thlopthlocco Tribal Town; and the United Keetoowah Band of Cherokee Indians in Oklahoma (hereafter referred to as ''The Consulted Tribes'').

History and Description of the Remains

Site 40BN77 was excavated as part of TVA's Kentucky Reservoir project by the University of Tennessee, using labor and funds provided by the Works Progress Administration. Details regarding these excavations have not been published. A field report by Douglas Osborn regarding this site can be found at the MM and TVA. The human remains and associated funerary objects listed in this notice have been in the physical custody of the University of Tennessee since excavation, but they are under the control of the TVA.

From June to August 1941, human remains representing, at minimum, 21 individuals were removed from site 40BN77, in Benton County, TN. These human remains represent seven females, two males, and 12 individuals of undeterminable sex. They represent primarily adults. No known individuals were identified. The 116 associated funerary objects include five antler adzes, one antler projectile point, four bone awls, two blades, 39 animal bones, two animal mandibles, one ceramic sherd, three dog burials, two drills, 10 projectile points, two samples of red ochre, and 45 fragments of a turtle shell pendant.

Excavation at 40BN77 commenced after TVA had acquired the land on

September 26, 1940. Douglas Osborne did not intend to do large scale excavations at 40BN77, and therefore did not excavate test trenches before opening excavation squares. Two strata were defined below the plow zone. Osborne indicates that ''Stratum I was a dark red brown to black humic band varying around one foot, but rather more than less, in thickness.'' Stratum II was not as thick. Osborne describe it as ''. . . a thinned mixture of Stratum I.''

In his 2014 dissertation, Thaddeus Bissett presented two radiocarbon dates from this site, 4474 ± 66 BP and 4243 ± 90 BP. According to Bissett, the available evidence indicates that the primary occupation was from the Late Archaic to the Early Woodland.

Determinations Made by the Tennessee Valley Authority

Officials of the Tennessee Valley Authority have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on their presence in a prehistoric archeological site and osteological analysis.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 21 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 116 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and associated funerary objects and any present-day Indian Tribe.
- The Treaty of October 19, 1818, indicates that the land from which the cultural items were removed is the aboriginal land of The Chickasaw Nation.
- Pursuant to 43 CFR 10.11(c)(1)(ii), the disposition of the human remains may be to The Chickasaw Nation.
- Pursuant to 43 CFR 10.11(c)(4), the Tennessee Valley Authority has agreed to transfer control of the associated funerary objects to The Chickasaw Nation.

Additional Requestors and Disposition

Representatives of any Indian Tribe not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Dr. Thomas O. Maher, Tennessee Valley Authority, 400 West Summit Hill Drive, WT11C, Knoxville, TN 37902–1401, telephone (865) 632–7458, email *tomaher@tva.gov,* by October 8, 2020. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Chickasaw Nation may proceed.

The Tennessee Valley Authority is responsible for notifying The Consulted Tribes that this notice has been published.

Dated: August 3, 2020.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2020–19694 Filed 9–4–20; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

Office of Natural Resources Revenue

[Docket No. ONRR–2011–0006; DS63644000 DRT000000.CH7000 201D1113RT; OMB Control Number 1012–0009]

Agency Information Collection Activities: Submission to the Office of Management and Budget for Review and Approval; Outer Continental Shelf (OCS) Net Profit Share Payment Reporting

AGENCY: Office of Natural Resources Revenue, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Office of Natural Resources Revenue (ONRR) is proposing to renew an information collection. Through this Information Collection Request renewal (ICR), ONRR seeks renewed authority to collect information related to the paperwork requirements necessary to determine the net profit share base and calculate the net profit share payments due to the Federal Government.

DATES: Interested persons are invited to submit comments on or before *October 8, 2020.*

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* You may find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Please provide a copy of your comments to Mr. Luis Aguilar, Regulatory Specialist, ONRR, Building 85, MS 64400B, Denver Federal Center, West 6th Ave. and Kipling St., Denver, Colorado 80225, or by email to *Luis.Aguilar@onrr.gov.* Please reference OMB Control Number 1012–0009 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Mr. Jonathan Swedin, Reference and Reporting Management, ONRR, at (303) 231–3028, or email to *Jonathan.Swedin@onrr.gov.* You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with PRA (44 U.S.C 3501 *et seq.*) and 5 CFR 1320.8(d)(1) and 1320.10(a), ONRR is providing the general public and other Federal agencies with an opportunity to comment on the continued collection of information as described in this notice. This helps ONRR assess the impact of the information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format. A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on March 27, 2020 (85 FR 17362). ONRR did not receive any comments.

As part of our continuing effort to reduce paperwork and respondent burdens, ONRR is again soliciting comments from the public and other Federal agencies on the proposed ICR that is described below. ONRR is especially interested in public comments addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of ONRR's estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (for example, permitting electronic submission of response).

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying

information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask in your comment to withhold your personal identifying information from public review, ONRR cannot guarantee that it will be able to do so.

Abstract: The Secretary of the United States Department of the Interior is responsible for mineral resource development on Federal and Indian lands and the Outer Continental Shelf (OCS). Under various laws, the Secretary's responsibility is to carry out a comprehensive inspection, collection, and fiscal and production accounting and auditing program that provides the capability to: (1) Accurately determine mineral royalties, interest, and other payments owed, (2) collect and account for such amounts in a timely manner, and (3) disburse the funds collected.

The Secretary also has a trust responsibility to seek advice and information from Indian beneficiaries. ONRR performs the minerals revenue management functions for the Secretary and assists the Secretary in carrying out the Department's trust responsibility for Indian lands.

The laws pertaining to mineral leases on Federal and Indian lands are posted at *http://www.onrr.gov/Laws_R_D/PubLaws/default.htm.*

(a) General Information: This ICR pertains to the net profit share lease (NPSL) program. ONRR collects and uses this information to determine (i) the allowable direct and allocable joint costs and credits under 30 CFR1220.011 that are incurred during the lease term, (ii) the appropriate overhead allowance related to these costs permitted under § 1220.012, and (iii) the allowances for capital recovery calculated under § 1220.020. ONRR also collects this information to ensure that royalties or net profit share payments are accurately valued and appropriately paid. This ICR only effects oil and gas leases located on submerged Federal lands on the Outer Continental Shelf (OCS).

(b) Information Collections: Regulations under 30 CFR part 1220 govern the NPSL program and establishes reporting requirements to determine the net profit share base under § 1220.021 and calculate the net profit share payments due to the Federal government under § 1220.022.

(1) NPSL Bidding System: To encourage exploration and development of oil and gas leases on submerged Federal lands on the OCS, the Bureau of Ocean Energy Management (BOEM) promulgated regulations under 30 CFR part 260—Outer Continental Shelf Oil and Gas Leasing. BOEM also promulgated specific implementing regulations for the NPSL bidding system under § 260.110(d). BOEM established the NPSL bidding system to balance a fair market return to the Federal government for the lease of its public lands with a fair profit to companies risking their investment capital. The system provides an incentive for early, expeditious exploration and development, and provides for risk sharing between the lessee and the Federal Government. The NPSL bidding system incorporates a fixed capital recovery system that allows a lessee to recover exploration and development costs from production revenues, including a reasonable return on investment.

(2) NPSL Capital Account: The Federal Government does not receive a profit share payment from an NPSL until the lessee shows a credit balance in its capital account; that is, when cumulative revenues and other credits exceed cumulative costs. Lessees multiply the credit balance by the net profit share rate (30 to 50 percent), which determines the amount of net profit share payment due to the Federal Government.

ONRR requires lessees to maintain an NPSL capital account for each lease under § 1220.010, which transfers to a new owner if sold. Following the cessation of production, ONRR also requires a lessee to provide either an annual or monthly report to the Federal Government using data from the capital account until such time that the lease is terminated, expired, or relinquished.

(3) NPSL Inventories: A NPSL lessee must notify BOEM of its intent to take inventory so that BOEM's Director may be represented at the inventory taking under § 1220.032. The lessee must file a report after taking inventory, and report controllable material under § 1220.031.

(4) NPSL Audits: When a non-operator of an NPSL calls for an audit, it must notify ONRR. When ONRR calls for an audit, the lessee must notify all non-operators on the lease. These requirements are located under § 1220.033.

Title of Collection: OCS Net Profit Share Payment Reporting.

OMB Control Number: 1012–0009.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Businesses.

Total Estimated Number of Annual Respondents: 9 lessees.

All nine lessees report monthly because all current NPSLs are in producing status. The requirements to establish a capital account under § 1220.010(a) and the capital account annual reporting under § 1220.031(a) are necessary only during the non-producing status of a lease. ONRR included only one response annually for those requirements, in case a new NPSL is established. ONRR did not include estimates of certain requirements performed in the normal course of business that are considered usual and customary.

Total Estimated Number of Annual Responses: 180.

Estimated Completion Time per Response: 9 hours.

Total Estimated Number of Annual Burden Hours: 1,584 hours.

Respondent's Obligation: Mandatory.

Frequency of Collection: Annual, monthly, and on occasion.

Total Estimated Annual Nonhour Burden Cost: None.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Kimbra G. Davis,

Director, Office of Natural Resources Revenue.

[FR Doc. 2020–19763 Filed 9–4–20; 8:45 am]

BILLING CODE 4335–30–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1217]

Certain Blowers and Components Thereof; Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on July 31, 2020, under section 337 of the Tariff Act of 1930, as amended, on behalf of Regal Beloit America, Inc. of Beloit, Wisconsin. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain blowers and components thereof by reason of infringement of certain claims of U.S. Patent No. 8,079,834. The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and a cease and desist order.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Katherine Hiner, Office of Docket Services, U.S. International Trade Commission, telephone (202) 205–1802.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2020).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on September 1, 2020, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1, 2, 7–10, and 15 of the '834 patent; and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is ''heater blowers that draw in external air for mixing with exhaust gases from the heater before being expelled from the blower;''

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

Regal Beloit America, Inc., 200 State Street, Beloit, WI 53511

(b) The respondents are the following entities alleged to be in violation of section 337, and is/are the parties upon which the complaint is to be served:

East West Manufacturing, LLC, 4170 Ashford Dunwoody Road, Suite 375, Atlanta, GA 30319

East West Industries, No. 27 Street No. 2, VSIP 2, Hoa Phu Ward, Thu Dau Mot City, Binh Duong, Vietnam 72000

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge. The Office of Unfair Import Investigations will not be participating as a party in this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), as amended in 85 FR 15798 (March 19, 2020), such responses will be considered by the Commission if received not later than 20 days after the date of service by the complainant of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: September 1, 2020.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2020–19740 Filed 9–4–20; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1218]

Certain Variable Speed Wind Turbine Generators and Components Thereof; Institution of Investigation; Institution of Investigation Pursuant to 19 U.S.C. 1337

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on July 31, 2020, under section 337 of the Tariff Act of 1930, as amended, on behalf of General Electric Company of Boston, Massachusetts. A supplement to the complaint was filed on August 21, 2020. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain variable speed wind turbine generators and components thereof by reason of infringement of certain claims of U.S. Patent No. 6,921,985 (''the '985 patent'') and U.S. Patent No. 7,629,705 (''the '705 patent). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Katherine Hiner, Office of Docket Services, U.S. International Trade Commission, telephone (202) 205–1802.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff

Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2020).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on September 1, 2020, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1, 3, 6, 7, 12, 21–24, 29, 30, and 33–38 of the '985 patent and claim 1 of the '705 patent; and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is ''variable speed wind turbine generators having low and zero voltage ride through capability and components thereof, namely generators, power converters, uninterruptible power supplies, turbine controllers, blade pitch control systems, and converter controllers'';

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

General Electric Company, 5 Necco Street, Boston, MA 02210

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Siemens Gamesa Renewable Energy Inc., 3500 Quadrangle Boulevard, Orlando, FL 32817

Siemens Gamesa Renewable Energy A/S, Borupvej 16, 7330 Brande, Denmark

Gamesa Electric, S.A.U., Parque Tecnológico de Bizkaia, Building 206, 48170 Zamudio, BI, Spain

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not participate as a party in this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), as amended in 85 FR 15,798 (Mar. 19, 2020), such responses will be considered by the Commission if received not later than 20 days after the date of service by the complainant of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: September 1, 2020.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2020–19747 Filed 9–4–20; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–710]

Importer of Controlled Substances Application: Cambridge Isotope Laboratories

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Cambridge Isotope Laboratories has applied to be registered as an importer of basic class(es) of controlled substances. Refer to Supplemental Information listed below for further drugs information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before October 8, 2020. Such persons may also file a written request for a hearing on the application on or before October 8, 2020.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA **Federal Register** Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA **Federal Register** Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on July 23, 2020, Cambridge Isotope Laboratories, 50 Frontage Road, Andover, Massachusetts 01810, applied to be registered as an importer of the following basic class(es) of controlled substances:

Controlled substance	Drug code	Schedule
Gamma Hydroxybutyric Acid.	2010	I
Tetrahydrocannabinols ..	7370	I
Morphine	9300	II

The company plans to import the listed controlled substances for analytical research, testing and clinical trials. No other activity for these drug codes is authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

William T. McDermott,

Assistant Administrator.

[FR Doc. 2020–19806 Filed 9–4–20; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–708]

Bulk Manufacturer of Controlled Substances Application: Cayman Chemical Company

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Cayman Chemical Company has applied to be registered as a bulk manufacturer of basic class(es) controlled substances. Refer to Supplemental Information listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before November 9, 2020. Such persons may also file a written request for a hearing on the application on or before November 9, 2020.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA **Federal Register** Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA **Federal Register** Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.33(a), this is notice that on July 17, 2020, Cayman Chemical Company, 1180 East Ellsworth Road, Ann Arbor, Michigan 48108–2419, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substances:

Controlled substance	Drug code	Schedule
3-Fluoro-N-methylcathinone (3-FMC); 1-(3-Fluorophenyl)-2-(Methylamino)Propan-1-one)	1233	I
Cathinone	1235	I
Methcathinone	1237	I
4-Fluoro-N-methylcathinone (4-FMC); Flephedrone; 1-(4-Fluorophenyl)-2-(Methylamino)Propan-1-one)	1238	I
Pentedrone (α-methylaminovalerophenone), its optical, positional and geometric isomers, salts and salts of isomers	1246	I
Mephedrone (4-Methyl-N-methylcathinone)	1248	I
4-Methyl-N-ethylcathinone (4-MEC)	1249	I
Naphyrone, its optical, positional and geometric isomers, salts and salts of isomers	1258	I
N-Ethylamphetamine	1475	I
N,N-Dimethylamphetamine	1480	I
Fenethylline	1503	I
Aminorex	1585	I
4-Methylaminorex (cis isomer)	1590	I
Gamma Hydroxybutyric Acid	2010	I
Methaqualone	2565	I
Mecloqualone	2572	I
JWH-250 (1-Pentyl-3-(2-methoxyphenylacetyl) indole)	6250	I
SR-18 (Also known as RCS-8) (1-Cyclohexylethyl-3-(2-methoxyphenylacetyl) indole)	7008	I
ADB-FUBINACA (n-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide)	7010	I
5-Flouro-UR-144 and XLR11 [1-(5-Fluoro-pentyl)1H-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone	7011	I
AB-FUBINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide)	7012	I
FUB-144	7014	I
JWH-019 (1-Hexyl-3-(1-naphthoyl)indole)	7019	I
MDMB-FUBINACA (Methyl 2-(1–4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate)	7020	I
2-(1-(4-fluorobenzyl)-1Hindazole-3-carboxamido)-3- methylbutanoate	7021	I
AB-PINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide)	7023	I
THJ-2201 [1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl)methanone	7024	I
5F-AB-PINACA	7025	I
AB-CHMINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide	7031	I
MAB-CHMINACA (N-(1-amino-3,3dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide)	7032	I
5F-AMB (Methyl 2-(1-(5-fluoropentyl)-1H-indazola-3-carboxamido)-3-methylbutanoate)	7033	I
5F-ADB; 5F-MDMB-PINACA (Methyl 2-(1-(5fluoropentyl)-1H-indazole-3-carboxamido)-3,3dimethylbutanoate)	7034	I
ADB-PINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide)	7035	I
5F-EDMB-PINACA	7036	I
5F-MDMB-PICA)	7041	I
MDMB-CHMICA, MMB-CHMINACA (Methyl 2-(1-(cyclohenxylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanote)-	7042	I
MMB-CHMICA	7044	I
FUB-AKB48;FUB-APINACA; AKB48 N-(4-Fluorobenzyl)	7047	I
APINACA and AKB48 N-(1-Adamantyl)-1-pentyl-1H-indazole-3-carboxamide	7048	I
5F-APINACA, 5F-AKB48 (N-(adamantan-1-yl)-1-(5fluoropentyl)-1H-indazole-3-carboxamide)	7049	I
JWH-081 (1-Pentyl-3-(1-(4-methoxynaphthoyl) indole)	7081	I
5F-CUMYL-PINACA;SGT-25	7083	I
5F-CUMYL-P7AICA	7085	I
4-CN-CUMYL-BUTINACA	7089	I
SR-19 (Also known as RCS-4) (1-Pentyl-3-[(4-methoxy)-benzoyl] indole	7104	I
JWH-018 (also known as AM678) (1-Pentyl-3-(1-naphthoyl)indole)	7118	I
JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl) indole)	7122	I
UR-144 (1-Pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone	7144	I
JWH-073 (1-Butyl-3-(1-naphthoyl)indole)	7173	I
JWH-200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole)	7200	I
AM2201 (1-(5-Fluoropentyl)-3-(1-naphthoyl) indole)	7201	I
JWH-203 (1-Pentyl-3-(2-chlorophenylacetyl) indole)	7203	I
NM2201	7221	I
PB-22 (Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate)	7222	I
5F-PB-22 (Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate)	7225	I
4-Methyl-Alpha-Ethylaminopentiophennone	7245	I

Controlled substance	Drug code	Schedule
N-Ethylhexedrone, its optical, positional and geometric isomers, salts and salts of isomers	7246	I
Alpha-ethyltryptamine	7249	I
Ibogaine	7260	I
CP-47,497 (5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl-phenol)	7297	I
CP-47,497 C8 Homologue (5-(1,1-Dimethyloctyl)-2-[(1R,3S)3-hydroxycyclohexyl-phenol)	7298	I
Lysergic acid diethylamide	7315	I
2,5-Dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7)	7348	I
Marihuana	7360	I
Tetrahydrocannabinols	7370	I
Mescaline	7381	I
2-(4-Ethylthio-2,5-dimethoxyphenyl) ethanamine (2C-T-2)	7385	I
3,4,5-Trimethoxyamphetamine	7390	I
4-Bromo-2,5-dimethoxyamphetamine	7391	I
4-Bromo-2,5-dimethoxyphenethylamine	7392	I
4-Methyl-2,5-dimethoxyamphetamine	7395	I
2,5-Dimethoxyamphetamine	7396	I
JWH-398 (1-Pentyl-3-(4-chloro-1-naphthoyl) indole)	7398	I
2,5-Dimethoxy-4-ethylamphetamine	7399	I
3,4-Methylenedioxyamphetamine	7400	I
5-Methoxy-3,4-methylenedioxyamphetamine	7401	I
N-Hydroxy-3,4-methylenedioxyamphetamine	7402	I
3,4-Methylenedioxy-N-ethylamphetamine	7404	I
3,4-Methylenedioxymethamphetamine	7405	I
4-Methoxyamphetamine	7411	I
5-Methoxy-N-N-dimethyltryptamine	7431	I
Alpha-methyltryptamine	7432	I
Bufotenine	7433	I
Diethyltryptamine	7434	I
Dimethyltryptamine	7435	I
Psilocybin	7437	I
Psilocyn	7438	I
5-Methoxy-N,N-diisopropyltryptamine	7439	I
4-CHLORO-ALPHA-Pyrrolidinovalerophenone, its optical, positional and geometric isomers, salts and salts of isomers	7443	I
4-METHYL-ALPHA-Pyrrolidinohexiophenone, its optical, positional and geometric isomers, salts and salts of isomers	7446	I
N-Ethyl-1-phenylcyclohexylamine	7455	I
1-(1-Phenylcyclohexyl)pyrrolidine	7458	I
1-[1-(2-Thienyl)cyclohexyl]piperidine	7470	I
1-[1-(2-Thienyl)cyclohexyl]pyrrolidine	7473	I
N-Benzylpiperazine	7493	I
4-Methyl-Alpha-pyrrolidinopropiophenone, its optical, positional and geometric isomers, salts and salts of isomers	7498	I
2-(2,5-Dimethoxy-4-methylphenyl) ethanamine (2C-D)	7508	I
2-(2,5-Dimethoxy-4-ethylphenyl) ethanamine (2C-E)	7509	I
2-(2,5-Dimethoxyphenyl) ethanamine (2C-H)	7517	I
2-(4-iodo-2,5-dimethoxyphenyl) ethanamine (2C-I)	7518	I
2-(4-Chloro-2,5-dimethoxyphenyl) ethanamine (2C-C)	7519	I
2-(2,5-Dimethoxy-4-nitro-phenyl) ethanamine (2C-N)	7521	I
2-(2,5-Dimethoxy-4-(n)-propylphenyl) ethanamine (2C-P)	7524	I
2-[4-(Isopropylthio)-2,5-dimethoxyphenyl] ethanamine (2C-T-4)	7532	I
MDPV (3,4-Methylenedioxypyrovalerone)	7535	I
2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25B-NBOMe)	7536	I
2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25C-NBOMe)	7537	I
2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25I-NBOMe)	7538	I
Methylone (3,4-Methylenedioxy-N-methylcathinone)	7540	I
Butylone, its optical, positional and geometric isomers, salts and salts of isomers	7541	I
Pentylone, its optical, positional and geometric isomers, salts and salts of isomers	7542	I
N-Ethylpentylone, or Ephylone	7543	I
ALPHA-Pyrrolidinohexanophenone	7544	I
alpha-pyrrolidinopentiophenone (α-PVP), its optical, positional and geometric isomers, salts and salts of isomers	7545	I
alpha-pyrrolidinobutiophenone (α-PBP), its optical, positional and geometric isomers, salts and salts of isomers	7546	I
Ethylone	7547	I
ALPHA-Pyrrolidinoheptaphenone, its optical, positional and geometric isomers, salts and salts of isomers	7548	I
AM-694 (1-(5-Fluoropentyl)-3-(2-iodobenzoyl) indole)	7694	I
Acetyldihydrocodeine	9051	I
Benzylmorphine	9052	I
Codeine-N-oxide	9053	I
Desomorphine	9055	I
Etorphine (except HCl)	9056	I
Codeine methylbromide	9070	I
Dihydromorphine	9145	I
Heroin	9200	I
Morphine-N-oxide	9307	I
Normorphine	9313	I
U-47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide)	9547	I

Controlled substance	Drug code	Schedule
AH-7921	9551	I
MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine))	9560	I
Etonitazene	9624	I
Ketobemidone	9628	I
Tilidine	9750	I
Acryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide)	9811	I
Para-Fluorofentanyl	9812	I
3-Methylfentanyl	9813	I
Alpha-methylfentanyl	9814	I
Acetyl-alpha-methylfentanyl	9815	I
N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide	9816	I
Acetyl Fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide)	9821	I
Butyryl Fentanyl	9822	I
Para-fluorobutyryl fentanyl	9823	I
4-Fluoroisobutyryl fentanyl (N-(4-fluorophenyl)-N-(1phenethylpiperidin-4-yl)isobutyramide)	9824	I
2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide	9825	I
Para-chloroisobutyryl fentanyl	9826	I
Isobutyryl fentanyl	9827	I
Beta-hydroxyfentanyl	9830	I
Beta-hydroxy-3-methylfentanyl	9831	I
Alpha-methylthiofentanyl	9832	I
3-Methylthiofentanyl	9833	I
Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide)	9834	I
Thiofentanyl	9835	I
Beta-hydroxythiofentanyl	9836	I
Para-methoxybutyryl fentanyl	9837	I
Ocfentanil	9838	I
Valeryl fentanyl	9840	I
N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide	9843	I
Cyclopropyl Fentanyl	9845	I
Cyclopentyl fentanyl	9847	I
Fentanyl related-compounds as defined in 21 CFR 1308.11(h)	9850	I
Amphetamine	1100	II
Methamphetamine	1105	II
Lisdexamfetamine	1205	II
Phenmetrazine	1631	II
Methylphenidate	1724	II
Amobarbital	2125	II
Pentobarbital	2270	II
Secobarbital	2315	II
Glutethimide	2550	II
1-Phenylcyclohexylamine	7460	II
Phencyclidine	7471	II
4-Anilino-N-phenethyl-4-piperidine (ANPP)	8333	II
Norfentanyl	8366	II
Phenylacetone	8501	II
1-Piperidinocyclohexanecarbonitrile	8603	II
Cocaine	9041	II
Codeine	9050	II
Etorphine HCl	9059	II
Dihydrocodeine	9120	II
Oxycodone	9143	II
Hydromorphone	9150	II
Ecgonine	9180	II
Ethylmorphine	9190	II
Hydrocodone	9193	II
Levomethorphan	9210	II
Levorphanol	9220	II
Isomethadone	9226	II
Meperidine	9230	II
Meperidine intermediate-B	9233	II
Methadone	9250	II
Dextropropoxyphene, bulk (non-dosage forms)	9273	II
Morphine	9300	II
Thebaine	9333	II
Oxymorphone	9652	II
Thiafentanil	9729	II
Alfentanil	9737	II
Remifentanil	9739	II
Sufentanil	9740	II
Carfentanil	9743	II
Tapentadol	9780	II
Fentanyl	9801	II

The company plans to bulk manufacture the listed controlled substances to produce forensic and research of analytical reference standards for distribution to its customers. In reference to Marihuana (7360) and Tetrahydrocannabinols (7370) the company will manufacture as synthetics only. No other activities for these drug codes are authorized for this registration.

William T. McDermott,

Assistant Administrator.

[FR Doc. 2020–19805 Filed 9–4–20; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–707]

Importer of Controlled Substances Application: Aspen API, Inc.

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Aspen API, Inc. has applied to be registered as an importer of basic class(es) of controlled substance. Refer to Supplemental Information listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before October 8, 2020. Such persons may also file a written request for a hearing on the application on or before October 8, 2020.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on August 3, 2020, Aspen API, Inc., 2136 South Wolf Road, Des Plaines, Illinois 60018–1932, applied to be registered as an importer of the following basic class(es) of controlled substance:

Controlled substance	Drug code	Schedule
Remifentanil	9739	II

The company plans to import the listed controlled substance as a bulk active pharmaceutical ingredient for distribution to manufacturers of finished dosage prescription drugs. No other activity to this drug code is authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

William T. McDermott,

Assistant Administrator.

[FR Doc. 2020–19804 Filed 9–4–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Air Act

On August 31, 2020, the U. S. Department of Justice (DOJ) lodged a proposed Consent Decree with the United States District Court for the Southern District of Indiana in *United States and State of Indiana* v. *Indianapolis Power & Light Company,* Civil Action No. 3:20–cv–202. The lodging of the proposed Decree immediately followed DOJ's filing in the same court of a civil complaint (Complaint) against Indianapolis Power & Light Company (IPL).

The proposed Consent Decree resolves Clean Air Act and related State law claims in the Complaint by the United States on behalf of the U.S. Environmental Protection Agency, and the State of Indiana, by the authority of the Attorney General of Indiana, acting at the request of the Indiana Department of Environmental Management. Under the proposed Decree, IPL agrees, among other things, to undertake measures to reduce pollutant emissions and improve its environmental compliance at the Petersburg Generating Station (Facility) in Pike County, Indiana. In addition, IPL will pay a civil penalty, perform a mitigation project proposing a new, non-emitting source of power to serve the Facility's internal load, and conduct a State-only Environmentally Beneficial Project.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States and State of Indiana* v. *Indianapolis Power & Light Company,* D.J. Ref. No. 90–5–2–1–09897/1. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, D.C. 20044–7611.

During the public comment period, the proposed Consent Decree may be examined and downloaded at this Justice Department website: *http://www.justice.gov/enrd/consent-decrees.*

We will provide a paper copy of the proposed Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $19.00 (25 cents per page reproduction cost), payable to the United States Treasury.

Jeffrey Sands,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2020–19691 Filed 9–4–20; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Veterans' Employment and Training Service

Advisory Committee on Veterans' Employment, Training and Employer Outreach (ACVETEO): Meeting

AGENCY: Veterans' Employment and Training Service (VETS), Department of Labor (DOL).

ACTION: Notice of virtual open meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the ACVETEO. The ACVETEO will discuss the DOL core programs and services that assist

veterans seeking employment and raise employer awareness as to the advantages of hiring veterans. There will be an opportunity for individuals or organizations to address the committee. Any individual or organization that wishes to do so should contact Mr. Gregory Green at *ACVETEO@dol.gov*. Additional information regarding the Committee, including its charter, current membership list, annual reports, meeting minutes, and meeting updates may be found at *https://www.dol.gov/agencies/vets/about/advisorycommittee*.

Individuals who will need accommodations for a disability in order to attend the meeting (*e.g.,* interpreting services, assistive listening devices, and/or materials in alternative format) should notify the Advisory Committee no later than Wednesday, September 23, 2020 by contacting Mr. Gregory Green at *ACVETEO@dol.gov*. Requests made after this date will be reviewed, but availability of the requested accommodations cannot be guaranteed. The meeting site is accessible to individuals with disabilities. This Notice also describes the functions of the ACVETEO. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public.

DATES: Wednesday, September 30, 2020 beginning at 9:00 a.m. and ending at approximately 12:00 p.m. (EST).

ADDRESSES: This meeting of the ACVETEO will be held via WebEx video and teleconference. Meeting information will be posted at the link below under the Meeting Updates tab. *https://www.dol.gov/agencies/vets/about/advisorycommittee*.

Notice of Intent to Attend The Meeting: All meeting participants should submit a notice of intent to attend by Monday, September 23, 2020, via email to Mr. Gregory Green at *ACVETEO@dol.gov,* subject line ''September 2020 ACVETEO Meeting.''

FOR FURTHER INFORMATION CONTACT: Mr. Gregory Green, Designated Federal Official for the ACVETEO, *ACVETEO@dol.gov,* (202) 693–4734.

SUPPLEMENTARY INFORMATION: The ACVETEO is a Congressionally mandated advisory committee authorized under Title 38, U.S. Code, Section 4110 and subject to the Federal Advisory Committee Act, 5 U.S.C. App. 2, as amended. The ACVETEO is responsible for: Assessing employment and training needs of veterans; determining the extent to which the programs and activities of the U.S. Department of Labor meet these needs; assisting to conduct outreach to employers seeking to hire veterans; making recommendations to the Secretary, through the Assistant Secretary for Veterans' Employment and Training Service, with respect to outreach activities and employment and training needs of veterans; and carrying out such other activities necessary to make required reports and recommendations. The ACVETEO meets at least quarterly.

Agenda

9:00 a.m.—Welcome and remarks, John Lowry, Assistant Secretary, Veterans' Employment and Training Service
9:10 a.m.—Administrative Business, Gregory Green, Designated Federal Official
9:15 a.m.—Subcommittee Innovative Veteran Training and Employment Briefing
9:45 a.m.—Subcommittee Service Delivery Briefing
10:15 a.m.—Subcommittee Underserved Population Briefing
10:45 a.m.—Subcommittee Discussion/Assignments, Committee Chairperson
11:15 a.m.—Subcommittee Discussion/Assignments, Committee Chairperson, Kayla Williams
11:30 a.m.—Public Forum, Gregory Green, Designated Federal Official
12:00 p.m.—Adjourn

Signed in Washington, DC, this 31st day of August 2020.

John Lowry,

Assistant Secretary, Veterans' Employment and Training Service.

[FR Doc. 2020–19793 Filed 9–4–20; 8:45 am]

BILLING CODE 4510–79–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–20–0019; NARA–2020–059]

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments

SUMMARY: The National Archives and Records Administration (NARA) publishes notice of certain Federal agency requests for records disposition authority (records schedules). We publish notice in the **Federal Register** and on regulations.gov for records schedules in which agencies propose to dispose of records they no longer need to conduct agency business. We invite public comments on such records schedules.

DATES: NARA must receive comments by October 23, 2020.

ADDRESSES: You may submit comments by either of the following methods. You must cite the control number, which appears on the records schedule in parentheses after the name of the agency that submitted the schedule.

- *Federal eRulemaking Portal: http://www.regulations.gov*.
- *Mail:* Records Appraisal and Agency Assistance (ACR); National Archives and Records Administration; 8601 Adelphi Road; College Park, MD 20740–6001.

FOR FURTHER INFORMATION CONTACT: Kimberly Keravuori, Regulatory and External Policy Program Manager, by email at *regulation_comments@nara.gov.* For information about records schedules, contact Records Management Operations by email at *request.schedule@nara.gov,* by mail at the address above, or by phone at 301–837–1799.

SUPPLEMENTARY INFORMATION:

Public Comment Procedures

We are publishing notice of records schedules in which agencies propose to dispose of records they no longer need to conduct agency business. We invite public comments on these records schedules, as required by 44 U.S.C. 3303a(a), and list the schedules at the end of this notice by agency and subdivision requesting disposition authority.

In addition, this notice lists the organizational unit(s) accumulating the records or states that the schedule has agency-wide applicability. It also provides the control number assigned to each schedule, which you will need if you submit comments on that schedule. We have uploaded the records schedules and accompanying appraisal memoranda to the regulations.gov docket for this notice as ''other'' documents. Each records schedule contains a full description of the records at the file unit level as well as their proposed disposition. The appraisal memorandum for the schedule includes information about the records.

We will post comments, including any personal information and attachments, to the public docket unchanged. Because comments are public, you are responsible for ensuring that you do not include any confidential or other information that you or a third party may not wish to be publicly posted. If you want to submit a comment with confidential information or cannot otherwise use the

regulations.gov portal, you may contact *request.schedule@nara.gov* for instructions on submitting your comment.

We will consider all comments submitted by the posted deadline and consult as needed with the Federal agency seeking the disposition authority. After considering comments, we will post on *regulations.gov* a ''Consolidated Reply'' summarizing the comments, responding to them, and noting any changes we have made to the proposed records schedule. We will then send the schedule for final approval by the Archivist of the United States. You may elect at regulations.gov to receive updates on the docket, including an alert when we post the Consolidated Reply, whether or not you submit a comment. If you have a question, you can submit it as a comment, and can also submit any concerns or comments you would have to a possible response to the question. We will address these items in consolidated replies along with any other comments submitted on that schedule.

We will post schedules on our website in the Records Control Schedule (RCS) Repository, at *https://www.archives.gov/records-mgmt/rcs,* after the Archivist approves them. The RCS contains all schedules approved since 1973.

Background

Each year, Federal agencies create billions of records. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval. Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. The records schedules authorize agencies to preserve records of continuing value in the National Archives or to destroy, after a specified period, records lacking continuing administrative, legal, research, or other value. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

Agencies may not destroy Federal records without the approval of the Archivist of the United States. The Archivist grants this approval only after thorough consideration of the records' administrative use by the agency of origin, the rights of the Government and of private people directly affected by the Government's activities, and whether or not the records have historical or other value. Public review and comment on these records schedules is part of the Archivist's consideration process.

Schedules Pending

1. Department of Energy, Western Area Power Administration, Management, Policy and Public Affairs (DAA–0201–2020–0006).
2. Department of Energy, Western Area Power Administration, Maintenance Program Records (DAA–0201–2020–0007).
3. Department of Energy, Western Area Power Administration, Power Operations Program Records (DAA–0201–2020–0008).
4. Commodity Futures Trading Commission, Agency-wide, Regulatory Guidance, Support, Legal Review, Oversight and Compliance (DAA–0180–2018–0006).
5. General Services Administration, Agency-wide, Program Management Records (DAA–0269–2020–0006).

Laurence Brewer,

Chief Records Officer for the U.S. Government.

[FR Doc. 2020–19748 Filed 9–4–20; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request; National Science Foundation-Managed Honor Awards

AGENCY: National Science Foundation.

ACTION: Notice.

SUMMARY: The National Science Foundation (NSF) is announcing plans to renew this collection. In accordance with the requirements of the Paperwork Reduction Act of 1995, we are providing opportunity for public comment on this action. After obtaining and considering public comment, NSF will prepare the submission requesting Office of Management and Budget (OMB) clearance of this collection for no longer than 3 years.

DATES: Written comments on this notice must be received by November 9, 2020 to be assured consideration. Comments received after that date will be considered to the extent practicable. Send comments to the address below.

FOR FURTHER INFORMATION CONTACT: Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 2415 Eisenhower Avenue, Suite W18200, Alexandria, Virginia 22314; telephone (703) 292–7556; 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).

SUPPLEMENTARY INFORMATION:

Title of Collection: National Science Foundation-Managed Honor Awards.

OMB Approval Number: 3145–0035.

Expiration Date of Approval: December 30, 2020.

Type of Request: Intent to seek approval to renew an information collection for three years.

Abstract: The National Science Foundation (NSF) administers several external awards, among them the President's National Medal of Science, the Alan T. Waterman Award, the National Science Board (NSB) Vannevar Bush Award, the NSB Public Service Award, the Presidential Awards for Excellence in Science, Mathematics and Engineering Mentoring (PAESMEM) program, and the Presidential Awards for Excellence in Mathematics and Science Teaching (PAEMST) program.

In 2003, to comply with E-government requirements, the nomination processes were converted to electronic submission through NSF's FastLane system or via other electronic systems as described in the individual nomination process. Individuals can now prepare nominations and references through *www.fastlane.nsf.gov/honawards/* for all but the PAESMEM and PAEMST awards. First-time users must register on the Fastlane website using the link found in the upper right-hand corner above the ''Log In'' box before accessing all but the PAESMEM and PAEMST honorary award categories. For PAEMST nominations and applications are submitted on the PAEMST portal at *www.paemst.org.* For PAESMEM, nominations and applications are submitted on the PAESMEM portal at *www.paesmem.net.*

Use of the Information: The Foundation has the following honorary award programs:

President's National Medal of Science

Statutory authority for the President's National Medal of Science is contained in 42 U.S.C. 1881 (Pub. L. 86–209), which established the award and stated that ''(t)he President shall . . . award the Medal on the recommendations received from the National Academy of Sciences or on the basis of such other information and evidence as . . . appropriate.''

Subsequently, Executive Order 10961 specified procedures for the Award by establishing a National Medal of Science Committee which would ''receive recommendations made by any other nationally representative scientific or engineering organization.'' On the basis of these recommendations, the Committee was directed to select its candidates and to forward its recommendations to the President.

In 1962, to comply with these directives, the Committee initiated a solicitation form letter to invite these nominations. In 1979, the Committee initiated a nomination form as an attachment to the solicitation letter. A slightly modified version of the nomination form was used in 1980.

The Committee has established the following considerations for selection of candidates:

a. The impact of an individual's body of work on the current state of his or her field of science or engineering;

b. Whether the individual's achievements are of an unusually significant nature in relation to the potential effects on the development of thought in his or her field of science or engineering;

c. Whether the nominee has demonstrated unusually distinguished service in the general advancement of science and/or engineering for the Nation, especially when accompanied by substantial contributions to the content of science;

d. The recognition of the nominee by peers within his or her community, and whether s/he is recognized for substantial impact in fields in addition to his/her discipline;

e. If the nominee has made contributions to innovation and industry;

f. Whether the nominee has demonstrated sustained influence on education through publications, teaching activities, outreach, mentoring, etc., and;

g. Whether the nominee's contributions have created significant positive impact for the Nation.

In 2003, the Committee changed the active period of eligibility to three years, including the year of nomination. After that time, candidates must be renominated with a new nomination package for them to be considered by the Committee.

Narratives are now restricted to three pages of text, as stipulated in the guidelines at: *https://www.fastlane.nsf.gov/honawards/medalHome.do*.

Alan T. Waterman Award

Congress established the Alan T. Waterman Award in August 1975 (42 U.S.C. 1881a (Pub. L. 94–86) and authorized NSF to ''establish the Alan T. Waterman Award for research or advanced study in any of the sciences or engineering'' to mark the 25th anniversary of the National Science Foundation and to honor its first Director. The annual award recognizes an outstanding young researcher in any field of science or engineering supported by NSF. In addition to a medal, the awardee receives a grant of $1,000,000 over a five-year period for scientific research or advanced study in the mathematical, physical, medical, biological, engineering, social, or other sciences at the institution of the recipient's choice.

The Alan T. Waterman Award Committee was established by NSF to comply with the directive contained in Pub. L. 94–86. The Committee solicits nominations from members of the National Academy of Sciences, National Academy of Engineering, scientific and technical organizations, and any other source, public or private, as appropriate.

In 1976, the Committee initiated a form letter to solicit these nominations. In 1980, a nomination form was used which standardized the nomination procedures, allowed for more effective Committee review, and permitted better staff work in a short period of time. On the basis of its review, the Committee forwards its recommendation to the Director, NSF, and the National Science Board (NSB).

Candidates must be U.S. citizens or permanent residents and must be 40 years of age or younger or not more than ten years beyond receipt of the Ph.D. degree by December 31 of the year in which they are nominated. Candidates should have demonstrated exceptional individual achievements in scientific or engineering research of sufficient quality to place them at the forefront of their peers. Criteria include originality, innovation, and significant impact on the field.

Vannevar Bush Award

The Vannevar Bush Award honors truly exceptional lifelong leaders in science and technology who have made substantial contributions to the welfare of the Nation through public service activities in science, technology, and public policy. The National Science Board established this award in 1980 in the memory of Vannevar Bush, who served as a science advisor to President Franklin Roosevelt during World War II, helped to establish Federal funding for science and engineering as a national priority during peacetime, and was behind the creation of the National Science Foundation.

The Vannevar Bush Award recipient is selected annually by the National Science Board's Subcommittee on Honorary Awards (AWD), which is established to solicit nominations from scientific, engineering, and educational societies and institutions, in both the public and private sectors.

Candidates for the Vannevar Bush Award should have demonstrated outstanding leadership and accomplishment in meeting at least two of the following selection criteria:

1. Candidates must be U.S. citizens.
2. Distinguished himself/herself through public service activities in science and technology.
3. Pioneered the exploration, charting, and settlement of new frontiers in science, technology, education, and public service.
4. Demonstrated leadership and creativity that have inspired others to distinguished careers in science and technology.
5. Contributed to the welfare of the Nation and humankind through activities in science and technology.
6. Demonstrated leadership and creativity that has helped mold the history of advancements in the Nation's science, technology, and education.

Nomination Submissions must include:

1. A current curriculum vita without publications (no more than 5 pages).
2. A narrative statement (no more than 8 pages) addressing the candidate's activities and contributions related to the selection criteria.
3. A proposed award citation addressing the candidate's activities in and contributions to national public service activities in science, technology, and public policy.
4. Contact information for award candidate and nominator (mailing address, email address, and phone number).
5. Two reference letters (no more than 2 pages each) from individuals familiar with the candidate's accomplishments, and not affiliated with the candidate's home institution. Letters should be submitted by email to *nsbawards@nsf.gov* on letterhead as a PDF file.

Nominations remain active for three years, including the year of nomination. After that time, candidates must be renominated with a new nomination for them to be considered by the selection committee.

NSB Public Service Award

The National Science Board established the Public Service Award in

November 1996 to honor individuals and groups that have made substantial contributions to increasing public understanding of science and engineering in the United States. These contributions may be in a wide variety of areas that have the potential of contributing to public understanding of and appreciation for science and engineering—including mass media, education and/or training programs, and entertainment.

Eligibility includes any individual or group (company, corporation or organization) that has increased the public understanding of science or engineering.

Candidates for the NSB Public Service Award should have demonstrated outstanding leadership and accomplishment in meeting the following selection criteria:

1. Increased the public's understanding of the processes of science and engineering through scientific discovery, innovation, and its communication to the public.
2. Encouraged others to help raise the public understanding of science and technology.
3. Promoted the engagement of scientists and engineers in public outreach and scientific literacy.
4. Contributed to the development of broad science and engineering policy and its support.
5. Influenced and encouraged the next generation of scientists and engineers.
6. Achieved broad recognition outside of the candidate's area of specialization.
7. Fostered awareness of science and technology among broad segments of the population.

Note: Members of the U.S. Government are not eligible for this award.

Nomination Procedures

Nominations for an individual must include:

1. A current curriculum vita without publications (no more than 3 pages).
2. A narrative statement (no more than 5 pages) addressing the following:
   a. The candidate's public service activities in science and engineering, and
   b. the candidate's contributions to public understanding of science and engineering, as they relate to the selection criteria.
3. Contact information of candidate and nominator (mailing address, email address, phone number).

Nominations must be submitted by email to: *nsbawards@nsf.gov.*

Nominations for a group must include:

1. A narrative statement (no more than 5 pages) addressing the following:
   a. The group's activities, and how it accomplishes the selection criteria for the award,
   b. length of years of the program,
   c. number and type of individuals served by the group's activities; and
   d. data on the success of the program (if available).
2. Contact information of candidate and nominator (mailing address, email address, phone number).
3. Reference letters are optional, and up to 3 letters (no more than to 2 pages each) may be submitted on letterhead as a PDF file.

Nominations must be submitted by email to: *nsbawards@nsf.gov.*

Nominations remain active for three years, including the year of nomination. After that time, candidates must be re-nominated with a new nomination for them to be considered by the selection committee.

Presidential Awards for Excellence in Science, Mathematics and Engineering Mentoring (PAESMEM) Program

In 1996, the White House, through the National Science and Technology Council (NSTC) and the Office of Science and Technology Policy (OSTP), established the Presidential Awards for Excellence in Science, Mathematics and Engineering Mentoring (PAESMEM) program. The program, administered on behalf of the White House by the National Science Foundation, seeks to identify outstanding mentoring efforts or programs designed to enhance the participation of groups (women, minorities and persons with disabilities as well as groups from low socioeconomic regions) underrepresented in science, mathematics and engineering. The awardees will serve as exemplars to their colleagues and will be leaders in the national effort to more fully develop the Nation's human resources in science, mathematics and engineering. This award is managed at NSF by the Directorate for Education and Human Resources (EHR).

The award will be made to U.S. citizens or U.S. permanent residents based on the following: (1) An individual who has demonstrated outstanding and sustained mentoring and effective guidance to a significant number of early career STEM professionals, students at the K–12, undergraduate, or graduate education level or (2) to an organization that, through its programming, has enabled a substantial number of students underrepresented in science, mathematics and engineering to successfully pursue and complete the relevant degree programs as well as mentoring of early career STEM professionals. Nominees must have served in a mentoring role for at least five years. Nominations are reviewed for impact, significance of the mentoring throrganizational awards must demonstrate rigorous evaluation and/or assessment during the five-year period of the mentoring activity.

Award Ceremony

The awardees are hosted for two days in Washington, DC, for celebratory activities. Recipients of the PAESMEM award receive a monetary award in the amount of $10,000 from NSF and a commemorative Presidential certificate. If scheduling permits, the President meets with the mentors for a photo opportunity at the White House. The Director of OSTP and the Director of NSF present the awards to the mentors at an awards ceremony.

Presidential Award for Excellence in Mathematics and Science Teaching

The Presidential Award for Excellence in Mathematics and Science Teaching (PAEMST) is the highest recognition that a kindergarten through 12th-grade mathematics or science teacher may receive for outstanding teaching in the United States. Enacted by Congress in 1983, this program authorizes the President to bestow 108 awards with two per state or jurisdiction, assuming there are qualified applicants. Awards are given in the science category, which includes science and engineering, and the mathematics category, which includes mathematics, technology and computer science. In even-numbered y]ears, nominations are accepted for elementary teachers (grades K–6); in odd-numbered years, secondary teachers (grades 7–12) are nominated. This award is managed at NSF by the Directorate for Education and Human Resources (EHR).

Nomination Criteria

A teacher may be nominated by a principal, another teacher, students, members of the community, or the general public. Self-nominations are allowed. Awardees must be either U.S. Citizens or U.S. Permanent Residents. A Nominee must meet the following criteria to apply:

- Teach science, technology, engineering, mathematics, and/or computer science as part of his or her contracted teaching responsibilities at the K–6 grade level in a public (including charter) or private school;
- hold at least a bachelor's degree from an accredited institution;

• be a full-time employee of his or her school or school district as determined by state and district policies, with responsibilities for teaching students no less than 50% of the school's allotted instructional time;

• have at least five years of full-time employment as a K–12 teacher prior to the academic school year in which they apply, with science, technology, engineering, mathematics, and/or computer science teaching duties each of the past five years;

• teach in one of the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the Department of Defense Education Activity schools, or the U.S. Territories as a group (American Samoa, Guam, Commonwealth of the Northern Mariana Islands, and U.S. Virgin Islands);

• be a U.S. citizen or permanent resident; and

• not have received the PAEMST award at the national level in any prior competition or category.

Application Process

• Applicants complete a narrative on five dimensions of outstanding teaching (content knowledge, pedagogy, assessment, leadership and professional development), submit a video of one class, supplemental materials, and references cited. Three letters of reference including one from a school official are required, along with a resume or biographical sketch.

• The applicant completes an application and submits for state review during the academic year. The nomination period runs through the application cycle up to one month before the application deadline.

Review of Nominations

• State coordinators convene state selection committees of prominent mathematicians, scientists, mathematics and science educators, and past awardees to select up to three mathematics category and three science category finalists for recognition at the state level and for submission to NSF. To ensure consistency, state selection committees review their applications using the same criteria and scoring information that was approved by OSTP. Following the state review applicants are given two weeks to complete an addendum to the state application that addresses state reviewer comments.

• NSF (EHR) convenes a National Selection Committee of prominent mathematicians, scientists, mathematics and science educators, and past awardees that review the application packets of the state finalists including the addendum and make recommendations to NSF. NSF reviews the state selection committee recommendations and recommends to OSTP, when possible, one awardee in the mathematics category and one in the science category for all eligible states/jurisdictions. Alternatively, NSF may recommend two awardees from a discipline in a jurisdiction, when warranted.

Award Ceremony

The awardees are hosted for 3–4 days in Washington, DC, for a variety of professional development sessions and celebratory activities. Each awardee receives a citation signed by the President and $10,000 from NSF. If scheduling permits, the President meets the teachers for a photo opportunity at the White House. The Director of OSTP and the Director of NSF present the citations to the teachers at an awards ceremony. Awardees also have the opportunity to meet their congressional representatives and education representatives from other federal agencies.

Estimate of Burden: These are annual award programs with application deadlines varying according to the program. Public burden also may vary according to program; however, across all the programs, it is estimated that each submission will average 19 hours per respondent. If the nominator is thoroughly familiar with the disciplinary background of the nominee, time spent to complete the nomination may be considerably reduced.

Respondents: Individuals, businesses or other for-profit organizations, universities, non-profit institutions, and Federal and State governments.

Estimated Number of Responses per Award: 1800 responses, broken down as follows: For the President's National Medal of Science, 80; for the Alan T. Waterman Award, 70; for the Vannevar Bush Award, 20; for the Public Service Award, 30; for the PAESMEM, 200; and 1400 for the PAEMST.

Estimated Total Annual Burden on Respondents: 41,350 hours, broken down by 1,600 hours for the President's National Medal of Science (20 hours per 80 respondents); 1,400 hours for the Alan T. Waterman Award (20 hours per 70 respondents); 300 hours for the Vannevar Bush Award (15 hours per 20 respondents); 450 hours for the Public Service Award (15 hours per 30 respondents); 4,000 hours for the PAESMEM (20 hours per 200 respondents); and 33,600 hours for the PAEMST (24 hours per 1400 respondents).

Frequency of Responses: Annually.

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; (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: September 1, 2020.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2020–19689 Filed 9–4–20; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–409 and 72–046; NRC–2019–0110]

In the Matter of LaCrosse Solutions, LLC; La Crosse Boiling Water Reactor

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Direct transfer of license; extending effectiveness of order.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an Order to extend the effectiveness of a September 24, 2019, Order, which approved the direct transfer of Possession Only License No. DPR–45 for the La Crosse Boiling Water Reactor (LACBWR) from the current holder, LaCrosse*Solutions,* LLC, to Dairyland Power Cooperative and approved a conforming license amendment, for six months beyond its current September 24, 2020, expiration date.

DATES: The Order was issued on September 1, 2020 and was effective upon issuance.

ADDRESSES: Please refer to Docket ID NRC–2019–0110 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

• *Federal Rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2019–0110. Address

questions about 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.

• *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 Order extending the effectiveness of the approval of the transfer of license and conforming amendment is available in ADAMS under Accession No. ML20188A228.

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

SUPPLEMENTARY INFORMATION: The text of the Order is attached.

Dated: September 1, 2020.

For the Nuclear Regulatory Commission.

John W. Lubinski,

Director, Office of Nuclear Material, Safety, and Safeguards.

Attachment—Order Extending the Effectiveness of the Approval of the Transfer of License and Conforming Amendment

In the Matter of LaCrosse*Solutions,* LLC; La Crosse Boiling Water Reactor

EA–19–077; Docket Nos. 50–409 and 72–046; License No. DPR–45

Order Extending the Effectiveness of the Approval of the Transfer of License and Conforming Amendment

I.

LaCrosse*Solutions,* LLC is the holder of the U.S. Nuclear Regulatory Commission (NRC, the Commission) Possession Only License No. DPR–45, with respect to the possession, maintenance, and decommissioning of the La Crosse Boiling Water Reactor (LACBWR). Operation of the LACBWR is no longer authorized under this license. The LACBWR facility is located in Vernon County, Wisconsin.

II.

By Order dated September 24, 2019 (Transfer Order), the Commission consented to the transfer of the LACBWR license to Dairyland Power Cooperative and approved a conforming license amendment in accordance with Section 50.80, ''Transfer of licenses,'' and Section 50.90, ''Application for amendment of license, construction permit, or early site permit,'' of Title 10 of the *Code of Federal Regulations* (10 CFR). By its terms, the Transfer Order becomes null and void if the license transfer is not completed within 1 year unless, upon application and for good cause shown, the Commission extends the Transfer Order's September 24, 2020, expiration date.

III.

By letter dated June 24, 2020, LaCrosse*Solutions,* LLC submitted a request to extend the effectiveness of the Transfer Order by 6 months, until March 24, 2021. As stated in the letter, the LACBWR Final Status Survey Final Reports (FSSRs) and their associated Release Records are currently under review by the NRC staff. In addition, the NRC staff notes that NRC requests for additional information (RAIs) are being addressed by LaCrosse*Solutions,* LLC. Based on the current status of the NRC review and the expected timeframe for receiving finalized RAI responses, it is anticipated that additional time will be needed to address questions or potential issues identified by the NRC staff during its review of the LACBWR FSSRs. The letter also stated that the extension would allow adequate time for research and response development by LaCrosse*Solutions,* LLC, regarding possible additional questions or potential issues, and for the NRC staff to assess the responses provided by LaCrosse*Solutions,* LLC and make a final determination regarding the release of the majority of the LACBWR site for unrestricted use. Moreover, the letter discussed the possibility of delays due to the Coronavirus Disease 2019 public health emergency.

Based on the above, the NRC staff has determined that LaCrosse*Solutions,* LLC has shown good cause for extending the effectiveness of the Transfer Order by 6 months, as requested.

IV.

Accordingly, pursuant to Sections 161b, 161i, and 184 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. Sections 2201(b), 2201(i), and 2234; and 10 CFR 50.80, *It is hereby ordered* that the expiration date of the Transfer Order of September 24, 2019, is extended until March 24, 2021. If the subject license transfer from LaCrosse*Solutions,* LLC to Dairyland Power Cooperative is not completed by March 24, 2021, the Transfer Order shall become null and void; provided, however, that upon written application and for good cause shown, such date may be extended by order.

This Order is effective upon issuance.

For further details with respect to this Order, see the extension request dated June 24, 2020, which is available electronically through ADAMS in the NRC Library at *https://www.nrc.gov/reading-rm/adams.html* under Accession No. ML20188A228. Persons who encounter problems with ADAMS should contact the NRC's Public Document Room reference staff by telephone at 1–800–397–4209 or 301–415–4737 or by email to *pdr.resource@nrc.gov.*

Dated this 1st day of September 2020.

For the Nuclear Regulatory Commission.

John W. Lubinski,

Director, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2020–19736 Filed 9–4–20; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2020–0200]

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 August 11, 2020, to August 24, 2020. The last biweekly notice was published on August 25, 2020.

DATES: Comments must be filed by October 8, 2020. A request for a hearing

or petitions for leave to intervene must be filed by November 9, 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–2020–0200. 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: Paula Blechman, Office of Nuclear Reactor Regulation, telephone: 301–415–2242, email: *Paula.Blechman@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–2020–0200, 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–2020–0200.
- *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–2020–0200, 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 tables below provide the plant name, docket number, date of application, ADAMS accession number, and location in the application of the licensee's proposed NSHC determination. For further details with respect to these license amendment applications, see the application for amendment which is available for public inspection in ADAMS. For additional direction on accessing information related to this document, see the ''Obtaining Information and Submitting Comments'' section of this document.

Dominion Nuclear Connecticut, Inc.; Millstone Power Station, Unit No. 3; New London County, WI

Docket No(s)	50–423.
Application Date	August 11, 2020.
ADAMS Accession No	ML20224A457.
Location in Application of NSHC	Pages 18–22 of Attachment 1.
Brief Description of Amendments	The proposed amendment would revise Millstone Unit No. 3 Technical Specification 6.8.4.g, ''Steam Generator (SG) Program,'' Item d.2, to extend, on a one-time basis, the requirement to inspect each SG at least every 48 effective full power months or every other refueling outage (whichever results in more frequent inspections) for SGs A and C. This extension would allow the licensee to defer the Millstone Unit No. 3 inspections for SGs A and C from the fall of 2020 (Refueling Outage 20) to the spring of 2022 (Refueling Outage 21).
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	William S. Blair, Senior Counsel, Dominion Energy, Inc., 120 Tredegar Street, RS–2, Richmond, VA 23219.
NRC Project Manager, Telephone Number	Richard Guzman, 301–415–1030.

Duke Energy Progress, LLC; Brunswick Steam Electric Plant, Units 1 and 2; Brunswick County, NC

Docket No(s)	50–325, 50–324.
Application Date	July 9, 2020.
ADAMS Accession No. of Application	ML20191A054.
Location in Application of NSHC	Pages 10–12 of Enclosure 1.
Brief Description of Amendment(s)	The proposed amendments would revise the license condition that required using the Brunswick Steam Electric Plant external flood (XF) probabilistic risk assessment model in the categorization process to allow an XF screening evaluation based on proposed modifications which would allow the plant to mitigate the effects of all XF hazards rather than allowing water to enter into structures containing safety-related structures, systems, or components.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Kathryn B. Nolan, Deputy General Counsel, Duke Energy Corporation, 550 South Tryon Street (DEC45A), Charlotte, NC 28202.
NRC Project Manager, Telephone Number	Andrew Hon, 301–415–8480.

Duke Energy Progress, LLC; Brunswick Steam Electric Plant, Units 1 and 2; Brunswick County, NC

Docket No(s)	50–325, 50–324.
Application Date	July 21, 2020.
ADAMS Accession No. of Application	ML20203M352.
Location in Application of NSHC	Pages 1–3 of Enclosure 1.
Brief Description of Amendment(s)	The proposed amendments would adopt Technical Specifications Task Force (TSTF)–566, ''Revise Actions for Inoperable RHR [Residual Heat Removal] Shutdown Cooling Subsystems.''
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Kathryn B. Nolan, Deputy General Counsel, Duke Energy Corporation, 550 South Tryon Street (DEC45A), Charlotte, NC 28202.
NRC Project Manager, Telephone Number	Andrew Hon, 301–415–8480.

Duke Energy Progress, LLC; Brunswick Steam Electric Plant, Units 1 and 2; Brunswick County, NC

Docket No(s)	50–325, 50–324.
Application Date	July 27, 2020.
ADAMS Accession No. of Application	ML20209A551.
Location in Application of NSHC	Pages 1–3 of Enclosure 1.
Brief Description of Amendment(s)	The proposed amendments would adopt Technical Specifications Task Force (TSTF)–568 to revise the applicability and actions of the technical specifications related to primary containment oxygen concentration.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Kathryn B. Nolan, Deputy General Counsel, Duke Energy Corporation, 550 South Tryon Street (DEC45A), Charlotte, NC 28202.
NRC Project Manager, Telephone Number	Andrew Hon, 301–415–8480.

NextEra Energy Seabrook, LLC; Seabrook Station, Unit No. 1; Rockingham County, NH

Docket No(s)	50–443.
Application Date	July 13, 2020.
ADAMS Accession No. of Application	ML20196L772.
Location in Application of NSHC	Pages 12 and 13 of the Enclosure.
Brief Description of Amendment(s)	The proposed amendment would extend the allowed outage time for one emergency diesel generator inoperable from 14 days to 30 days on a one-time basis. The one-time license amendment is necessary to perform planned maintenance on the B emergency diesel generator while at power.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Debbie Hendell, Managing Attorney—Nuclear, Florida Power & Light Company, 700 Universe Blvd., MS LAW/JB, Juno Beach, FL 33408–0420.
NRC Project Manager, Telephone Number	Justin Poole, 301–415–2048.

Tennessee Valley Authority; Browns Ferry Nuclear Plant, Units 1, 2, and 3; Limestone County, AL

Docket No(s)	50–259, 50–260, 50–296.
Application Date	July 17, 2020.
ADAMS Accession No. of Application	ML20199M373.
Location in Application of NSHC	Pages E1–21 and E1–22 of Enclosure 1.
Brief Description of Amendment(s)	The proposed amendments would allow for the voluntary adoption of the requirements of Section 50.69, ''Risk-informed categorization and treatment of structures, systems and components for nuclear power reactors,'' of 10 CFR.
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; Browns Ferry Nuclear Plant, Units 1, 2, and 3; Limestone County, AL, 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 No(s)	50–259, 50–260, 50–296, 50–327, 50–328, 50–390, 50–391.
Application Date	August 14, 2020.
ADAMS Accession No. of Application	ML20230A210.
Location in Application of NSHC	Pages E4–E5 of the Enclosure.
Brief Description of Amendment(s)	The proposed amendments would revise the technical specifications (TS) for Browns Ferry Nuclear Plant, Units 1, 2, and 3; Sequoyah Nuclear Plant, Units 1 and 2; and Watts Bar Nuclear Plant, Units 1 and 2, to remove the tables of contents from the TSs and place them under licensee control. In addition, the proposed amendments would make two other administrative changes to the Sequoyah Nuclear Plant, Units 1 and 2; and Watts Bar Nuclear Plant, Units 1 and 2 TSs.

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; Browns Ferry Nuclear Plant, Units 1, 2, and 3; Limestone County, AL, 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 No(s)	50–259, 50–260, 50–296, 50–327, 50–328, 50–390, 50–391.
Application Date	July 31, 2020.
ADAMS Accession No. of Application	ML20213C730.
Location in Application of NSHC	Pages E9–E11 of the Enclosure.
Brief Description of Amendment(s)	The proposed amendments would revise the Tennessee Valley Authority Fleet Radiological Emergency Plan to change the requirement from having an on-shift emergency medical technician to a requirement for an on-shift emergency medical professional. Additionally, the proposed amendments would remove the requirement for an on-site ambulance at each site.
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(s)	50–390.
Application Date	July 17, 2020.
ADAMS Accession No. of Application	ML20199M346.
Location in Application of NSHC	Pages E1–23 and E1 24 of Enclosure 1 and pages E2–3 and E2–4 of Enclosure 2.
Brief Description of Amendment(s)	The proposed amendment would revise the Watts Bar Nuclear Plant, Unit 1 technical specifications to change the required steam generator tube inspection frequency from every 72 effective full power months (EFPM) to every 96 EFPM and to incorporate Technical Specifications Task Force (TSTF) Technical Change Traveler TSTF–510, Revision 2, ''Revision to Steam Generator Program Inspection Frequencies and Tube Sample Selection.''.
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.

Tennessee Valley Authority; Watts Bar Nuclear Plant, Unit 2; Rhea County, TN

Docket No(s)	50–391.
Application Date	July 27, 2020.
ADAMS Accession No. of Application	ML20209A071.
Location in Application of NSHC	Pages E21–E22 of the Enclosure.
Brief Description of Amendment(s)	The proposed amendment would revise the Watts Bar Nuclear Plant, Unit technical specifications to add WCAP–18124–NP–A, Revision 0, ''Fluence Determination with RAPTOR–M3G and FERRET,'' as the neutron fluence calculational methodology.
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.

Duke Energy Carolinas, LLC; Catawba Nuclear Station, Units 1 and 2; York County, SC

Docket No(s)	50–413, 50–414.
Amendment Date	August 4, 2020.
ADAMS Accession No. of Issuance of Amendment Letter	ML20174A045.
Amendment No(s)	306 (Unit 1) and 302 (Unit 2).
Brief Description of Amendment(s)	The amendments revised Technical Specification 3.4.3, ''RCS [Reactor Coolant System] Pressure and Temperature (P/T) Limits.''

Energy Harbor Nuclear Corp. and Energy Harbor Nuclear Generation LLC; Davis-Besse Nuclear Power Station, Unit No. 1; Ottawa County, OH

Docket No(s)	50–346.
Amendment Date	August 24, 2020.
ADAMS Accession No. of Issuance of Amendment Letter	ML20213C726.
Amendment No(s)	300.
Brief Description of Amendment(s)	The amendment revised the technical specifications to require the use of Nuclear Energy Institute (NEI) topical report NEI 94-01, Revision 3–A, ''Industry Guideline for Implementing Performance-Based Option of 10 CFR Part 50, Appendix J'' (ADAMS Accession No. ML12221A202), and the limitations and conditions specified in NEI 94–01, Revision 2–A (ADAMS Accession No. ML100620847), for Type A and Type B containment leak rate testing. The amendment permits the Type A test interval to be extended to 15 years based on acceptable performance history, as defined in NEI 94–01, Revision 3–A.

Exelon FitzPatrick, LLC and Exelon Generation Company, LLC; James A FitzPatrick Nuclear Power Plant; LLC; Oswego County, NY

Docket No(s)	50–333.
Amendment Date	August 20, 2020.
ADAMS Accession No. of Issuance of Amendment Letter	ML20169A510.
Amendment No(s)	339.
Brief Description of Amendment(s)	The amendment revised the Technical Specifications (TSs) related to primary containment hydrodynamic loads. Specifically, the amendment removed TS 3.6.2.4, ''Drywell-to-Suppression Chamber Differential Pressure,'' in its entirety; revised suppression pool water upper level from 14 feet to 14.25 feet; and revised the allowable value for suppression pool water level—high, from 14.5 feet to 14.75 feet.

Exelon Generation Company, LLC; Calvert Cliffs Nuclear Power Plant, Units 1 and 2; Calvert County, MD

Docket No(s)	50–317, 50–318.
Amendment Date	August 13, 2020.
ADAMS Accession No. of Issuance of Amendment Letter	ML20182A194.
Amendment No(s)	336 (Unit 1) and 314 (Unit 2).
Brief Description of Amendment(s)	The amendments revised certain inspection requirements in Technical Specification 5.5.7, ''Reactor Coolant Pump Flywheel Inspection Program.''

Nebraska Public Power District; Cooper Nuclear Station; Nemaha County, NE

Docket No(s)	50–298.
Amendment Date	August 18, 2020.
ADAMS Accession No. of Issuance of Amendment Letter	ML20191A273.
Amendment No(s)	266.
Brief Description of Amendment(s)	The amendment revised Cooper Nuclear Station Technical Specification 5.5.12, ''Primary Containment Leakage Rate Testing Program,'' to allow for an exception from certain leak rate testing interval requirements of the program.

Southern Nuclear Operating Company, Inc.; Edwin I Hatch Nuclear Plant, Units 1 and 2; Appling County, GA

Docket No(s)	50–321, 50–366.
Amendment Date	June 11, 2020.
ADAMS Accession No. of Issuance of Amendment Letter	ML20066F592.
Amendment No(s)	304 (Unit 1), 249 (Unit 2).

Brief Description of Amendment(s)	The amendments transitioned the Hatch Fire Protection Program from 10 CFR Sections 50.48(a) and (b) to 10 CFR 50.48(c), National Fire Protection Association (NFPA) 805, ''Performance-Based Standard for Fire Protection for Light Water Reactor Electric Generating Plants,'' 2001 Edition.
Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Units 3 and 4; Burke County, GA	
Docket No(s)	52–025, 52–026.
Amendment Date	August 11, 2020.
ADAMS Accession No. of Issuance of Amendment Letter	ML20196L674.
Amendment No(s)	183, 181.
Brief Description of Amendment(s)	The amendments consisted of changes to the following Technical Specifications (TS): (A) Surveillance Requirement (SR) 3.7.6.3 frequency revised for Main Control Room Emergency Habitability System (VES) operation and deleted SR 3.7.6.9 which verifies the self-contained pressure regulating valve in each VES air delivery flow path is operable in accordance with the Inservice Testing Program; (B) SR 3.3.8.2 for channel calibration and SR 3.3.8.3 for engineered safety feature response time revised to include a Note excluding neutron detectors; (C) TS 5.5.3, ''Inservice Testing Program,'' revised to replace existing detail with a reference to fulfilling the requirements of 10 CFR 50.55a(f); (D) TS 5.5.9, ''System Level OPERABILITY Testing Program,'' revised for appropriate wording consistency and appropriate reference to the Updated Final Safety Analysis Report; and (E) TS 3.4.9, ''RCS [Reactor Coolant System] Leakage Detection Instrumentation,'' Applicability Note 2 revised to consistently identify the applicable power level.
Tennessee Valley Authority; Watts Bar Nuclear Plant, Unit 2; Rhea County, TN	
Docket No(s)	50–391.
Amendment Date	August 10, 2020.
ADAMS Accession No. of Issuance of Amendment Letter	ML20156A018.
Amendment No(s)	40.
Brief Description of Amendment(s)	The amendment revised Watts Bar Nuclear Plant, Unit 2, Technical Specification (TS) 3.4.17, ''Steam Generator (SG) Tube Integrity''; TS 5.7.2.12, ''Steam Generator (SG) Program''; and TS 5.9.9, ''Steam Generator Tube Inspection Report,'' to allow the use of Westinghouse leak limiting non-nickel banded Alloy 800 sleeves to repair degraded SG tubes as an alternative to plugging the tubes.
Tennessee Valley Authority; Watts Bar Nuclear Plant, Units 1 and 2; Rhea County, TN	
Docket No(s)	50–390, 50–391.
Amendment Date	August 19, 2020.
ADAMS Accession No. of Issuance of Amendment Letter	ML20167A148.
Amendment No(s)	136 (Unit 1) and 41 (Unit 2).
Brief Description of Amendment(s)	The amendments deleted Technical Specification 3.8.1, ''AC [Alternating Current] Sources—Operating,'' Surveillance Requirement 3.8.1.22 to verify the operability of the automatic transfer from a Unit Service Station Transformer to a Common Station Service Transformer A or B at the associated unit board.

Dated: August 28, 2020.

For the Nuclear Regulatory Commission.

Gregory F. Suber,

Deputy Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2020–19416 Filed 9–4–20; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 11006377; NRC–2020–0186]

EnergySolutions Services, Inc.

AGENCY: Nuclear Regulatory Commission.

ACTION: Export license application; opportunity to provide comments, request a hearing, and petition for leave to intervene.

SUMMARY: The Nuclear Regulatory Commission (NRC) received and is considering issuing an export license (XW026) requested by EnergySolutions Services Inc. (ESSI). On July 27, 2020, ESSI filed an application with the NRC for a license to export low-level radioactive waste to Mexico. The NRC is providing notice of the opportunity to comment, request a hearing, and petition to intervene on ESSI's application.

DATES: Submit comments by October 8, 2020. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received before this date. A request for a hearing or petition for leave to intervene must be filed by October 8, 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–2020–0186. Address questions about 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.

• *Email comments to: hearing.docket@nrc.gov.* If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.

• *Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at 301–415–1101.

• *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications 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: Gary Langlie, Office of International Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–287–9076, email: *Gary.Langlie@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to NRC–2020–0186 or Docket No. 11006377 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–2020–0186.

• *NRC's public website:* Go to *https://www.nrc.gov* and search for XW026, Docket No. 11006377, or Docket ID NRC–2020–0186.

• *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 export license application from ESSI is available in ADAMS under Accession No. ML20210M325.

B. Submitting Comments

Please include Docket ID NRC–2020–0186 or Docket No. 11006377 in your comment submission. The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

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

II. Discussion

On July 27, 2020, NRC received an application from EnergySolutions Services Inc. (ESSI) requesting a specific license (XW026) to export radioactive waste in the form of metals, dry active material, and plastic spent ion exchange resins and liquids to Mexico (ADAMS Accession No. ML20210M325).

In accordance with paragraph 110.70(b) of title 10 of the *Code of Federal Regulations* (10 CFR) the NRC is providing notice of the receipt of the application; providing the opportunity to submit written comments concerning the application; and providing the opportunity to request a hearing or petition for leave to intervene, for a period of 30 days after publication of this notice in the **Federal Register**. A hearing request or petition for leave to intervene must include the information specified in 10 CFR 110.82(b). Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner in accordance with 10 CFR 110.89(a), either by delivery, by mail, or filed with the NRC electronically in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012). 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.*

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.

The information concerning this application for an export license follows.

NRC EXPORT LICENSE APPLICATION

Application Information	
Name of applicant	Energy*Solutions* Services, Inc.
Date of Application	July 21, 2020.
Date Received	July 27, 2020.
Application No.	XW026.
Docket No.	11006377.
ADAMS Accession No.	ML20210M325.

Description of Material	
Material Type	Radioactively contaminated material and/or waste in the form of metals, dry active waste or material, such as wood, paper, and plastic, and spent ion exchange resins and liquids, in the form of aqueous and organic based fluids.
Total Quantity	Not to exceed 653.96 terabecquerels (TBq).

NRC EXPORT LICENSE APPLICATION—Continued

End Use	Storage or disposal by the original generator.
Country of Destination	Mexico.

Dated: September 1, 2020.

For the Nuclear Regulatory Commission.

David L. Skeen,

Deputy Director, Office of International Programs.

[FR Doc. 2020–19734 Filed 9–4–20; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–454; 50–455; 50–456; 50–457; NRC–2020–0206]

Exelon Generation Company, LLC; Byron Station, Unit Nos. 1 and 2; Braidwood Station, Units 1 and 2

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an exemption in response to a September 30, 2019, request from Exelon Generation Company, LLC (Exelon) from regulatory requirements to allow Byron Station, Unit Nos. 1 and 2, and Braidwood Station, Units 1 and 2, to use an alternative methodology for determining reactor coolant system pressure-temperature limits. The methodology is described in AREVA NP Topical Report BAW–2308, Revisions 1–A and 2–A, ''Initial RTNDT of Linde 80 Weld Materials.''

DATES: The exemption was issued on August 31, 2020.

ADDRESSES: Please refer to Docket ID NRC–2020–0206 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2020–0206. Address questions about 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.
- *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.

FOR FURTHER INFORMATION CONTACT: Joel S. Wiebe, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–6606, email: *Joel.Wiebe@nrc.gov.*

SUPPLEMENTARY INFORMATION: The text of the exemption is attached.

Dated: September 1, 2020.

For the Nuclear Regulatory Commission.

Joel S. Wiebe,

Senior Project Manager, Licensing Projects Branch III, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

Attachment—Exemption

NUCLEAR REGULATORY COMMISSION

Docket Nos. 50–454; 50–455; 50–456; 50–457

Exelon Generation Company, LLC; Byron Station, Unit Nos. 1 and 2, and Braidwood Station, Units 1 and 2; Exemption

I. Background

Exelon Generation Company, LLC (Exelon, the licensee), holds Renewed Facility Operating License Nos. NPF–37 and NPF–66, which authorize operation of the Byron Station, Unit Nos. 1 and 2 (Byron), a pressurized-water reactor facility, located in Ogle County, Illinois and Renewed Facility Operating License Nos. NPF–72 and NPF–77, which authorize operation of the Braidwood Station, Units 1 and 2 (Braidwood), a pressurized-water reactor facility, located in Will County, Illinois. The licenses, among other things, subject the facilities to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC, the Commission) now or hereafter in effect.

By letter dated September 30, 2019 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML19275E307), Exelon requested exemptions from specific requirements of Title 10 of the *Code of Federal Regulations* (10 CFR), Part 50, Section 50.61, ''Fracture Toughness Requirements for Protection Against Pressurized Thermal Shock Events,'' and 10 CFR part 50, Appendix G, ''Fracture Toughness Requirements,'' for Braidwood and Byron. The requested exemptions from these requirements would allow use of an alternative methodology to determine reactor coolant system pressure-temperature limits. The new methodology that Exelon intends to use is described in AREVA NP Topical Report BAW–2308, Revisions 1–A and 2–A, ''Initial RT_{NDT} of Linde 80 Weld Materials'' (BAW–2308) (ADAMS Accession No. ML032380449 and ML081270388). BAW–2308 was approved for referencing in plant specific license amendments by NRC letters dated August 4, 2005 (ADAMS Accession No. ML052070408), and March 24, 2008 (ADAMS Accession No. ML080770349).

II. Request/Action

Pursuant to 10 CFR, Part 50, Section 50.61, ''Fracture Toughness Requirements for Protection Against Pressurized Thermal Shock Events,'' and 10 CFR part 50, Appendix G, ''Fracture Toughness Requirements,'' the Commission's regulations establish specific fracture toughness requirements for nuclear power plant reactor pressure vessels (RPVs). In its letter dated September 30, 2019, Exelon requested exemptions from these requirements to allow use of an alternative methodology described in BAW–2308. BAW–2308 provides an alternate methodology for evaluating the integrity of certain RPV beltline welds, at Braidwood and Byron. The methodology described in BAW–2308, utilized fracture toughness test data based on the use of the 1997 and 2002 editions of American Society for Testing and Materials (ASTM) Standard Test Method E 1921, ''Standard Test Method for Determination of Reference Temperature T_0, for Ferritic Steels in the Transition Range,'' and American Society for Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code), Code Case N–629, ''Use of Fracture Toughness Test Data to establish Reference Temperature for Pressure Retaining materials of Section III, Division 1, Class 1.''

In order to use the BAW–2308 methodology, an exemption is required since Appendix G to 10 CFR part 50,

through reference to Appendix G to Section XI of the ASME Code pursuant to 10 CFR 50.55(a), requires the use of a methodology based on Charpy V-notch (C_v) and drop weight data.

The licensee also requested an exemption from 10 CFR 50.61 to use an alternate methodology to allow the use of fracture toughness test data for evaluating the integrity of certain Braidwood and Byron, RPV beltline welds based on the use of the 1997 and 2002 editions of ASTM E 1921 and ASME Code Case N–629. An exemption is required since the methodology for evaluating RPV material fracture toughness in 10 CFR 50.61 requires the use of the C_V and drop weight data for establishing the pressurized thermal shock (PTS) reference temperature (RT_{PTS}). This exemption only modifies the methodology to be used by the licensee for demonstrating compliance with the requirements of 10 CFR part 50, Appendix G and 10 CFR 50.61, and does not exempt the licensee from meeting any other requirement of 10 CFR part 50, Appendix G and 10 CFR 50.61.

Similar exemptions have been issued for Point Beach Nuclear Plant, Units 1 and 2 (ADAMS Accession No. ML14126A594), and Three Mile Island Nuclear Station, Unit 1 (ADAMS Accession No. ML13324A086).

III. Discussion

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 50 when: (1) The exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) when special circumstances are present, as defined in 10 CFR 50.12(a)(2). In its letter dated September 30, 2019, Exelon stated that the requested exemptions meet the special circumstances of 10 CFR 50.12(a)(2)(ii), since application of the methodology in BAW–2308, in this particular circumstance serves the underlying purpose of the regulations.

A. The Exemption Is Authorized by Law

This exemption would allow the use of an alternate methodology to make use of fracture toughness test data for evaluating the integrity of the Braidwood, Units 1 and 2, and Byron, Units 1 and 2, RPV Linde 80 beltline materials and would not result in changes to operation of the units. 10 CFR 50.60(b) allows the use of proposed alternatives to the described requirements in 10 CFR part 50, Appendix G, or portions thereof, when an exemption is granted by the Commission under 10 CFR 50.12. 10 CFR 50.12(a) allows the NRC to grant exemptions from the requirements of 10 CFR part 50, Appendix G, and 10 CFR 50.61. The NRC staff has determined that granting the exemption will not result in a violation of the Atomic Energy Act of 1954, as amended, or the Commission's regulations. Therefore, the NRC staff determined that the exemption is authorized by law.

B. The Exemption Presents No Undue Risk to Public Health and Safety

The NRC letter dated August 4, 2005, required licensees to meet six conditions and limitations to use the methods of BAW–2308 Revision 1–A. The NRC letter dated March 24, 2008, did not add any additional conditions and limitations to be resolved.

Condition (1): By its letter dated September 30, 2019, the licensee provided WCAP–18370–NP, ''Braidwood Units 1 and 2 Heatup and Cooldown Limit Curves for Normal Operation,'' and WCAP–18371–NP, ''Byron Units 1 and 2 Heatup and Cooldown Limit Curves for Normal Operation.'' Appendix G of both WCAP reports discuss the applicability of BAW–2308 to Braidwood and Byron Linde 80 nozzle-to-shell welds. The licensee compared the weld material properties of its Linde 80 nozzle-to-shell welds to the Linde 80 welds evaluated in BAW–2308. The licensee determined that the specific heats relevant to the Braidwood and Byron Unit 1 and 2 Linde 80 nozzle-to-shell welds were not analyzed, therefore, the generic ''all heats'' IRT_{To} and σ_I values were used. The NRC staff reviewed the weld material properties of the licensee welds to those in BAW–2308 and confirmed that the use of the generic values was appropriate. Therefore, the staff determined that the licensee meets Condition (1).

Condition (2): Section 7 in both WCAP reports discuss its evaluation using RG 1.99, Revision 2 method to determine the shift in the initial properties. Section 5 of both WCAP reports provide the licensee's calculation of the chemistry factors, with Tables 5–4 and 5–5 of both reports providing the summary of chemistry factors. The NRC staff reviewed the chemistry factors and confirmed that the licensee used values greater than 167 °F. The licensee provided its calculated adjusted reference temperature (ART) results in Tables 7–5 and 7–8 for the extended beltline materials, including the calculated ΔRT_{NDT}. The staff conducted confirmatory calculations and verified the licensee's calculated values using RG 1.99, Revision 2 and the chemistry factors. Therefore, the staff determined that the licensee meets Condition (2).

Condition (3): Tables 7–5 and 7–8 in both WCAP reports also provides the σ_I and $\sigma\Delta$ values used to calculate the ART for the extended beltline materials. The NRC staff confirmed that the licensee used the σ_I value from Table 3 of the NRC letter dated August 4, 2005, and $\sigma\Delta$ value of 28 °F for the Linde 80 nozzle-to-shell welds. Therefore, the NRC staff determined that the licensee meets Condition (3).

Condition (4): In its letter dated September 30, 2019, the licensee requested an exemption, per 10 CFR 50.12 and 10 CFR 50.60(b), from the requirements of Appendix G to 10 CFR part 50 and 10 CFR 50.61 in Attachment 4 of the September 30, 2019, submittal. As part of its exemption request, the licensee submitted information which demonstrates the values the licensee proposes to use for ΔRT_{NDT} and the margin term for each Linde 80 weld in its RPV through the end of its facility's current operating license. The exemption is addressed herein. Therefore, the NRC staff determined that the licensee meets Condition (4).

Conditions (5) and (6) were resolved in BAW–2308, Revision 2, as documented in the NRC letter dated March 24, 2008.

Based on the NRC reviews documented in its letters dated August 4, 2005, and March 24, 2008, and conformance to the conditions and limitations as described above, the NRC staff concludes that the use of BAW–2308, Revisions 1–A and 2–A, does not increase the probability of occurrence or the consequences of an accident at Braidwood or Byron and will not create the possibility for a new or different type of accident that could pose a risk to public health and safety.

Based on the above, the NRC finds that the action does not cause undue risk to public health and safety.

C. The Exemption Is Consistent With the Common Defense and Security

The requested exemption is specifically concerned with RPV material properties and is consistent with guidance specified in the approved Topical Report BAW–2308. The exemption does not change any site security conditions or requirements. Therefore, the NRC finds that the action is consistent with the common defense and security.

D. Special Circumstances

The underlying purpose of 10 CFR part 50, Appendix G, and 10 CFR 50.61, is to protect the integrity of the reactor coolant pressure boundary by ensuring that each RPV material has adequate fracture toughness. Application of ASME Code, Section Ill, paragraph NB–2331, in the determination of initial material properties was conservatively developed based on the level of knowledge existing in the early 1970's concerning RPV materials and the estimated effects of operation.

Since the early 1970's, the level of knowledge concerning these topics has greatly expanded. This increased knowledge level permits relaxation of the ASME Code, Section Ill, paragraph NB–2331, requirements via application of BAW–2308, while maintaining the underlying purpose of the NRC regulations to ensure that an acceptable margin of safety is maintained.

Based on the above, the NRC finds that use of BAW–2308 serves the underlying purpose of the regulation in protecting the integrity of the reactor coolant pressure boundary by ensuring that the RPV materials have adequate fracture toughness. The NRC staff has determined that BAW–2308 applies to the RPV materials at Braidwood and Byron, and that its use at these facilities is acceptable. The NRC therefore determines that the special circumstances required by 10 CFR 50.12(a)(2)(ii) are present at Braidwood and Byron.

E. Environmental Considerations

The NRC's approval of the exemption to 10 CFR part 50, Appendix G, and 10 CFR 50.61 belongs to a category of actions that the NRC, by rule or regulation, has declared to be a categorical exclusion, after first finding that the category of actions does not individually or cumulatively have a significant effect on the human environment. Specifically, the exemption is categorically excluded from further environmental analysis under 10 CFR 51.22(c)(9).

Under 10 CFR 51.22(c)(9), the granting of an exemption from the requirements of any regulation of chapter 10 of the Code of Federal Regulations (10 CFR) is a categorical exclusion provided that: (i) The exemption involves no significant hazards consideration; (ii) there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite; and (iii) there is no significant increase in individual or cumulative occupational radiation exposure.

In its letter dated August 4, 2005, the NRC concluded that BAW–2308, Revision 1, represents an acceptable methodology for establishing weld wire heat specific and generic IRT_{T0} values for Linde 80 welds. In its letter dated March 24, 2008, the NRC concluded that that the slightly modified Pressurized-Water Reactor Owner's Group initial RT_{NDT} methodology and the revised IRT_{T0} and σ_I values in BAW–2308, Revision 2, are acceptable for estimating the IR_{T0} and σ_I values for various heats of the Linde 80 welds in future RPV integrity evaluations in license applications. Based on the above, the NRC staff has determined that the granting of the exemption request involves no significant hazards consideration because it does 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. Further, the NRC staff has determined that issuance of the exemptions will not result in a significant change in the types or significant increase in the amounts of any effluents that may be released offsite, or a significant increase in individual or cumulative occupational radiation exposure.

Therefore, pursuant to 10 CFR 51.22(b) and (c)(9), no environmental impact statement or environmental assessment need be prepared in connection with the approval of this exemption request.

IV. Conclusions

Accordingly, the NRC has determined that, pursuant to 10 CFR 50.12, the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Also, special circumstances are present (see Special Circumstances above). Therefore, the NRC hereby grants Exelon Generation Company, LLC, exemptions for Byron and Braidwood, from 10 CFR part 50, Appendix G, and 10 CFR 50.61 to allow the use of AREVA NP Topical Report BAW–2308, Revisions 1–A and 2–A, ''Initial RT_{NDT} of Linde 80 Weld Materials.''

Dated at Rockville, Maryland, this 31st day of August 2020

For the Nuclear Regulatory Commission.

/RA/

Gregory F. Suber,

Deputy Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2020–19752 Filed 9–4–20; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2020–0181]

Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving Proposed No Significant Hazards Considerations and Containing Sensitive Unclassified Non-Safeguards Information and Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment request; notice of opportunity to comment, request a hearing, and petition for leave to intervene; order imposing procedures.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) received and is considering approval of two amendment requests. The amendment requests are for Oconee Nuclear Station, Units 1, 2, and 3 and Beaver Valley Power Station, Unit 2. For each amendment request, the NRC proposes to determine that they involve no significant hazards consideration. Because each amendment request contains sensitive unclassified non-safeguards information (SUNSI) an order imposes procedures to obtain access to SUNSI for contention preparation.

DATES: Comments must be filed by October 8, 2020. A request for a hearing or petitions for leave to intervene must be filed by November 9, 2020. Any potential party as defined in section 2.4 of title 10 of the *Code of Federal Regulations* (10 CFR) who believes access to SUNSI is necessary to respond to this notice must request document access by September 18, 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–2020–0181. 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: Kay Goldstein, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–1506, email: *Kay.Goldstein@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2020–0181, 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–2020–0181.
- *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 (PDR) 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–2020–0181, 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. Background

Pursuant to Section 189a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the NRC is publishing this 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, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This notice includes notices of amendments containing SUNSI.

III. 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 Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, 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. The basis for this proposed determination for each amendment request is shown below.

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 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 a notice of issuance in the **Federal Register**. 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.

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 (ET) 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., ET, 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.

Duke Energy Carolinas, LLC, Docket Nos. 50–269, 50–270, and 50–287, Oconee Nuclear Station, Units 1, 2, and 3, Oconee County, South Carolina

Date of amendment request: August 28, 2019, as supplemented by letter dated June 15, 2020. Publicly-available versions are in ADAMS under Package Accession No. ML19240A925 and ADAMS Accession No. ML20168A980, respectively.

Description of amendment request: This amendment request contains SUNSI. The amendments would revise the current licensing basis for the Oconee Nuclear Station, Units 1, 2, and 3, regarding high energy line breaks (HELBs) outside of the containment building. The license amendment request (LAR) includes proposed revisions to the updated final safety analysis report (UFSAR) in support of the proposed revised HELB licensing basis. The proposed change would establish normal plant systems, protected service water, and/or the standby shutdown facility as the assured mitigation path following a HELB.

Basis for proposed no significant hazards consideration determination: 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 amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

Justification: A High Energy Line Break (HELB) does not constitute a previously-evaluated accident. HELB is a design criterion that is required to be considered in the design of structures, systems, or components and is not a design basis accident or design basis event. The possibility of HELBs is appropriately considered in the UFSAR and Duke Energy has concluded that the proposed changes do not increase the possibility that a HELB will occur or increase the consequences from a HELB. This LAR provides an overview of the HELB reanalysis, descriptions of station modifications that will be made as a result of the HELB reanalysis, and the proposed mitigation strategies which now includes normal plant equipment, the protected service water (PSW) system, and the standby shutdown facility (SSF).

The analysis that supports the HELB LAR is a comprehensive reevaluation of HELBs that could occur in the plant. The analysis evaluated over 3,000 postulated break locations per unit. The evaluations showed that for each break, the capability to reach safe shutdown is available considering the postulation of a single active failure. The evaluation results determined the plant's ability to safely mitigate HELBs that could occur and increase overall safety of the plant.

The PSW and SSF Systems are designed as standby systems for use under emergency conditions. With the exception of testing, the systems are not normally pressurized. The duration of the test configuration is short as compared to the total plant (unit) operating time. Due to the combination of the infrequent testing and short duration of the test, pipe ruptures are not postulated or evaluated for these systems.

Other systems have also been excluded based on the infrequency of those systems operating at high energy conditions. Consideration of HELBs is excluded (both breaks and cracks) if a high energy system operates less than 1 [percent] of the total unit operating time such as emergency feedwater or reactor building spray or if the operating time of a system at high energy conditions is less than approximately 2 [percent] of total system operating time such as low pressure injection. This is acceptable based on the very low probability of a HELB occurring during the limited operating time of these systems at high energy conditions. Gas and oil systems have been evaluated, since these systems also possess limited energy.

The modifications associated with the HELB licensing basis will be designed and installed in accordance with applicable quality standards to ensure that no new failure mechanisms, malfunctions, or accident initiators not already considered in the design and licensing basis are introduced. For Turbine Building HELBs that could adversely affect equipment needed to stabilize and cooldown the units, the PSW system or SSF provides assurance that safe shutdown can be established and maintained. For Auxiliary Building HELBs, normal plant systems or the SSF provides assurance that safe shutdown can be established and maintained.

As noted in Section 3.4 [of the LAR], Oconee Nuclear Station plans to adopt the provisions of [NRC] Branch Technical Position (BTP) Mechanical Engineering Branch (MEB) 3–1 [Revision 2 of BTP MEB 3–1, ''Postulated Rupture Locations in Fluid System Piping Inside and Outside Containment,'' was provided in NRC Generic Letter 87–11, ''Relaxation in Arbitrary Intermediate Pipe Rupture Requirements,'' ADAMS Accession No. ML031150493

regarding the elimination of arbitrary intermediate breaks for analyzed lines that include seismic loading. Guidance in the BTP MEB 3–1 is used to define crack locations in analyzed lines that include seismic loading. Adoption of this provision allows Oconee Nuclear Station to focus attention to those high stress areas that have a higher potential for catastrophic pipe failure. In absence of additional guidance, Duke Energy uses NUREG/CR–2913 [''Two-Phase Jet Loads,'' ADAMS Accession No. ML073510076] to define the zone of influence for breaks and critical cracks that meet the range of operating parameters listed in NUREG/CR–2913. NUREG/CR–2913 provides an analytical model for predicting two-phase, water jet loadings on axisymmetric targets that did not exist prior in the Giambusso/Schwencer requirements.

In conclusion, the changes proposed will increase assurance that safe shutdown can be achieved following a HELB. The changes will also collectively enhance the station's overall design, safety, and risk margin; therefore, the proposed change does not involve a significant increase in the probability or consequence of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

Justification: A HELB does not constitute a previously-evaluated accident. HELB is a design criterion that is required to be considered in the design of structures, systems, or components and is not a design basis accident or design basis event. The possibility of HELBs is appropriately considered in the UFSAR and Duke Energy has concluded that the proposed changes do not increase the possibility that a HELB will create a new or different kind of accident. This LAR provides an overview of HELB analysis, descriptions of station modifications that will be made as a result of the HELB reanalysis, and the proposed mitigation strategies which now include normal plant equipment, the PSW system, and the SSF.

The analysis that supports the HELB LAR is a comprehensive reevaluation of HELBs that could occur in the plant. The analysis evaluated over 3,000 postulated break locations per unit. The evaluations showed that for each break, the capability to reach safe shutdown is available considering the postulation of a single active failure. The evaluation results determined the plant's ability to safely mitigate HELBs that could occur and increases overall safety of the plant.

The modifications associated with the HELB licensing basis will be designed and installed in accordance with applicable quality standards to ensure that no new failure mechanisms, malfunctions, or accident initiators not already considered in the design and licensing basis are introduced. For Turbine Building HELBs that could adversely affect equipment needed to stabilize and cooldown the units, the PSW System or SSF provides assurance that safe shutdown can be established and maintained. For Auxiliary Building HELBs, normal plant systems or the SSF provides assurance that safe shutdown can be established and maintained.

In conclusion, the changes proposed will increase assurance that safe shutdown can be achieved following a HELB. The changes will also collectively enhance the station's overall design, safety, and risk margin; 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 amendment involve a significant reduction in a margin of safety?

Response: No.

Justification: A HELB does not constitute a previously-evaluated accident. HELB is a design criterion that is required to be considered in the design of structures, systems, or components and is not a design basis accident or design basis event. The possibility of HELBs is appropriately considered in the UFSAR and Duke Energy has concluded that the proposed changes do not involve a reduction in the margin of safety. This LAR provides an overview of the HELB analysis, descriptions of station modifications that will be made as a result of the HELB reanalysis, and the proposed mitigation strategies which now include normal plant equipment, the PSW system, and the SSF.

The analysis that supports the HELB LAR is a comprehensive reevaluation of HELBs that could occur in the plant. The analysis evaluated over 3,000 postulated break locations per unit. The evaluations showed that for each break, the capability to reach safe shutdown is available considering the postulation of a single active failure. The evaluation results determined the plant's ability to safely mitigate HELBs that could occur and increases overall safety of the plant.

The modifications associated with the HELB licensing basis will be designed and installed in accordance with applicable quality standards to ensure that no new failure mechanisms, malfunctions, or accident initiators not already considered in the design and licensing basis are introduced. For Turbine Building HELBs that could adversely affect equipment needed to stabilize and cooldown the units, the PSW System or SSF provides assurance that safe shutdown can be established and maintained. For Auxiliary Building HELBs, normal plant systems or the SSF provides assurance that safe shutdown can be established and maintained.

The changes described above provide a HELB licensing basis and increase overall plant safety margins. The changes have no effect on limiting conditions for operation, limiting safety system settings, and safety limits specified in the technical specifications. Therefore, the proposed change does not involve a reduction in the 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 amendment request involves no significant hazards consideration.

Attorney for licensee: Kate Nolan, Deputy General Counsel, Duke Energy Carolinas, 550 South Tryon Street, Charlotte, NC 28202.

NRC Branch Chief: Michael T. Markley.

Energy Harbor Nuclear Corp., Docket No. 50–412, Beaver Valley Power Station, Unit 2, Beaver County, Pennsylvania

Date of amendment request: June 25, 2020. A publicly-available version is in ADAMS under Package Accession No. ML20177A271.

Description of amendment request: This amendment request contains SUNSI. The amendment would revise Beaver Valley Power Station, Unit 2 (BVPS–2) Technical Specification 5.5.5.2.d, ''Provisions for SG [Steam Generator] Tube Inspections,'' and Technical Specification 5.5.5.2.f.3, ''Provisions for SG Tube Repair Methods,'' requirements related to methods of inspection and service life for Alloy 800 steam generator tubesheet sleeves.

Basis for proposed no significant hazards consideration determination: 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 amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed Technical Specification changes do not modify structures, systems or components of the plant, or affect plant operations, design functions or analyses that verify the capability of structures, systems or components to perform a design function. The proposed Technical Specification changes do not increase the likelihood of a SG tube sleeve malfunction.

The leak-limiting Alloy 800 sleeves are designed using the applicable American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code and, therefore, meet the design objectives of the original SG tubing. The applied stresses and fatigue usage for the sleeves are bounded by the limits established in the ASME Code. Mechanical testing has shown that the structural strength of sleeves under normal, upset, emergency, and faulted conditions provides margin to the acceptance limits. These acceptance limits bound the most limiting (three times normal operating pressure differential) burst margin recommended by NRC Regulatory Guide 1.121, ''Bases for Plugging Degraded PWR [Pressurized Water Reactor] Steam Generator Tubes.''

The leak-limiting Alloy 800 sleeve depth-based structural limit is determined using NRC guidance and the pressure stress equation of ASME Code, Section III with additional margin added to account for the configuration of long axial cracks. Calculations show that a depth-based limit of 45 percent through-wall degradation is acceptable. However, Technical Specifications 5.5.5.2.c.2 and 5.5.5.2.c.3 provide additional margin by requiring an Alloy 800 sleeved tube to be plugged on detection of any flaw in the sleeve or in the pressure boundary portion of the original tube wall in the sleeve to tube joint.

Degradation of the original tube adjacent to the nickel band of an Alloy 800 sleeve installed in the tubesheet, regardless of depth, would not prevent the sleeve from satisfying design requirements. Thus, flaw detection capabilities within the original tube adjacent to the sleeve nickel band are a defense in-depth measure and are not necessary in order to justify continued operation of the sleeved tube.

Evaluation of repaired steam generator tube testing and analysis indicates that there are no detrimental effects on the leak-limiting Alloy 800 sleeve or sleeved tube assembly from reactor coolant system flow, primary or secondary coolant chemistries, thermal conditions or transients, or pressure conditions that may be experienced at BVPS–2.

The consequences of a hypothetical failure of the leak-limiting Alloy 800 sleeve and tube assembly are bounded by the current steam generator tube rupture analysis described in the BVPS–2 Updated Final Safety Analysis Report because the total number of plugged steam generator tubes (including flow area reduction associated with installed sleeves) is required to be consistent with accident analysis assumptions. The sleeve and tube assembly leakage during plant operation would be minimal and well within the allowable Technical Specification leakage limits and accident analysis assumptions.

Implementation of this proposed amendment would have no significant effect on either the configuration of the plant, the manner in which it is operated, or ability of the sleeve to perform its design function.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed Technical Specification changes do not create any credible new failure mechanisms, malfunctions, or accident initiators not considered in the design or licensing bases and does not create the possibility of a new or different kind of accident from any previously evaluated.

The leak-limiting Alloy 800 sleeves are designed using the applicable ASME Code, and therefore meet the objectives of the original steam generator tubing. Therefore, the only credible failure modes for the sleeve and tube are to leak or rupture, which have already been evaluated.

The continued integrity of the installed sleeve and tube assembly is periodically verified as required by the Technical Specifications, and a sleeved tube will be plugged on detection of a flaw in the sleeve or in the pressure boundary portion of the original tube wall in the sleeve to tube joint.

Implementation of this proposed amendment would have no significant effect on either the configuration of the plant, the manner in which it is operated, or ability of the sleeve to perform its design function.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

Implementation of the proposed Technical Specification changes would not affect a design basis or safety limit or reduce the margin of safety. The repair of degraded steam generator tubes with leak-limiting Alloy 800 sleeves restores the structural integrity of the degraded tube under normal operating and postulated accident conditions. The reduction in reactor coolant system flow due to the addition of Alloy 800 sleeves is not significant because the cumulative effect of repaired (sleeved) and plugged tubes will continue to allow reactor coolant flow to be greater than the flow limit established in the Technical Specification limiting condition for operation 3.4.1.

The design safety factors utilized for the sleeves are consistent with the safety factors in the [ASME] Boiler and Pressure Vessel Code used in the original steam generator design. Tubes with sleeves would also be subject to the same safety factors as the original tubes that are described in the performance criteria for steam generator tube integrity in the existing Technical Specifications. With the proposed Technical Specification changes, the sleeve and portions of the installed sleeve and tube assembly that represent the reactor coolant pressure boundary will continue to be monitored and a sleeved tube will be plugged on detection of a flaw in the sleeve or in the pressure boundary portion of the original tube wall in the leak-limiting sleeve and tube assembly. Use of the previously identified design criteria and design verification testing ensures that the margin of safety is not significantly different from the original steam generator tubes.

Therefore, the proposed amendment 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 amendment request involves no significant hazards consideration.

Attorney for licensee: Rick C. Giannantonio, General Counsel, Energy Harbor Corp., 168 E. Market Street, Akron, OH 44308–2014.

NRC Branch Chief: James G. Danna.

Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information for Contention Preparation

A. This Order contains instructions regarding how potential parties to this proceeding may request access to documents containing SUNSI.

B. Within 10 days after publication of this notice of hearing and opportunity to petition for leave to intervene, any potential party who believes access to SUNSI is necessary to respond to this notice may request access to SUNSI. A ''potential party'' is any person who intends to participate as a party by demonstrating standing and filing an admissible contention under 10 CFR 2.309. Requests for access to SUNSI submitted later than 10 days after publication of this notice will not be considered absent a showing of good cause for the late filing, addressing why the request could not have been filed earlier.

C. The requestor shall submit a letter requesting permission to access SUNSI to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and provide a copy to the Deputy General Counsel for Hearings and Administration, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. The expedited delivery or courier mail address for both offices is: U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852. The email address for the Office of the Secretary and the Office of the General Counsel are *Hearing.Docket@nrc.gov* and *RidsOgcMailCenter.Resource@nrc.gov*, respectively.[1] The request must include the following information:

(1) A description of the licensing action with a citation to this **Federal Register** notice;

(2) The name and address of the potential party and a description of the potential party's particularized interest that could be harmed by the action identified in C.(1); and

(3) The identity of the individual or entity requesting access to SUNSI and the requestor's basis for the need for the information in order to meaningfully participate in this adjudicatory proceeding. In particular, the request must explain why publicly available

[1] While a request for hearing or petition to intervene in this proceeding must comply with the filing requirements of the NRC's ''E-Filing Rule,'' the initial request to access SUNSI under these procedures should be submitted as described in this paragraph.

versions of the information requested would not be sufficient to provide the basis and specificity for a proffered contention.

D. Based on an evaluation of the information submitted under paragraph C.(3) the NRC staff will determine within 10 days of receipt of the request whether:

(1) There is a reasonable basis to believe the petitioner is likely to establish standing to participate in this NRC proceeding; and

(2) The requestor has established a legitimate need for access to SUNSI.

E. If the NRC staff determines that the requestor satisfies both D.(1) and D.(2) above, the NRC staff will notify the requestor in writing that access to SUNSI has been granted. The written notification will contain instructions on how the requestor may obtain copies of the requested documents, and any other conditions that may apply to access to those documents. These conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement or Affidavit, or Protective Order [2] setting forth terms and conditions to prevent the unauthorized or inadvertent disclosure of SUNSI by each individual who will be granted access to SUNSI.

F. Filing of Contentions. Any contentions in these proceedings that are based upon the information received as a result of the request made for SUNSI must be filed by the requestor no later than 25 days after receipt of (or access to) that information. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline.

G. Review of Denials of Access.

(1) If the request for access to SUNSI is denied by the NRC staff after a determination on standing and requisite need, the NRC staff shall immediately notify the requestor in writing, briefly stating the reason or reasons for the denial.

(2) The requestor may challenge the NRC staff's adverse determination by filing a challenge within five days of receipt of that determination with: (a) the presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an Administrative Law Judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

(3) Further appeals of decisions under this paragraph must be made pursuant to 10 CFR 2.311.

H. Review of Grants of Access. A party other than the requestor may challenge an NRC staff determination granting access to SUNSI whose release would harm that party's interest independent of the proceeding. Such a challenge must be filed within five days of the notification by the NRC staff of its grant of access and must be filed with: (a) The presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an Administrative Law Judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

If challenges to the NRC staff determinations are filed, these procedures give way to the normal process for litigating disputes concerning access to information. The availability of interlocutory review by the Commission of orders ruling on such NRC staff determinations (whether granting or denying access) is governed by 10 CFR 2.311.[3]

I. The Commission expects that the NRC staff and presiding officers (and any other reviewing officers) will consider and resolve requests for access to SUNSI, and motions for protective orders, in a timely fashion in order to minimize any unnecessary delays in identifying those petitioners who have standing and who have propounded contentions meeting the specificity and basis requirements in 10 CFR part 2. The attachment to this Order summarizes the general target schedule for processing and resolving requests under these procedures.

It is so ordered.

Dated: August 13, 2020.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

ATTACHMENT 1—GENERAL TARGET SCHEDULE FOR PROCESSING AND RESOLVING REQUESTS FOR ACCESS TO SENSITIVE UNCLASSIFIED NON-SAFEGUARDS INFORMATION IN THIS PROCEEDING

Day	Event/Activity
0	Publication of **Federal Register** notice of hearing and opportunity to petition for leave to intervene, including order with instructions for access requests.
10	Deadline for submitting requests for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) with information: supporting the standing of a potential party identified by name and address; describing the need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding.
60	Deadline for submitting petition for intervention containing: (i) Demonstration of standing; and (ii) all contentions whose formulation does not require access to SUNSI (+25 Answers to petition for intervention; +7 petitioner/requestor reply).
20	U.S. Nuclear Regulatory Commission (NRC) staff informs the requestor of the staff's determination whether the request for access provides a reasonable basis to believe standing can be established and shows need for SUNSI. (NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If NRC staff makes the finding of need for SUNSI and likelihood of standing, NRC staff begins document processing (preparation of redactions or review of redacted documents).
25	If NRC staff finds no "need" or no likelihood of standing, the deadline for petitioner/requestor to file a motion seeking a ruling to reverse the NRC staff's denial of access; NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If NRC staff finds "need" for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff's grant of access.
30	Deadline for NRC staff reply to motions to reverse NRC staff determination(s).

[2] Any motion for Protective Order or draft Non-Disclosure Affidavit or Agreement for SUNSI must be filed with the presiding officer or the Chief Administrative Judge if the presiding officer has not yet been designated, within 30 days of the deadline for the receipt of the written access request.

[3] Requestors should note that the filing requirements of the NRC's E-Filing Rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012) apply to appeals of NRC staff determinations (because they must be served on a presiding officer or the Commission, as applicable), but not to the initial SUNSI request submitted to the NRC staff under these procedures.

ATTACHMENT 1—GENERAL TARGET SCHEDULE FOR PROCESSING AND RESOLVING REQUESTS FOR ACCESS TO SENSITIVE UNCLASSIFIED NON-SAFEGUARDS INFORMATION IN THIS PROCEEDING—Continued

Day	Event/Activity
40	(Receipt +30) If NRC staff finds standing and need for SUNSI, deadline for NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Affidavit. Deadline for applicant/licensee to file Non-Disclosure Agreement for SUNSI.
A	If access granted: issuance of presiding officer or other designated officer decision on motion for protective order for access to sensitive information (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff.
A + 3	Deadline for filing executed Non-Disclosure Affidavits. Access provided to SUNSI consistent with decision issuing the protective order.
A + 28	Deadline for submission of contentions whose development depends upon access to SUNSI. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of opportunity to request a hearing and petition for leave to intervene), the petitioner may file its SUNSI contentions by that later deadline.
A + 53	(Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI.
A + 60	(Answer receipt +7) Petitioner/Intervenor reply to answers.
>A + 60	Decision on contention admission.

[FR Doc. 2020–18085 Filed 9–4–20; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2020–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of September 7, 14, 21, 28, October 5, 12, 19, 2020.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public.

Week of September 7, 2020

There are no meetings scheduled for the week of September 7, 2020.

Week of September 14, 2020—Tentative

Tuesday, September 15, 2020

10:00 a.m. Agency's Response to the COVID–19 Public Health Emergency (Public Meeting), (Contact: Luis Betancourt: 301–415–6146).

Additional Information: Due to COVID–19, there will be no physical public attendance.

The public is invited to attend the Commission's meeting live by webcast at the Web address—*https://www.nrc.gov/.*

Thursday, September 17, 2020

10:00 a.m. Transformation at the NRC—Milestones and Results (Public Meeting), (Contact: Maria Arribas-Colon: 301–415–6026).

Additional Information: Due to COVID–19, there will be no physical public attendance.

The public is invited to attend the Commission's meeting live by webcast at the Web address—*https://www.nrc.gov/.*

Week of September 21, 2020—Tentative

There are no meetings scheduled for the week of September 21, 2020.

Week of September 28, 2020—Tentative

Wednesday, September 30, 2020

9:00 a.m. Strategic Programmatic Overview of the Operating Reactors and New Reactors Business Lines and Results of the Agency Action Review Meeting (Public Meeting), (Contact: Candace de Messieres: 301–415–8395).

Additional Information: Due to COVID–19, there will be no physical public attendance.

The public is invited to attend the Commission's meeting live by webcast at the Web address—*https://www.nrc.gov/.*

Week of October 5, 2020—Tentative

Thursday, October 8, 2020

10:00 a.m. Meeting with the Organization of Agreement States and the Conference of Radiation Control Program Directors (Public Meeting), (Contact: Celimar Valentin-Rodriquez: 301–415–7124).

Additional Information: Due to COVID–19, there will be no physical public attendance.

The public is invited to attend the Commission's meeting live by webcast at the Web address—*https://www.nrc.gov/.*

Week of October 12, 2020—Tentative

There are no meetings scheduled for the week of October 12, 2020.

Week of October 19, 2020—Tentative

Wednesday, October 21, 2020

10:00 a.m. Briefing on Human Capital and Equal Employment Opportunity (Public Meeting), (Contact: Randi Neff: 301–287–0583).

Additional Information: Due to COVID–19, there will be no physical public attendance.

The public is invited to attend the Commission's meeting live by webcast at the Web address—*https://www.nrc.gov/.*

1:00 p.m. All Employees Meeting with the Commissioners (Public Meeting)

Additional Information: Due to COVID–19, there will be no physical public attendance.

The public is invited to attend the Commission's meeting live by webcast at the Web address—*https://www.nrc.gov/.*

CONTACT PERSON FOR MORE INFORMATION: For more information or to verify the status of meetings, contact Denise McGovern at 301–415–0681 or via email at *Denise.McGovern@nrc.gov.* The schedule for Commission meetings is subject to change on short notice.

The NRC Commission Meeting Schedule can be found on the internet at: *https://www.nrc.gov/public-involve/public-meetings/schedule.html.*

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Anne Silk, NRC Disability Program Specialist, at 301–287–0745, by videophone at 240–428–3217, or by email at *Anne.Silk@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

Members of the public may request to receive this information electronically. If you would like to be added to the

distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301–415–1969), or by email at *Wendy.Moore@nrc.gov* or *Tyesha.Bush@nrc.gov.*

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: September 3, 2020.

For the Nuclear Regulatory Commission.

Denise L. McGovern

Policy Coordinator, Office of the Secretary.

[FR Doc. 2020–19940 Filed 9–3–20; 4:15 pm]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2020–0203]

Fresh and Spent Fuel Pool Criticality Analyses

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft regulatory guide; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment draft regulatory guide (DG), DG–1373, ''Fresh and Spent Fuel Pool Criticality Analyses.'' This draft guide, if finalized as a new regulatory guide (RG), would update and supersede Interim Staff Guidance DSS–ISG–2010–01, ''Staff Guidance Regarding the Nuclear Criticality Safety Analysis for Spent Fuel Pools.'' This draft guide describes an approach that the NRC staff considers acceptable to demonstrate that NRC regulatory requirements are met for subcriticality of fuel assemblies stored in fresh fuel vaults and spent fuel pools at light-water reactor power plants. It endorses, with clarifications and exceptions, the Nuclear Energy Institute (NEI) guidance document NEI 12–16, ''Guidance for Performing Criticality Analyses of Fuel Storage at Light-Water Reactor Power Plants,'' Revision 4.

DATES: Submit comments by October 23, 2020. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date. Although a time limit is given, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

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

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2020–0203. Address questions about Docket IDs in *Regulations.gov* to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Kent Wood, Office of Nuclear Reactor Regulation, telephone: 301–415–4120, email: *Kent.Wood@nrc.gov,* and Michael Eudy, Office of Nuclear Regulatory Research, telephone: 301–415–3104, email: *Michael.Eudy@nrc.gov.* Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2020–0203 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–2020–0203.
- *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.*

B. Submitting Comments

Please include Docket ID NRC–2020–0203 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. Additional Information

The NRC is issuing for public comment a draft guide in the NRC's ''Regulatory Guide'' series. This series was developed to describe methods that are acceptable to the NRC staff for implementing specific parts of the agency's regulations, to explain techniques that the staff uses in evaluating specific issues or postulated events, and to describe information that the staff needs in its review of applications for permits and licenses.

The DG, titled ''Fresh and Spent Fuel Pool Criticality Analyses,'' is a proposed new RG temporarily identified by its task number, DG–1373 (ADAMS Accession No. ML20182A788). It endorses, with clarifications and exceptions, the NEI guidance document NEI 12–16, Revision 4, (ADAMS Accession No. ML19269E069). This DG proposes guidance to meet regulatory requirements for subcriticality of fuel assemblies stored in fresh fuel vaults and spent fuel pools at light-water reactor power plants. This DG provides clarity and consistency regarding the necessary scope of efforts for applicants and licensees to demonstrate compliance with the requirements for performing criticality analyses of fuel storage at light-water reactor power plants under section 50.68(b) of title 10 of the *Code of Federal Regulations* (10 CFR). This DG applies to applicants and licensees subject to 10 CFR part 50, ''Domestic Licensing of Production and Utilization Facilities,'' or 10 CFR part 52, ''Licenses, Certifications, and Approvals for Nuclear Power Plants.''

In addition, this proposed new RG, if finalized, would update and supersede Interim Staff Guidance (ISG) DSS–ISG–2010–01 (ADAMS Accession No. ML110620086). The ISG was issued in 2011 to support the staff's review of methods for performing criticality analyses submitted to demonstrate compliance with 10 CFR 50.68(b). The staff would withdraw DSS–ISG–2010–

01 concurrently with the issuance of this new RG. Licensees using DSS–ISG–2010–01 to demonstrate compliance with NRC requirements may continue using that guidance as long as they do not change their licensing bases relative to that guidance.

The staff is also issuing for public comment a draft regulatory analysis (ADAMS Accession No. ML20205L563). The staff develops a regulatory analysis to assess the value of issuing or revising a regulatory guide as well as alternative courses of action.

III. Backfitting, Forward Fitting, and Issue Finality

DG–1373, if finalized, would provide guidance for performing criticality analyses of fuel storage at light-water reactor power plants. Issuance of DG–1373, if finalized, would not constitute backfitting as defined in 10 CFR 50.109, ''Backfitting,'' and as described in NRC Management Directive 8.4, ''Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests,'' (Ref. 18); affect issue finality of any approval issued under 10 CFR part 52; or constitute forward fitting as defined in Management Directive 8.4. As explained in DG–1373, licensees are not required to comply with the positions set forth in this guide.

Dated: September 2, 2020.

For the Nuclear Regulatory Commission.

Meraj Rahimi,

Chief, Regulatory Guidance and Generic Issues Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2020–19774 Filed 9–4–20; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2020–235 and CP2020–265; MC2020–236 and CP2020–266]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* September 11, 2020.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2020–235 and CP2020–265; *Filing Title:* USPS Request to Add Priority Mail Contract 654 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* September 1, 2020; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Kenneth R. Moeller; *Comments Due:* September 11, 2020.

2. *Docket No(s).:* MC2020–236 and CP2020–266; *Filing Title:* USPS Request to Add Parcel Select & Parcel Return Service Contract 12 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* September 1, 2020; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Christopher C. Mohr; *Comments Due:* September 11, 2020.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2020–19798 Filed 9–4–20; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

International Product Change—Priority Mail Express International, Priority Mail International, First-Class Package International Service & Commercial ePacket Agreement: Postal Service™

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a Priority Mail Express International, Priority Mail International, First-Class Package International Service & Commercial ePacket contract to the list of Negotiated Service Agreements in the Competitive Product List in the Mail Classification Schedule.

DATES: *Date of notice:* September 8, 2020.

FOR FURTHER INFORMATION CONTACT: Christopher C. Meyerson, (202) 268–7820.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 31, 2020, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express International, Priority Mail International, First-Class Package International Service & Commercial ePacket Contract 9 to*

Competitive Product List. Documents are available at *www.prc.gov,* Docket Nos. MC2020–233 and CP2020–263.

Joshua J. Hofer,

Attorney, Federal Compliance.

[FR Doc. 2020–19760 Filed 9–4–20; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89731; File No. SR–BX–2020–016]

Self-Regulatory Organizations; Nasdaq BX, Inc.; Order Approving Proposed Rule Change To Amend BX's Opening Process in Connection With a Technology Migration

September 1, 2020.

I. Introduction

On July 20, 2020, Nasdaq BX, Inc. (''BX'' 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 amend the Exchange's opening process in connection with a technology migration. The proposed rule change was published for comment in the **Federal Register** on July 27, 2020.[3] The Commission received no comment letters on the proposed rule change. This order approves the proposed rule change.

II. Description of the Proposal

The Exchange proposes to amend Options 2, Section 4 (Obligations of Market Makers and Lead Market Makers), Options 3, Section 7 (Types of Orders and Order and Quote Protocols), Options 3, Section 8 (Opening and Halt Cross), Options 4A, Section 11 (Trading Sessions), and Options 6B, Section 1 (Exercise of Options Contracts) in connection with a technology migration to an enhanced Nasdaq, Inc. (''Nasdaq'') architecture.[4]

A. Proposed Opening Process[5]

The Exchange proposes to delete the entirety of current BX Options 3, Section 8 and replace the current Exchange opening process with an opening process described in Phlx Options 3, Section 8,[6] while retaining certain elements of its current process and making conforming changes to reflect particularlities to the BX market.[7]

1. Opening Sweeps

The Exchange proposes to define a new order type, ''Opening Sweep,'' for the new opening process.[8] A Market Maker assigned in a particular option may only submit an Opening Sweep if, at the time of entry, that Market Maker has already submitted and maintained a Valid Width Quote.[9] Opening Sweeps may be entered at any price with a minimum price variation applicable to the affected series, on either side of the market, at single or multiple price level(s), and may be cancelled and re-entered.[10] A single Market Maker may enter multiple Opening Sweeps, with each Opening Sweep at a different price level.[11] If a Market Maker submits multiple Opening Sweeps, the system will consider only the most recent Opening Sweep at each price level submitted by such Market Maker in determining the Opening Price (described below).[12] Unexecuted Opening Sweeps will be cancelled once the affected series is open.[13]

2. Opening Only Orders

BX currently permits orders marked with a ''Time In Force'' or ''TIF'' of ''On the Open Order'' or ''OPG'' to be utilized to specify orders for submission into the Opening Cross.[14] This TIF of ''OPG'' means for orders so designated, that if after entry into the system, the order is not fully executed in its entirety during the Opening Cross, the order, or any unexecuted portion of such order, will be cancelled back to the entering participant.[15] BX proposes to replace the ''On the Open Order'' [16] TIF with an ''Opening Only'' or ''OPG'' TIF, which can only be executed in the Opening Process pursuant to Options 3, Section 8.[17] This order type is not subject to any protections listed in Options 3, Section 15.[18] Any portion of the order that is not executed during the Opening Process is cancelled.[19] OPG orders also may not route.[20]

3. Interest Included in the Opening Process

The first part of the Opening Process determines what constitutes eligible interest. Proposed BX Options 3, Section 8(b) explains the eligible interest that will be accepted during the Opening Process,[21] which includes Valid Width Quotes,[22] Opening

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 89356 (July 21, 2020), 85 FR 45243 (''Notice'').

[4] The Exchange represents that in connection with the technology migration, BX is adopting certain opening functionality that is similar to the process used by Nasdaq Phlx LLC (''Phlx'') at Options 3, Section 8 (Options Opening Process). *See* Notice, *supra* note 3, 85 FR at 45243.

[5] In connection with the new opening process, the Exchange proposes to adopt a new ''Definitions'' section in proposed BX Options 3, Section 8(a), similar to Phlx Options 3, Section 8(a), to define several terms that are used throughout the opening rule. Proposed BX Options 3, Section 8 will define: ''Away Best Bid or Offer'' or ''ABBO,'' ''imbalance,'' ''market for the underlying security,'' ''Opening Price,'' ''Opening Process,'' ''Potential Opening Price,'' ''Pre-Market BBO,'' ''Valid Width National Best Bid or Offer'' or ''Valid Width NBBO,'' ''Valid Width Quote,'' and ''Zero Bid Market.'' For definitions of these terms, *see* Notice, *supra* note 3, 85 FR at 45244–45.

[6] The Exchange proposes to amend the title of Options 3, Section 8 from ''Opening and Halt Cross'' to ''Options Opening Process'' to conform the title to Phlx's Rule at Options 3, Section 8, ''Options Opening Process.'' The Exchange also proposes to amend the title of Options 3, Section 8, within Options 4A, Section 11, Trading Session, and Options 6B, Section 1, Exercise of Options Contracts, to conform the title to ''Options Opening Process.''

[7] For example, unlike the Phlx opening process, BX does not: (1) Require its Lead Market Makers to quote during the opening; (2) require a Valid Width Quote/Quality Opening Market to trigger the opening process and instead relies on a Valid Width NBBO designed to similarly ensure the price at which the Exchange opens reflects current market conditions; (3) have a trading floor and related opening rules; or (4) allow All-or-None Orders to rest on the order book. *See* Notice, *supra* note 3.

[8] The Exchange proposes to define an ''Opening Sweep'' as a one-sided order entered by a Market Maker through SQF for execution against eligible interest in the system during the Opening Process. The Opening Sweep is not subject to any protections listed in Options 3, Section 15, except for Automated Quotation Adjustments. The Opening Sweep will only participate in the Opening Process pursuant to Options 3, Section 8 and will be cancelled upon the open if not executed. *See* proposed BX Options 3, Section 7(a)(9). In connection with the new definition of Opening Sweep, the Exchange proposes to remove a similar order type described as ''On the Open Order'' in current BX Options 3, Section 7(a)(9).

[9] Proposed BX Options 3, Section 8(b)(1)(A). All Opening Sweeps in the affected series entered by a Market Maker will be cancelled immediately if that Market Maker fails to maintain a continuous quote with a Valid Width Quote in the affected series. *See* proposed BX Options 3, Section 8(b)(1)(A).

[10] *See* proposed BX Options 3, Section 8(b)(1)(B).

[11] *See id.*

[12] *See id.* The Exchange proposes to define ''Opening Price'' by cross-referencing proposed BX Options 3, Section 8(i) and (k). *See* proposed BX Options 3, Section 8(a)(4).

[13] *See* proposed BX Options 3, Section 8(b)(1)(B).

[14] *See* current BX Options 3, Section 7(b)(1).

[15] *See id.*

[16] *See id.*

[17] *See* proposed BX Options 3, Section 7(b).

[18] *See id.*

[19] *See id.*

[20] *See id.*

[21] The Exchange proposes to define ''Opening Process'' by cross-referencing proposed BX Options 3, Section 8(d). *See* proposed BX Options 3, Section 8(a)(5). The proposed ''Opening Process'' term is replacing the current term, ''BX Opening Cross.''

[22] The Exchange proposes to define ''Valid Width Quotes'' as a two-sided electronic quotation, submitted by a Market Maker, quoted with a difference not to exceed $5 between the bid and offer regardless of the price of the bid. However, respecting in-the-money series where the market for the underlying security is wider than $5, the bid/ask differential may be as wide as the quotation for the underlying security on the primary market, or

Sweeps,[23] and orders. Quotes, other than Valid Width Quotes, will not be included in the Opening Process. The system will allocate interest pursuant to Options 3, Section 10.[24]

Market Maker Valid Width Quotes and Opening Sweeps received starting at 9:25 a.m. Eastern Time are included in the Opening Process.[25] Orders entered at any time before an option series opens are included in the Opening Process.[26]

4. Opening Process and Reopening After a Trading Halt

Proposed BX Options 3, Section 8(d)(1) describes when the Opening Process may begin with specific time-related triggers. The proposed rule provides that the Opening Process for an option series will be conducted pursuant to proposed Options 3, Section 8(f) through (k) on or after 9:30 a.m. Eastern Time, when the system has received the opening trade or quote on the market for the underlying security[27] in the case of equity options or in the case of index options. This requirement is intended to tie the Opening Process to receipt of liquidity.[28]

For all options, the underlying security, including indexes, must be open on the market for the underlying security for a certain time period, as determined by the Exchange, for the Opening Process to commence.[29] The Opening Process will stop and an option series will not open if the ABBO[30] becomes crossed.[31] Once this condition no longer exists, the Opening Process in the affected option series will start again pursuant proposed BX Options 3, Section 8(f)–(k).[32] Furthermore, the Opening Process will stop and an options series will not open if a Valid Width NBBO[33] is no longer present, pursuant to Options 3, Section 8(i)(2).[34] Once this condition no longer exists, the Opening Process in the affected options series will start again, pursuant to Options 3, Section 8(j) and (k) below. The Exchange would wait for the ABBO to become uncrossed before initiating the Opening Process to ensure that there is stability in the marketplace as the Exchange determines the Opening Price, or for a Valid Width Quote to be submitted.[35]

Proposed Options 3, Section 8(e) states that the procedure described in the proposed Options 3, Section 8 will be used to reopen an options series after a trading halt. If there is a trading halt or pause in the underlying security, the Opening Process will recommence irrespective of the specific times listed in proposed Options 3, Section 8(d).

5. Opening With a BBO (No Trade)

Under proposed BX Options 3, Section 8(f), the Exchange will first see if the option series will open for trading with a best bid or offer (''BBO''). If there are no opening quotes or orders that lock or cross each other, and no routable orders locking or crossing the ABBO, the system will open with an opening quote by disseminating the Exchange's best bid and offer among quotes and orders (''BBO'') that exist in the system at that time, if any of the following conditions are satisfied: (1) A Valid Width NBBO is present; (2) a certain number of other options exchanges (as determined by the Exchange) have disseminated a firm quote on OPRA;[36] or (3) a certain period of time (as determined by the Exchange) has elapsed.[37]

6. Further Opening Process

If, as proposed, an opening does not occur pursuant to proposed Options 3, Section 8(e) (Reopening After a Trading Halt) and there are opening Valid Width Quotes, or orders, that lock or cross each other, the system will calculate the Pre-Market BBO.[38] The Exchange states that it calculates a Pre-Market BBO in order for the Exchange to open with a trade pursuant to proposed Options 3, Section 8(i), to ensure that the Pre-Market BBO is a Valid Width NBBO, which is required to open the market.[39] The Exchange also states that it does not disseminate a Pre-Market BBO, rather, the Exchange disseminates imbalance messages to notify Participants of available trading opportunities on BX during the Opening Process.[40]

7. Opening with a Trade

If there are Valid Width Quotes or orders that lock or cross each other, the system will try to open with a trade. Options 3, Section 8(i) provides that the Exchange will open the option series with a trade of Exchange interest only at the Opening Price, if any of the following conditions occur: (1) The Potential Opening Price[41] (described below) is at or within the best of the Pre-Market BBO and the ABBO, which is also a Valid Width NBBO; (2) the Potential Opening Price is at or within the non-zero bid ABBO, which is also a Valid Width NBBO, if the Pre-Market BBO is crossed; or (3) where there is no ABBO, the Potential Opening Price is at or within the Pre-Market BBO, which is also a Valid Width NBBO.[42]

To undertake the above described process, the Exchange will calculate the Potential Opening Price by taking into

its decimal equivalent rounded down to the nearest minimum increment. The Exchange may establish differences other than the above for one or more series or classes of options *See* proposed BX Options 3, Section 8(a)(9).

[23] *See* proposed BX Options 3, Section 7(a)(9).

[24] *See* proposed BX Options 3, Section 8(b)(2).

[25] *See* proposed BX Options 3, Section 8(d).

[26] *See id.*

[27] The Exchange proposes to define ''market for the underlying security'' as either the primary listing market or an alternative market designated by the primary market. In the event that the primary market is unable to open and an alternative market is not designated by the primary market and/or the alternative market designated by the primary market does not open, the Exchange may utilize a non-primary market to open all underlying securities from the primary market. The Exchange will select the non-primary market with the most liquidity in the aggregate for all underlying securities that trade on the primary market for the previous two calendar months, excluding the primary and alternative markets. *See* proposed BX Options 3, Section 8(a)(3).

[28] *See* Notice, *supra* note 3, 85 FR at 45247.

[29] *See* proposed BX Options 3, Section 8(d)(2). Proposed BX Options 3, Section 8(d)(2) stipulates that this time period will be no less than 100 milliseconds and no more than 5 seconds. The Exchange represents that it will set the timer initially at 100 milliseconds and will issue a notice to provide the initial setting and will thereafter issue a notice if it were to change the timing. *See* Notice, *supra* note 3, 85 FR at 45247, n.30. If the Exchange were to select a time not between 100 milliseconds and 5 seconds, it will be required to file a rule proposal with the Commission. *See id.*

[30] The Exchange proposes to define ''Away Best Bid or Offer'' or ''ABBO'' as the displayed National Best Bid or Offer not included in the Exchange's Best Bid or Offer. *See* proposed BX Options 3, Section 8(a)(1).

[31] *See* proposed BX Options 3, Section 8(d)(3).

[32] *See id.*

[33] The Exchange proposes to define ''Valid Width NBBO'' as the combination of all away market quotes and Valid Width Quotes received over the SQF. The Valid Width NBBO will be configurable by the underlying security, and tables with valid width differentials, which will be posted by the Exchange on its website. Away markets that are crossed will void all Valid Width NBBO calculations. If any Market Maker quotes on the Exchange are crossed internally, then all Exchange quotes will be excluded from the Valid Width NBBO calculation. *See* proposed BX Options 3, Section 8(a)(8).

[34] Today, BX would not open with a trade unless there is a Valid Width NBBO present. The Exchange represents that this would remain the case with the proposed Opening Process. *See* Notice, *supra* note 3, 85 FR at 45259.

[35] *See* Notice, *supra* note 3, 85 FR at 45247.

[36] The Exchange states that it will require at least two other options exchanges to open, which is the existing practice on the Exchange. *See* Notice, *supra* note 3, 85 FR at 45258, n.33.

[37] The Exchange states that it will require 15 minutes to pass with respect to this setting, which is the existing practice on the Exchange. *See* Notice, *supra* note 3, 85 FR at 45258, n.34.

[38] *See* proposed BX Options 3, Section 8(g). The Exchange proposes to define ''Pre-Market BBO'' as the highest bid and the lowest offer among Valid Width Quotes. *See* proposed BX Options 3, Section 8(a)(7).

[39] *See* Notice, *supra* note 3, 85 FR at 45248.

[40] *See id.*

[41] The Exchange proposes to define ''Potential Opening Price'' by cross-referencing proposed BX Options 3, Section 8(h). *See* proposed BX Options 3, Section 8(a)(6).

[42] *See* proposed BX Options 3, Section 8(i)(1).

consideration all Valid Width Quotes and orders (including Opening Sweeps) for the option series and identify the price at which the maximum number of contracts can trade (''maximum quantity criterion'').[43]

Under proposed Options 3, Section 8(h)(1), when two or more Potential Opening Prices would satisfy the maximum quantity criterion and leave no contracts unexecuted, the system will take the highest and lowest of those prices and takes the mid-point. If such mid-point cannot be expressed as a permitted minimum price variation, the mid-point will be rounded to the minimum price variation that is closest to the closing price for the affected series from the immediately prior trading session.[44] If there is no closing price from the immediately prior trading session, the system will round up to the minimum price variation to determine the Opening Price.[45]

If two or more Potential Opening Prices for the affected series would satisfy the maximum quantity criterion and leave contracts unexecuted, the Opening Price will be either the lowest executable bid or highest executable offer of the largest sized side.[46] Furthermore, the Potential Opening Price calculation will be bounded by the better away market price that may not be satisfied with the Exchange routable interest.[47] According to the Exchange, this would ensure that the price is a reasonable one by identifying the quality of that price; if a well-defined, fair price can be found within these boundaries, the option series can open at that price without going through a further price discovery mechanism.[48]

Proposed BX Options 3, Section 8(i)(2), provides that if there is more than one Potential Opening Price, which meets the conditions set forth in proposed BX Options 3, Section 8(i)(1)(A), (B) or (C), where (A) no contracts would be left unexecuted and (B) any value used for the mid-point calculation (which is described in proposed BX Options 3, Section 8(g)) would cross either: (i) The Pre-Market BBO or (ii) the ABBO, then, for purposes of calculating the midpoint, the Exchange will use the better of the Pre-Market BBO or ABBO as a boundary price and will open the option series for trading with an execution at the resulting Potential Opening Price. If these aforementioned conditions are not met, but a Valid Width NBBO is present, an Opening Quote Range (''OQR'') is calculated as described in proposed BX Options 3, Section 8(j) and the price discovery mechanism (''PDM''), described in proposed BX Options 3, Section 8(k), will commence.

8. Price Discovery Mechanism

If the Exchange has not opened with a BBO or trade pursuant to proposed Options 3, Section 8(f) or (i), the Exchange will conduct a PDM pursuant to proposed Options 3, Section 8(j) to determine the Opening Price. According to the Exchange, the purpose of the PDM is to satisfy the maximum number of contracts possible by applying wider price boundaries and seeking additional liquidity.[49]

Before conducting a PDM, however, the Exchange will calculate the OQR under proposed Options 3, Section 8(j). The OQR, which is used during PDM, is an additional boundary beyond the boundaries described in proposed BX Options 3, Section 8(h) and (i), designed to limit the Opening Price to a reasonable price and reduce the potential for erroneous trades during the Opening Process.[50] The OQR is constrained by the least aggressive limit prices within the broader limits of OQR.[51] The least aggressive buy order or Valid Width Quote bid and least aggressive sell order or Valid Width Quote offer within the OQR will further bound the OQR.[52]

To determine the minimum value for the OQR, an amount, as defined in a table to be determined by the Exchange, will be subtracted from the highest quote bid among Valid Width Quotes on the Exchange and on the away market(s), if any, except as provided in proposed BX Options 3, Section 8(j) paragraphs (3) and (4).[53] To determine the maximum value for the OQR, an amount, as defined in a table to be determined by the Exchange, will be added to the lowest quote offer among Valid Width Quotes on the Exchange and on the away market(s), if any, except as provided in proposed BX Options 3, Section 8(j) paragraphs (3) and (4).[54] If one or more away markets are collectively disseminating a BBO that is not crossed, however, and there are Valid Width Quotes on the Exchange that are executable against each other or that are executable against the ABBO, then the minimum value of the OQR will be the highest away bid and the maximum value will be the lowest away offer.[55]

The Exchange will use the OQR to help calculate the Opening Price. For example, if there is more than one Potential Opening Price possible, where no contracts would be left unexecuted, any price used for the mid-point calculation (which is described in proposed BX Options 3, Section 8(h)(3)), that is outside of the OQR, will be restricted to the OQR price on that side of the market for the purposes of the mid-point calculation.[56]

During PDM, the Exchange will take into consideration the away market prices in calculating the Potential Opening Price. For example, if there is more than one Potential Opening Price possible, where no contracts would be left unexecuted, pursuant to proposed BX Options 3, Section 8(h)(3), when contracts will be routed, the system will use the away market price as the Potential Opening Price.[57] Moreover, proposed Options 3, Section 8(h)(6) provides that if the Exchange determines that non-routable interest can execute the maximum number of Exchange contracts against Exchange interest, after routable interest has been determined by the system to satisfy the away market, then the Potential Opening Price is the price at which the maximum number of contracts can execute, excluding the interest which will be routed to an away market, which may be executed on the Exchange as described in proposed BX Options 3, Section 8(h). The system will route all routable interest pursuant to Options 3, Section 10(a)(1).[58]

After the OQR is calculated, the system will broadcast an Imbalance Message for the affected series[59] to attract additional liquidity and begin an ''Imbalance Timer,'' not to exceed three seconds to notify Participants of available interest that may be crossed

[43] *See* proposed BX Options 3, Section 8(h).

[44] *See* proposed BX Options 3, Section 8(h)(1).

[45] *See id.*

[46] *See* proposed BX Options 3, Section 8(h)(2).

[47] *See id.*

[48] *See* Notice, *supra* note 3, 85 FR at 45249.

[49] *See* Notice, *supra* note 3, 85 FR at 45251.

[50] *See* Notice, *supra* note 3, 85 FR at 45250.

[51] *See* proposed BX Options 3, Section 8(j).

[52] *See id.*

[53] *See* proposed Options 3, Section 8(j)(1).

[54] *See* proposed BX Options 3, Section 8(j)(2).

[55] *See* proposed BX Options 3, Section 8(j)(3). Proposed BX Options 3, Section 8(j)(3)(A) further notes that the Opening Process will stop and an option series will not open if the ABBO becomes crossed, pursuant to proposed BX Options 3, Section 8(d)(3).

[56] *See* proposed BX Options 3, Section 8(j)(4).

[57] *See* proposed BX Options 3, Section 8(j)(5).

[58] In contrast, Phlx routes Public Customer and Professional orders, while BX will route orders for all market participants. *See* Notice, *supra* note 3, 85 FR at 45251, n.46.

[59] Imbalance Message includes the symbol, side of the imbalance, size of matched contracts, size of the imbalance, and Potential Opening Price bounded by the Pre-Market BBO. *See* proposed BX Options 3, Section 8(k)(1). In connection with the proposed handling of imbalance, the Exchange proposes to eliminate the term ''Order Imbalance Indicator'' at current BX Options 3, Section 8(a)(2).

during the Opening Process.[60] The Imbalance Timer will be for the same number of seconds for all options traded on the Exchange, and each Imbalance Message will be subject to an Imbalance Timer.[61] The Exchange may have up to four Imbalance Messages which each run its own Imbalance Timer pursuant to the PDM process.[62]

Proposed BX Options 3, Section 8(k)(2) states that any new interest received by the system will update the Potential Opening Price. If during or at the end of the Imbalance Timer, the Opening Price is at or within the OQR, the Imbalance Timer will end and the system will open with a trade at the Opening Price if the executions consist of Exchange interest only without trading through the ABBO and without trading through the limit price(s) of interest within the OQR, which is unable to be fully executed at the Opening Price. If no new interest comes in during the Imbalance Timer and the Potential Opening Price is at or within the OQR and does not trade through the ABBO, the Exchange will open with a trade at the end of the Imbalance Timer at the Potential Opening Price.

If the option series has not opened pursuant to proposed BX Options 3, Section 8(k)(2) described above, the system will concurrently: (i) Send a second Imbalance Message with a Potential Opening Price that is bounded by the OQR (and would not trade through the limit price(s) of interest within the OQR which is unable to be fully executed at the Opening Price) and includes away market volume in the size of the imbalance to participants; and (ii) initiate a Route Timer, not to exceed one second.[63] As proposed, the Route Timer will operate as a pause before an order is routed to an away market.[64] The Exchange states that the Route Timer is intended to give participants an opportunity to respond to an Imbalance Message before any opening interest is routed to away markets and thereby maximize trading on the Exchange.[65] If during the Route Timer, interest is received by the system which would allow the Opening Price to be within the OQR without trading through away markets and without trading through the limit price(s) of interest within the OQR, which is unable to be fully executed at the Opening Price, the system will open with trades, and the Route Timer will simultaneously end.[66] The system will monitor quotes received during the Route Timer and make ongoing corresponding changes to the permitted OQR and Potential Opening Price to reflect them.[67]

Proposed BX Options 3, Section 8(k)(3)(C) provides that, if no trade occurs pursuant to proposed BX Options 3, Section 8(k)(3)(B), when the Route Timer expires, and if the Potential Opening Price is within the OQR (and would not trade through the limit price(s) of interest within the OQR, which is unable to be fully executed at the Opening Price), the system will determine if the total number of contracts displayed at better prices than the Exchange's Potential Opening Price on away markets (''better priced away contracts'') would satisfy the number of marketable contracts available on the Exchange. The Exchange will then open the option series by routing and/or trading on the Exchange, pursuant to proposed BX Options 3, Section 8(k)(3)(C) paragraphs (i) through (iii).

Proposed BX Options 3, Section 8(k)(3)(i) provides that, if the total number of better priced away contracts would satisfy the number of marketable contracts available on the Exchange on either the buy or sell side, the system will route all marketable contracts on the Exchange to such better priced away markets as an Intermarket Sweep Order (''ISO'') designated as Immediate-or-Cancel (''IOC'') order(s) and determine an opening BBO that reflects the interest remaining on the Exchange. The system will price any contracts routed to away markets at the Exchange's Opening Price. The Exchange states that routing away at the Exchange's Opening Price is intended to achieve the best possible price available at the time the order is received by the away market.[68]

Proposed Options 3, Section 8(k)(3)(C)(ii) provides that, if the total number of better priced away contracts would not satisfy the number of marketable contracts on the Exchange, the system will determine how many contracts it has available at the Exchange Opening Price. If the total number of better priced away contracts, plus the number of contracts available at the Exchange Opening Price, would satisfy the number of marketable contracts on the Exchange on either the buy or sell side, the system will contemporaneously route, based on price/time priority of routable interest, a number of contracts that will satisfy interest at away markets at prices better than the Opening Price and trade available contracts on the Exchange at the Exchange Opening Price.[69] The system will price any contracts routed to away markets at the better of the Exchange Opening Price or the order's limit price pursuant to proposed Options 3, Section 8(k)(3)(C)(ii).[70] The Exchange states that this proposed rule is designed to maximize execution of interest on the Exchange or away markets.[71]

Proposed Options 3, Section 8(k)(3)(C)(iii) provides that, if the total number of better priced away contracts, plus the number of contracts available at the Opening Price, plus the contracts available at away markets at the Exchange Opening Price would satisfy the number of marketable contracts on the Exchange has, on either the buy or sell side, the system will contemporaneously route, based on price/time priority of routable interest, a number of contracts that will satisfy such away market interest (pricing any contracts routed to away markets at the better of the Exchange Opening Price or the order's limit price), trade available contracts on the Exchange at the Exchange Opening Price, and route a number of contracts that will satisfy interest at other markets at prices equal to the Opening Price. The Exchange states that routing at the better of the Exchange Opening Price or the order's limit price is intended to achieve the best possible price available at the time the order is received by the away market and that routing at the order's limit price ensures that the order's limit price is not violated.[72]

Proposed Options 3, Section 8(k)(3)(D) provides that the system may send up to two additional Imbalance Messages (which may occur while the Route Timer is operating) bounded by the OQR and reflecting away market interest in the volume. After the Route Timer has expired, the processes in proposed Options 3, Section 8(k)(3)(C)

[60] *See* proposed BX Options 3, Section 8(k)(1). The Imbalance Timer will initially be set 200 milliseconds. *See* Notice, *supra* note 3, 85 FR at 45252.

[61] *See* proposed BX Options 3, Section 8(k)(1).

[62] *See* Notice, *supra* note 3, 85 FR at 45260. An Imbalance Message will be disseminated showing a ''0'' volume and a $0.00 price if: (i) No executions are possible but routable interest is priced at or through the ABBO; or (ii) internal quotes are crossing each other. Where the Potential Opening Price is through the ABBO, an imbalance message will display the side of interest priced through the ABBO. *See* proposed BX Options 3, Section 8(k)(1)(A).

[63] *See* proposed BX Options 3, Section 8(k)(3)(A)–(B).

[64] *See* proposed BX Options 3, Section 8(k)(3)(B).

[65] *See* Notice, *supra* note 3, 85 FR at 45253.

[66] *See* proposed BX Options 3, Section 8(k)(3)(B).

[67] *See id.*

[68] *See* Notice, *supra* note 3, 85 at 45253.

[69] *See* proposed BX Options 3, Section 8(k)(3)(C)(ii).

[70] *See id.*

[71] *See id.*

[72] *See* Notice, *supra* note 3, 85 FR at 45253–54.

will repeat (except no new Route Timer will be initiated).[73]

9. Forced Opening

Proposed Options 3, Section 8(k)(3)(E) describes the process that occurs if the steps described above have not resulted in an opening of the options series. After all additional Imbalance Messages have been broadcasted pursuant to proposed Options 3, Section 8(k)(3)(D), the system will open the series by executing as many contracts as possible by routing to away markets at prices better than the Exchange Opening Price for their disseminated size, trading available contracts on the Exchange at the Exchange Opening Price bounded by OQR (without trading through the limit price(s) of interest within OQR, which is unable to be fully executed at the Opening Price).[74] The system will also route contracts to away markets at prices equal to the Exchange Opening Price at their disseminated size.[75] In this situation, the system will price any contracts routed to away markets at the better of the Exchange Opening Price or the order's limit price.[76] Any unexecuted interest from the imbalance not traded or routed will be cancelled back to the entering Participant, if they remain unexecuted and priced through the Opening Price, otherwise orders will remain in the Order Book.[77] All other interest will be eligible for trading after opening, if consistent with the Participant's instruction.[78]

Proposed Options 3, Section 8(k)(3)(F) provides that the system will execute non-routable orders, such as ''Do-Not-Route'' or ''DNR'' Orders,[79] to the extent possible. The system will only route non-contingency orders.[80]

The Exchange proposes to state at Options 3, Section 8(k)(4) that, pursuant to Options 3, Section 8(k)(3)(F), the system will re-price Do Not Route Orders (that would otherwise have to be routed to the exchange(s) disseminating the ABBO for an opening to occur) to a price that is one minimum trading increment inferior to the ABBO, and disseminate the re-priced DNR Order as part of the new BBO. Proposed BX Options 3, Section 8(k)(5) provides that the system will cancel any order or quote that is priced through the Opening Price. All other interest will be eligible for trading after the opening. Proposed BX Options 3, Section 8(k)(6), provides that during the opening of the option series, where there is an execution possible, the system will give priority to Market Orders[81] first, then to resting Limit Orders[82] and quotes. BX's Order Book allocation provisions in Options 3, Section 10 will apply.[83] Proposed BX Options 3, Section 8(k)(7) provides that upon opening of an option series, regardless of an execution, the system disseminates the price and size of the Exchange's best bid and offer (BBO). Finally, proposed BX Options 3, Section 8(k)(8) provides that any remaining contracts, which are not priced through the Exchange Opening Price after routing a number of contracts to satisfy better priced away contracts, will be posted to the Order Book at the better of the away market price or the order's limit price.

10. Opening Process Cancel Timer

The Exchange proposes to retain BX's Opening Order Cancel Timer, which is currently described within Options 3, Section 8(c). The Exchange proposes to relocate this rule text to Options 3, Section 8(l), and rename it ''Opening Process Cancel Timer.''[84] The Opening Process Cancel Timer represents a period of time since the underlying market has opened, and is established and disseminated by the Exchange on its website.[85] If an option series has not opened before the conclusion of the Opening Process Cancel Timer, a Participant may elect to have orders returned by providing written notification to the Exchange.[86] These orders include all non-Good Til Cancelled Orders received over the FIX protocol.[87]

B. Other Changes

The Exchange proposes to remove the rule text from BX Options 2, Section 4(g) (Unusual Conditions—Opening Auction) and reserve the subparagraph. As described above, the Exchange proposes to state within the definition of ''Valid Width Quote'' at proposed BX Options 3, Section 8(a)(9), that the Exchange may establish bid/ask differentials other than those listed in proposed BX Options 3, Section 8(a)(9) for one or more series or classes of options. The rule text of current BX Options 2, Section 4(g) permits spread differentials of up to two times, or in exceptional circumstances, up to three times, the legal limits permitted under the rules of BX Options. The Exchange proposes to delete the rule text from BX Options 2, Section 4(g) in order to conform its rules to the proposed Opening Process and align BX with the procedures of other Nasdaq options exchanges follow, which notify members in writing, via an Options Regulatory Alert, of any discretion that is being granted by the Exchange.[88]

C. Implementation

The Exchange states that it intends to begin implementation of the proposed rule change prior to October 30, 2020.[89] The Exchange represents that it will issue an Options Trader Alert to Members to provide notification of the symbols that will migrate and the relevant dates.[90]

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[91] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[92] which requires, among other things, that the rules of a national securities 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 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 proposes to delete in its entirety the current opening process and replace it with an opening process

[73] *See* proposed BX Options 3, Section 8(k)(3)(D).

[74] *See* proposed BX Options 3, Section 8(k)(3)(E).

[75] *See id.*

[76] *See id.*

[77] *See id.* The Exchange believes that cancelling the order back to the Participant allows for the Participant to determine how its customer would like its order to be handled. *See* Notice, *supra* note 3, 85 FR at 45254. In comparison, on Phlx, unless the member that submitted the original order has instructed the exchange in writing to reenter the remaining size, the remaining size will be automatically submitted as a new order. *See id.*

[78] *See id.*

[79] A Do-Not-Route Order is described within BX Options 5, Section 4(a)(iii)(A).

[80] *See* proposed BX Options 3, Section 8(k)(3)(F).

[81] BX Options 3, Section 7(a)(5) defines ''Market Orders.''

[82] BX Options 3, Section 7(a)(3) defines ''Limit Orders.''

[83] *See* proposed BX Options 3, Section 8(k)(6).

[84] The Exchange states that while it is retaining the timer, the Exchange proposes to amend the rule text to conform the language to Phlx's rule text. *See* Notice, *supra* note 3, 85 FR at 45255

[85] *See* proposed BX Options 3, Section 8(l).

[86] *See id.*

[87] *See id.*

[88] *See* Notice, *supra* note 3, 85 FR at 45256.

[89] *See id.*

[90] *See id.* For a more detailed description of the proposed rule change, *see* Notice, *supra* note 3.

[91] 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).

[92] 15 U.S.C. 78f(b)(5).

similar to the process in place on Phlx, with conforming changes to reflect particularlities to the BX market.[93] In making this change, the Exchange delineates detailed steps of the opening process. By providing more clearly each sequence of the opening process, the Commission notes that the proposed rule helps market participants understand how the new opening process will operate. To that extent, the new opening process may promote transparency, reduce the potential for investor confusion, and assist market participants in deciding whether to participate in BX's opening process. Further, if they do participate in the new opening process, the proposed rule may help provide market participants with the confidence and certainty as to how their orders or quotes will be processed.

Further, the Commission believes that the proposed rule change is designed to promote just and equitable principles of trade by seeking to ensure that option series open in a fair and orderly manner. For example, the Commission notes that the proposed rule change is designed to mitigate the effects of the underlying security's volatility as the overlying option series undergoes the opening process. Specifically, the proposed rule provides for a range of no less than 100 milliseconds and no more than 5 seconds in order to ensure that the Exchange has the ability to adjust the period for which the underlying must be open on the primary market before the opening process commences.[94] Moreover, the Commission notes that the proposed rule provides an orderly process for handling eligible interests during the opening process, while seeking to avoid opening executions at suboptimal prices. For instance, the proposed rule ensures that the Opening Process will stop and an option series will not open if the ABBO becomes crossed, which can be indicative of price uncertainty with respect to an option series. Likewise, the Exchange will not open an option series with a trade unless any of the following conditions occur: (1) The Potential Opening Price is at or within the Pre-Market BBO and the ABBO, which is also a Valid Width NBBO; (2) the Potential Opening Price is at or within the non-zero bid ABBO, which is also a Valid Width NBBO, if the Pre-Market BBO is crossed; or (3) where there is no ABBO, the Potential Opening Price is at or within the Pre-Market BBO, which is also a Valid Width NBBO. While the proposed opening process attempts to maximize the number of contracts executed on the Exchange during such process, including by seeking additional liquidity, if necessary, the Commission notes that the proposed opening process takes into consideration away market interests and ensures that better away prices are not traded through.

For these reasons, the Commission believes that the proposed rule change is consistent with the Act.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Exchange Act,[95] that the proposed rule change (SR–BX–2020–016), be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[96]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–19718 Filed 9–4–20; 8:45 am]

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[93] *See, e.g., supra* note 7.

[94] *See supra* note 29.

[95] 15 U.S.C. 78s(b)(2).

[96] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–522; OMB Control No. 3235–0586]

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Extension:
Rule 38a–1

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the ''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 38a–1 (17 CFR 270.38a–1) under the Investment Company Act of 1940 (15 U.S.C. 80a) (''Investment Company Act'') is intended to protect investors by fostering better fund compliance with securities laws. The rule requires every registered investment company and business development company (''fund'') to: (i) Adopt and implement written policies and procedures reasonably designed to prevent violations of the federal securities laws by the fund, including procedures for oversight of compliance by each investment adviser, principal underwriter, administrator, and transfer agent of the fund; (ii) obtain the fund board of directors' approval of those policies and procedures; (iii) annually review the adequacy of those policies and procedures and the policies and procedures of each investment adviser, principal underwriter, administrator, and transfer agent of the fund, and the effectiveness of their implementation; (iv) designate a chief compliance officer to administer the fund's policies and procedures and prepare an annual report to the board that addresses certain specified items relating to the policies and procedures; and (v) maintain for five years the compliance policies and procedures and the chief compliance officer's annual report to the board.

The rule contains certain information collection requirements that are designed to ensure that funds establish and maintain comprehensive, written internal compliance programs. The information collections also assist the Commission's examination staff in assessing the adequacy of funds' compliance programs.

While Rule 38a–1 requires each fund to maintain written policies and procedures, most funds are located within a fund complex. The experience of the Commission's examination and oversight staff suggests that each fund in a complex is able to draw extensively from the fund complex's ''master'' compliance program to assemble appropriate compliance policies and procedures. Many fund complexes already have written policies and procedures documenting their compliance programs. Further, a fund needing to develop or revise policies and procedures on one or more topics in order to achieve a comprehensive compliance program can draw on a number of outlines and model programs available from a variety of industry representatives, commentators, and organizations.

There are approximately 4,093 funds subject to Rule 38a–1. Among these funds, 101 were newly registered in the past year. These 101 funds, therefore, were required to adopt and document the policies and procedures that make up their compliance programs. Commission staff estimates that the average annual hour burden for a fund to adopt and document these policies and procedures is 105 hours. Thus, we estimate that the aggregate annual burden hours associated with the adoption and documentation requirement is 10,605 hours.

All funds are required to conduct an annual review of the adequacy of their existing policies and procedures and the policies and procedures of each investment adviser, principal underwriter, administrator, and transfer agent of the fund, and the effectiveness of their implementation. In addition, each fund chief compliance officer is required to prepare an annual report that addresses the operation of the policies and procedures of the fund and the policies and procedures of each investment adviser, principal underwriter, administrator, and transfer agent of the fund, any material changes made to those policies and procedures since the date of the last report, any material changes to the policies and procedures recommended as a result of the annual review, and certain compliance matters that occurred since the date of the last report. The staff estimates that each fund spends 49 hours per year, on average, conducting the annual review and preparing the annual report to the board of directors. Thus, we estimate that the annual aggregate burden hours associated with the annual review and annual report requirement is 200,557 hours.

Finally, the staff estimates that each fund spends 6 hours annually, on average, maintaining the records required by proposed Rule 38a–1. Thus, the aggregate annual burden hours associated with the recordkeeping requirement is 24,558 hours.

In total, the staff estimates that the aggregate annual information collection burden of Rule 38a–1 is 235,720 hours.

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act. The estimate is based on communications with industry representatives, and is not derived from a comprehensive or even a representative survey or study. Responses will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Written comments are invited on: (i) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information has practical utility; (ii) the accuracy of the Commission's estimate of the burden(s) of the collection of information; (iii) ways to enhance the quality, utility, and clarity of the information collected; and (iv) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov.*

Dated: September 1, 2020.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–19724 Filed 9–4–20; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89730; File No. SR–PEARL–2020–10]

Self-Regulatory Organizations; MIAX PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Implement a Second Equity Rights Program

September 1, 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 20, 2020, MIAX PEARL, LLC (''MIAX PEARL'' or ''Exchange'') 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 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 the Substance of the Proposed Rule Change

The Exchange is filing a proposal to implement an equity rights program related to fees charged for the trading of both options and equity securities on the Exchange.

The text of the proposed rule change is available on the Exchange's website at *http://www.miaxoptions.com/rule-filings/pearl* at MIAX PEARL's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On April 6, 2018, the Exchange filed for immediate effectiveness a proposed rule change with the Commission to implement an equity rights program (''Existing Program'') pursuant to which units representing the right to acquire equity in the Exchange's parent holding company, Miami International Holdings, Inc. (''MIH'') were issued to a participating Member [3] in exchange for payment of an initial purchase price or the prepayment of certain ERP Exchange Fees [4] and the achievement of certain liquidity volume thresholds on the Exchange over a 32-month period.[5] On August 14, 2020, the Commission approved a proposed rule change to adopt rules governing the trading of equity securities on the Exchange (the platform for the trading of equity securities is referred to herein as ''MIAX PEARL Equities'').[6] The Exchange now proposes to implement a second equity rights program under which ERP Exchange fees would be expanded to include fees incurred on and after

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term ''Member'' means an individual or organization that is registered with the Exchange pursuant to Chapter II of the Exchange's Rules for purposes of trading on the Exchange as an ''Electronic Exchange Member'' or ''Market Maker.'' Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

[4] The ERP Exchange fees under the Existing Program consist of: (a) Transaction fees as set forth in Section 1)a of the MIAX PEARL Options Fee Schedule; (b) membership fees as set forth in Section 3 of the MIAX PEARL Options Fee Schedule; (c) system connectivity fees as set forth in Section 5 of the MIAX PEARL Options Fee Schedule; and (d) market data fees as set forth in Section 6 of the MIAX PEARL Options Fee Schedule (collectively, the ''ERP Exchange Fees'').

[5] *See* Securities Exchange Act Release No. 83012 (April 9, 2018), 83 FR 16163 (April 13, 2018) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Implement an Equity Rights Program) (''Initial ERP Filing'').

[6] *See* Securities Exchange Act Release Nos. 88132 (February 6, 2020), 85 FR 8053 (February 12, 2020) (SR–PEARL–2020–03) (Notice of Filing of a Proposed Rule Change to Adopt Rules Governing the Trading of Equity Securities); *and* 89563 (August 14, 2020), 85 FR 51510 (August 20, 2020) (Order Approving Proposed Rule Change to Adopt Rules Governing the Trading of Equity Securities).

October 1, 2020[7] through June 30, 2024 (''Prepaid Fee Period'') for trading equity securities on MIAX PEARL Equities and the achievement of certain liquidity volume thresholds on MIAX PEARL Equities over a 42-month period (''Proposed Program''). ERP Exchange Fees under the Proposed Program would also include the fees included today as part of the Existing Program.[8] The Proposed Program would be independent of the Existing Program.

Similar to the Existing Program for options, the purpose of the Proposed Program is to promote the long-term interests of MIAX PEARL by providing incentives designed to encourage future MIH owners and MIAX PEARL options and equity market participants to contribute to the growth and success of MIAX PEARL, by being active liquidity providers and takers on MIAX PEARL Equities in particular, and to provide enhanced levels of trading volume in equity securities through an opportunity to increase their proprietary interests in MIAX PEARL's enterprise value.

Members that participated in the Existing Program had two options to choose from: (i) An offering of I-Units; and/or (ii) an offering of J-Units.[9] Members that choose to participate in the Proposed Program will be able to participate in an offering of L-Units.[10] Under the Proposed Program, market participants would be able to pre-pay the following ERP Exchange Fees for trading equities: (a) Transaction fees; (b) system connectivity fees; and (c) market data fees.[11] Like under the Existing Program, market participants would also be able to pre-pay the following ERP Exchange Fees for trading options: (a) Transaction fees as set forth in Section 1)a of the MIAX PEARL Options Fee Schedule; (b) membership fees as set forth in Section 3 of the MIAX PEARL Options Fee Schedule; (c) system connectivity fees as set forth in Section 5 of the MIAX PEARL Options Fee Schedule; and (d) market data fees as set forth in Section 6 of the MIAX PEARL Options Fee Schedule.

Members that participate in the Proposed Program will be issued for each unit warrants to purchase 432,163 shares of common stock of MIH in exchange for such participant Member's cash contribution of $1,000,000, and with such warrants being exercisable upon the achievement by the participating Member of certain volume thresholds on the Exchange during a 42-month measurement period, commencing January 1, 2021. A total of 22 L-Units will be offered. The total equity ownership of MIH common stock held by any one participant Member will be subject to a cap of 19.9%.[12]

The warrants will vest in seven (7) tranches during a measurement period of months 1–42 of the Proposed Program. In addition, the participant Members may earn or lose the right to exercise warrants on a pro-rata basis based upon meeting volume commitments during the measurement periods, as detailed below.

A participant Member will be eligible to earn warrants during measurement periods provided that the participant has achieved a specified percentage of the average daily volume for National Market System equity securities on MIAX PEARL Equities as reported by the applicable consolidated transaction reporting plan (''ADV'').[13] While market participants will be able to pre-pay fees related to both their equity and options trading on MIAX PEARL, the Proposed Program's performance criteria will only include a market participant's equity market share and will not include a market participant's options market share.

The seven (7) tranches will vest during the following measurement periods: (i) 7.14% of the warrants resulting from months 1–6, with a volume commitment of 0.014% of MIAX PEARL Equities ADV per L-Unit;[14] (ii) 5.41% of the warrants resulting from months 7–12, with a volume commitment of 0.053% of MIAX PEARL Equities ADV per L-Unit; (iii) 9.49% of the warrants resulting from months 13–18, with a volume commitment of 0.093% of MIAX PEARL Equities ADV per L-Unit; (iv) 13.47% of the warrants resulting from months 19–24, with a volume commitment of 0.132% of MIAX PEARL Equities ADV per L-Unit; (v) 17.45% of the warrants resulting from months 25–30, with a volume commitment of 0.171% of MIAX PEARL Equities ADV per L-Unit; (vi) 21.53% of the warrants resulting from months 31–36, with a volume commitment of 0.211% of MIAX PEARL Equities ADV per L-Unit; and (vii) 25.51% of the warrants resulting from months 37–42, with a volume commitment of 0.250% of MIAX PEARL Equities ADV per L-Unit. If a participant

[7] The Exchange intends to begin trading equity securities on September 25, 2020. *See* MIAX PEARL Receives Approval to Operate Equities Exchange; Launch Date Confirmed for September 25, 2020, *available at https://www.miaxoptions.com/sites/default/files/press_release-files/MIAX_Press_Release_08182020.pdf* (dated August 19, 2020).

[8] *See supra* note 5.

[9] *See supra* note 5 for a complete description of I-Units and J-Units.

[10] Like the Existing Program, the Proposed Program also provides equity-like consideration in exchange for market making or the provision of liquidity, order flow or volume and is open to market participants generally. Also like the Existing Program, all MIAX PEARL Members may participate in the Proposed Program subject to their satisfaction of eligibility requirements. To be designated as a participant Member, an applicant must: (i) Be a Member in good standing of MIAX PEARL; (ii) qualify as an ''accredited investor'' as such term is defined in Regulation D of the Securities Act of 1933; and (iii) have executed all required documentation for Program participation. If L-Unit option is oversubscribed, the units will be allocated on a pro-rata basis that may result in a fractional allocation.

[11] The Exchange notes that proprietary real-time market data will be provided free of charge for a period of time. The Exchange also notes that it will file a proposed rule change to adopt MIAX PEARL Equities Fee Schedule with the Commission pursuant to Section 19(b)(3)(A)(iii) of the Exchange Act and Rule 19b–4(f)(2) thereunder prior to the commencement of trading equity securities currently anticipated for September 25, 2020. The Exchange has provided (and will continue to provide) a draft of the MIAX PEARL Equities Fee Schedule to any current or potential participant that expresses interest joining the Proposed Program (with the condition that a final MIAX PEARL Equities Fee Schedule is subject to filing with the Commission), so that such participant can evaluate the proposed fees and make a fully-informed decision in whether it wishes to join the Proposed Program.

[12] *See* Ninth Article (b)(i)(B), Amended and Restated Certificate of Incorporation of Miami International Holdings, Inc., effective October 16, 2015 (providing that no Exchange Member, either alone or together with its Related Persons, may own, directly or indirectly, of record or beneficially, shares constituting more than twenty percent (20%) of any class of capital stock of the Corporation). *See also* Ninth Article (b)(i)(C), Amended and Restated Certificate of Incorporation of Miami International Holdings, Inc., effective October 16, 2015 (providing that no Person, either alone or together with its Related Persons, at any time may, directly, indirectly or pursuant to any voting trust, agreement, plan or other arrangement, vote or cause the voting of shares of the capital stock of the Corporation or give any consent or proxy with respect to shares representing more than twenty percent (20%) of the voting power of the then issued and outstanding capital stock of the Corporation, nor may any Person, either alone or together with its Related Persons, enter into any agreement, plan or other arrangement with any other Person, either alone or together with its Related Persons, under circumstances that would result in the shares of capital stock of the Corporation that are subject to such agreement, plan or other arrangement not being voted on any matter or matters or any proxy relating thereto being withheld, where the effect of such agreement, plan or other arrangement would be to enable any Person, either alone or together with its Related Persons, to vote, possess the right to vote or cause the voting of shares of the capital stock of the Corporation which would represent more than twenty percent (20%) of said voting power.). Any purported transfer of shares or ownership of shares in violation of the ownership cap by a stockholder would be subject to the limitations of the Certificate of Incorporation, including the non-recognition of voting rights of shares in excess of the cap and a redemption right by MIH for excess shares. *See also* Ninth Article (d) and (e), Amended and Restated Certificate of Incorporation of Miami International Holdings, Inc., effective October 16, 2015.

[13] If an equity security is not traded on MIAX PEARL Equities, then the trading volume in that equity security will be omitted from the calculation of ADV.

[14] The first measurement period will begin on January 1, 2021 and end June 30, 2021.

Member reaches 100% of the volume commitment during a tranche's measurement period, the Member will earn 100% of the warrants applicable to such measurement period. If a participant Member reaches less than 100% but at least 70% of the volume commitment during a tranche's measurement period, the Member will earn a reduced amount of warrants on a pro-rata basis applicable to such measurement period. If a participant Member fails to reach a minimum of 70% of the volume commitment during a tranche's measurement period, the Member will lose all right to that tranche of warrants. Notwithstanding, in the event a participant Member has not satisfied the volume commitment for any one measurement period (other than measurement period 7), the participant Member will have an opportunity to vest those warrants if such participant Member applies a portion of the Member's over-performance from the measurement period immediately following the prior measurement period to ensure a minimum of 70% of the volume commitment in the prior period and in addition has satisfied the volume commitment for the measurement period immediately following. If a participant Member exceeds 100% of the volume commitment during a tranche's measurement period, the Member is able to earn, on a pro-rata basis, warrants not earned by other participant Members. Any trades that would otherwise constitute Qualifying Trades shall be excluded upon the Company's receipt of written instructions from the Participant identifying which trades should not be counted in the number of trades executed on the Exchange by the Participant. Special strategies that are subject to a fee cap will be omitted from the calculation of MIAX PEARL Equities Volume.

Similar to the Existing Program, a Member of the Exchange and its Affiliate as defined in the options and equities Fee Schedules of MIAX PEARL [15] may together participate in the Proposed Program.

Each participant Member will have a standard piggyback registration right to include the common shares issuable upon exercise of the warrants should MIH file a Registration Statement under the Securities Act of 1933. Each participant Member will also have the right to participate pro rata in all future offerings of MIH securities for so long as the participant Member holds at least 51% of the common shares issued or issuable upon the exercise of warrants included in at least one L-Unit. MIH will have the right of first refusal to purchase any shares issued or issuable upon the exercise of the warrants that a participant Member decides to transfer or sell. Other participant Members will have the secondary right of first refusal to purchase any common shares or warrant shares that a participant Member decides to transfer or sell.

When a participating Member acquires a certain number of units, the Member can appoint one director to the MIAX PEARL Board.[16] The Exchange notes that the number of non-industry directors on the MIAX PEARL Board, including at least one independent director, must equal or exceed the number of industry directors and Member representatives, and that additional new non-industry directors and Member representative directors will need to be added in order to maintain this status. The Exchange also notes that any directors that may be selected by a participating Member would not be counted towards the 20% Member representative requirement on the MIAX PEARL Board. In addition, the Exchange notes that a Member is only entitled to a new seat if they are not currently represented on the MIAX PEARL Board.

All applicants will be subject to the same eligibility and designation criteria, and all participant Members will participate in the Proposed Program on the same terms, conditions and restrictions. To be designated as a participant Member, an applicant must: (i) Be a Member in good standing of MIAX PEARL; (ii) qualify as an ''accredited investor'' as such term is defined in Regulation D of the Securities Act of 1933; [17] and (iii) have executed all required documentation for Proposed Program participation. Participant Members must have executed the definitive documentation, satisfied the eligibility criteria required of Proposed Program participants enumerated above, and tendered the minimum cash investment or prepayment of fees by September 10, 2020, with a closing to occur on September 11, 2020.

As discussed above, the purpose of the Proposed Program is to encourage Members to direct greater trade volume to MIAX PEARL to enhance trading volume in MIAX PEARL's market. Increased volume will provide for greater liquidity and enhanced price discovery, which benefits all market participants. Other exchanges have engaged in the practice of incentivizing increased order flow in order to attract liquidity providers through equity sharing arrangements.[18] As mentioned above, the Exchange previously adopted an equity rights program and now simply seeks to expand that Existing Program to include MIAX PEARL Equities.[19] In addition, Miami

[15] For purposes of the MIAX PEARL Options Fee Schedule and the anticipated MIAX PEARL Equities Fee Schedule, the term ''Affiliate'' means an affiliate of a Member of at least 75% common ownership between the firms as reflected on each firm's Form BD, Schedule A, (''Affiliate''). The MIAX PEARL Options Fee Schedule further defines the term ''Affiliate'' as the Appointed Market Maker of an Appointed EEM (or, conversely, the Appointed EEM of an Appointed Market Maker). An ''Appointed Market Maker'' is a MIAX PEARL Options Market Maker (who does not otherwise have a corporate affiliation based upon common ownership with an EEM) that has been appointed by an EEM and an ''Appointed EEM'' is an EEM (who does not otherwise have a corporate affiliation based upon common ownership with a MIAX PEARL Market Maker) that has been appointed by a MIAX PEARL Options Market Maker, pursuant to the following process. A MIAX PEARL Options Market Maker appoints an EEM and an EEM appoints a MIAX PEARL Market Maker, for the purposes of the Fee Schedule, by each completing and sending an executed Volume Aggregation Request Form by email to *membership@miaxoptions.com* no later than 2 business days prior to the first business day of the month in which the designation is to become effective. Transmittal of a validly completed and executed form to the Exchange along with the Exchange's acknowledgement of the effective designation to each of the Market Maker and EEM will be viewed as acceptance of the appointment. The Exchange will only recognize one designation per Member. A Member may make a designation not more than once every 12 months (from the date of its most recent designation), which designation shall remain in effect unless or until the Exchange receives written notice submitted 2 business days prior to the first business day of the month from either Member indicating that the appointment has been terminated. Designations will become operative on the first business day of the effective month and may not be terminated prior to the end of the month. Execution data and reports will be provided to both parties. *See* the Definitions section of the MIAX PEARL Options Fee Schedule. The Exchange anticipates to also provide in the MIAX PEARL Equities Fee Schedule for an Equity Member to aggregate ADAV and ADV with other Equity Members that control, are controlled by, or are under common control with such Equity Member (as evidenced on such Equity Member's Form BD).

[16] The Commission notes that MIAX PEARL will need to submit a separate proposed rule change to make changes to its corporate governance documents to accommodate aspects of the proposal that involve or affect the board of MIAX PEARL.

[17] The purpose of this criterion relates to the ability of MIH to sell shares of common stock pursuant to an exemption from registration under the Securities Act of 1933. The definition of ''accredited investor'' under Rule 501(a)(1) of the Securities Act of 1933 includes any broker or dealer registered pursuant to Section 15 of the Act. MIAX PEARL Rule 200(b) requires a Member to be registered as a broker or dealer pursuant to Section 15 of the Act, therefore all MIAX PEARL Members will satisfy this criterion.

[18] *See, e.g.,* Securities Exchange Act Release Nos. 62358 (June 22, 2010), 75 FR 37861 (June 30, 2010) (SR–NSX–2010–06); 64742 (June 24, 2011), 76 FR 38436 (June 30, 2011) (SR–NYSEAmex–2011–018); 69200 (March 21, 2013), 78 FR 18657 (March 27, 2013) (SR–CBOE–2013–31); 74114 (January 22, 2015), 80 FR 4611 (January 28, 2015) (SR–BOX–2015–03); and 74576 (March 25, 2015), 80 FR 17122 (March 31, 2015) (SR–BOX–2015–16).

[19] *See supra* note 5.

International Securities Exchange, LLC (''MIAX''), an affiliate of the Exchange, previously adopted substantially similar programs to incentivize increased order flow in order to attract liquidity providers through an equity sharing arrangement.[20] The Proposed Program similarly intends to attract order flow to MIAX PEARL Equities, which will increase liquidity, thereby providing greater trading opportunities and tighter spreads for other market participants and causing a corresponding increase in order flow from these other market participants. The Proposed Program will similarly reward the liquidity providers that provide this additional volume with a potential proprietary interest in MIH.

The specific volume thresholds of the Proposed Program's measurement periods were set based upon business determinations and intended to incentivize firms to send orders to MIAX PEARL Equities. An increased number of orders sent to MIAX PEARL Equities will in turn provide tighter and more liquid markets, and therefore attract more business as well.

The Exchange's proposal to include certain non-transaction fees within the definition of ERP Exchange Fees and thus render them eligible for prepayment under the Proposed Program is similar to the Existing Program and similarly designed to offer broader Member participation in the Proposed Program. Since the Exchange operates with a maker-taker pricing structure, Members that are only ''makers'' on the Exchange could receive significant transaction rebates on a monthly basis, which could obviate the need to pre-pay transaction fees under the Proposed Program. However, by including certain regular, monthly recurring non-transaction fees as eligible for prepayment under the Proposed Program, the Exchange believes that it is creating an incentive for Members that conduct this type of business on the Exchange, and MIAX PEARL Equities in particular, to participate in the Proposed Program, thereby broadening the number of Members that could potentially participate in the Proposed Program.

MIAX PEARL will initiate the measurement period on January 1, 2021. The Exchange will notify Members of the implementation of the Proposed Program and the dates of the enrollment period by Regulatory Circular, and will post a copy of this rule filing on its website. Any MIAX PEARL Member that is interested in participating in the Proposed Program may contact MIAX PEARL for more information and legal documentation and will be required to enter into a nondisclosure agreement regarding this additional Proposed Program information.

2. Statutory Basis

The Exchange believes that its proposed rule change is consistent with Section 6(b) of the Act[21] in general, and furthers the objectives of Section 6(b)(5) of the Act[22] in particular, in that it is 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 facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) of the Act[23] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange also believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[24] which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities. As mentioned above, the Exchange previously adopted an equity rights program which was published by the Commission. The Exchange now simply seeks to expand upon that Existing Program to include MIAX PEARL Equities.[25]

In particular, the proposed rule change is equitable and not unfairly discriminatory, because all Members may elect to participate (or elect to not participate) in the Proposed Program and earn units on the same terms and conditions, assuming they satisfy the same eligibility criteria as described above. The eligibility criteria are objective; thus, all Members have the ability to satisfy them. The Board of MIAX PEARL also has authorized MIAX PEARL to offer warrants in MIH to any Member that requests designation to participate in the Proposed Program and otherwise satisfies the eligibility criteria to ensure that all Members will have the opportunity to own warrants and thus participate in the Proposed Program if they so choose. The participant Members will earn warrants on a pro-rata basis upon meeting fixed volume threshold amounts during the measurement periods that will apply to all participant Members.

The Exchange believes that the methodology used to calculate the volume thresholds is fair, reasonable and not unfairly discriminatory because it is based on objective criteria that are designed to omit from the calculation functionality that is not available on the Exchange and types of transactions that are subject to little or no transaction fees. The Proposed Program is designed to reward participating Members for bringing their orders and quotes to MIAX PEARL Equities.

The Exchange believes that its proposal to allow Affiliates to participate in the Proposed Program is fair, reasonable and not unfairly discriminatory because, like the Existing Program, it is being offered to all Members of the Exchange on the same terms and conditions. The Exchange believes that allowing traditional Corporate Affiliates[26] to participate in the Proposed Program is reasonable and appropriate because it will provide those participants with a potentially greater opportunity to achieve the volume thresholds in the Proposed Program.

The Exchange believes the Proposed Program is equitable and reasonable because an increase in volume and liquidity would benefit all market participants by providing more trading opportunities and tighter spreads, even to those market participants that do not participate in the Proposed Program. Additionally, the Exchange believes the proposed rule change is consistent with the Act because, as described above, the Proposed Program is designed to bring greater volume and liquidity to the Exchange, including MIAX PEARL Equities, which will benefit all market participants by providing tighter quoting and better prices, all of which perfects the mechanism for a free and open market and national market system.

[20] *See* Securities Exchange Act Release Nos. 70498 (September 25, 2013), 78 FR 60348 (October 1, 2013) (SR–MIAX–2013–43); 74095 (January 20, 2015), 80 FR 4011 (January 26, 2015) (SR–MIAX–2015–02); 74225 (February 6, 2015), 80 FR 7897 (February 12, 2015) (SR–MIAX–2015–05); and 80909 (June 12, 2017), 82 FR 27743 (June 16, 2017) (SR–MIAX–2017–28).

[21] 15 U.S.C. 78f(b).

[22] 15 U.S.C. 78f(b)(5).

[23] 15 U.S.C. 78f(b)(5).

[24] 15 U.S.C. 78f(b)(4).

[25] *See supra* note 5.

[26] The Commission notes that the term ''Corporate Affiliate'' refers to and has the same meaning as the defined term ''Affiliate.'' *See supra* note 15 (stating, the term ''Affiliate'' means an affiliate of a Member of at least 75% common ownership between the firms as reflected on each firm's Form BD, Schedule A).

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. The Exchange believes that the proposed rule change will improve competition by providing market participants with another option when determining where to execute orders and post liquidity.

The Exchange believes that the proposed change would increase both intermarket and intramarket competition by incenting participant Members to direct their orders to MIAX PEARL Equities, which will enhance the quality of quoting and increase the volume traded here. To the extent that there is an additional competitive burden on non-participant Members, the Exchange believes that this is appropriate because the Proposed Program should incent Members to direct additional order flow to MIAX PEARL Equities, and thus provide additional liquidity that enhances the quality of its markets and increases the volume traded on MIAX PEARL Equities. To the extent that this purpose is achieved, all of the Exchange's market participants should benefit from the improved market liquidity. Enhanced market quality and increased transaction volume that results from the anticipated increase in order flow directed to the Exchange will benefit all market participants and improve competition on the Exchange and MIAX PEARL Equities in particular.

Given the robust competition for volume among equities markets, many of which offer the same products, implementing a program to attract order flow like the one being proposed in this filing is consistent with the above-mentioned goals of the Act. This is especially true for the smaller equities markets, such as MIAX PEARL Equities in particular, which is competing for volume with much larger exchanges that dominate the equities trading industry. MIAX PEARL has no history in the trading of equities, so it is unlikely that the Proposed Program could cause any competitive harm to the equities markets or to market participants. Rather, the Proposed Program is an attempt by a new equities market to attract order volume away from larger competitors by adopting an innovative pricing strategy, as evidenced by the volume thresholds of the Proposed Program that represent fractions of equities Total Consolidated Volume. The Exchange notes that if the Proposed Program resulted in a modest average daily trading volume in equities executed on MIAX PEARL, it would represent a minimal reduction in volume of its larger competitors in the industry. The Exchange believes that the Proposed Program will help further competition, because market participants will have yet another option in determining where to execute orders and post liquidity if they factor the benefits of MIAX PEARL equity participation into the determination. The Exchange notes that other exchanges have engaged in the practice of incentivizing increased order flow in order to attract liquidity providers through equity sharing arrangements.[27] In addition, as mentioned above, the Exchange previously adopted an equity rights program and now simply seeks to adopt the Proposed Program to include MIAX PEARL Equities.[28]

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor 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,[29] and Rule 19b–4(f)(2)[30] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings 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–PEARL–2020–10 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–PEARL–2020–10. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of 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–PEARL–2020–10, and should be submitted on or before September 29, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[31]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–19717 Filed 9–4–20; 8:45 am]

BILLING CODE 8011–01–P

[27] *See supra* note 18.

[28] *See supra* note 5.

[29] 15 U.S.C. 78s(b)(3)(A)(ii).

[30] 17 CFR 240.19b–4(f)(2).

[31] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public

Law 94–409, that the Securities and Exchange Commission Asset Management Advisory Committee (''AMAC'') will hold a public meeting on Wednesday, September 16, 2020 at 9:00 a.m.

PLACE: The meeting will be conducted by remote means. Members of the public may watch the webcast of the meeting on the Commission's website at *www.sec.gov*.

STATUS: The meeting will begin at 9:00 a.m. and will be open to the public by webcast on the Commission's website at *www.sec.gov*.

MATTER TO BE CONSIDERED: On August 27, 2020, the Commission issued notice of the meeting (Release No. 34–89693), indicating that the meeting is open to the public and inviting the public to submit written comments to AMAC. This Sunshine Act notice is being issued because a majority of the Commission may attend the meeting.

The meeting will include a discussion of matters in the asset management industry relating to the ESG and Private Investments Subcommittees; and improving diversity and inclusion. It will also include a follow-up discussion on COVID–19 matters relating to AMAC's meeting of May 27, 2020.

CONTACT PERSON FOR MORE INFORMATION: For further information, please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

Dated: September 3, 2020.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2020–19904 Filed 9–3–20; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89724; File No. SR–NYSEArca–2020–59]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Amend NYSE Arca Rule 8.201–E (Commodity-Based Trust Shares) and To Permit the Listing and Trading of Shares of the United States Gold and Treasury Investment Trust Under NYSE Arca Rule 8.201–E

September 1, 2020.

On June 30, 2020, NYSE Arca, Inc. (''NYSE Arca'') 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 amend NYSE Arca Rule 8.201–E (Commodity-Based Trust Shares) to permit a trust to hold a specified commodity deposited with the trust, and, in addition to such specified commodity, U.S. Department of Treasury securities and/or cash, and to list and trade shares of the United States Gold and Treasury Investment Trust under NYSE Arca Rule 8.201–E, as proposed to be amended. The proposed rule change was published for comment in the **Federal Register** on July 20, 2020.[3] On August 17, 2020, NYSE Arca filed Amendment No. 1 to the proposed rule change, and on August 18, 2020, NYSE Arca withdrew Amendment No. 1 to the proposed rule change. The Commission has received no comments on the proposed rule change.

Section 19(b)(2) of the Act [4] provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding, or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is September 3, 2020. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[5] designates October 18, 2020 as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–NYSEArca–2020–59).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–19715 Filed 9–4–20; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 89310 (July 14, 2020), 85 FR 43932.

[4] 15 U.S.C. 78s(b)(2).

[5] *Id.*

[6] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89732; File No. SR–FINRA–2020–026]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Temporarily Adopt (1) Supplementary Material .12 (Temporary Extension of the Limited Period for Registered Persons To Function as Principals) Under FINRA Rule 1210 and (2) Supplementary Material .07 (Temporary Extension of the Limited Period for Persons To Function as Operations Professionals) Under FINRA Rule 1220

September 1, 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 28, 2020, Financial Industry Regulatory Authority, Inc. (''FINRA'') 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

FINRA is proposing to adopt: (1) Temporary Supplementary Material .12 (Temporary Extension of the Limited Period for Registered Persons to Function as Principals) under FINRA Rule 1210 (Registration Requirements); and (2) temporary Supplementary Material .07 (Temporary Extension of the Limited Period for Persons to Function as Operations Professionals) under FINRA Rule 1220 (Registration Categories). The proposed rule change would extend the 120-day period that certain individuals can function as a principal or Operations Professional without having successfully passed an appropriate qualification examination through December 31, 2020.[3]

The text of the proposed rule change is available on FINRA's website at *http://www.finra.org,* at the principal office of FINRA and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] If FINRA seeks to provide additional temporary relief from the rule requirements identified in this proposed rule change beyond December 31, 2020, FINRA will submit a separate rule filing to further extend the temporary extension of time.

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 these statements may be examined at the places specified in Item IV below. The self-regulatory organization 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 COVID–19 pandemic is an unpredictable, exogenous event that has resulted in unavoidable disruptions to the securities industry and impacted member firms, regulators, investors and other stakeholders. In response to COVID–19, earlier this year FINRA began providing temporary relief to member firms from FINRA rules and requirements via frequently asked questions (''FAQs'') on its website.[4] Two of these FAQs [5] provide temporary relief to address disruptions to the administration of FINRA qualification examinations caused by the pandemic that have significantly limited the ability of individuals to sit for these examinations due to Prometric test center capacity issues.[6]

FINRA published the first FAQ on March 20, 2020, providing that individuals whom were designated to function as principals under FINRA Rule 1210.04 prior to February 2, 2020, would be given until May 31, 2020, to pass the appropriate principal qualification examination.[7] On May 19, 2020, FINRA extended the relief to pass the appropriate examination until June 30, 2020. Most recently, on June 29, 2020, FINRA again extended the temporary relief providing that individuals who were designated to function as principals under FINRA Rule 1210.04 prior to May 4, 2020, would be given until August 31, 2020, to pass the appropriate principal qualification examination.[8]

FINRA published the second FAQ on May 15, 2020, providing that individuals whom were designated to function as Operations Professionals under FINRA Rule 1220(b)(3)(B) prior to February 2, 2020, would be given until June 30, 2020, to pass the applicable qualification examination.[9] On June 29, 2020, FINRA extended the temporary relief providing that individuals who were designated to function as Operations Professionals under FINRA Rule 1220(b)(3)(B) prior to May 4, 2020, would be given until August 31, 2020, to pass the appropriate qualification examination.[10]

FINRA continues to closely monitor the impact of the COVID–19 pandemic on member firms, investors, and other stakeholders. One of the impacts of COVID–19 continues to be serious interruptions in the administration of FINRA qualification examinations at Prometric test centers and the limited ability of individuals to sit for the examinations.[11] Although Prometric has begun reopening test centers, Prometric's safety practices mean that currently not all test centers are open, some of the open test centers are at limited capacity, and some open test centers are delivering only certain examinations that have been deemed essential by the local government.[12] Furthermore, Prometric has had to close some reopened test centers due to incidents of COVID–19 cases. The initial nationwide closure in March along with the inability to fully reopen all Prometric test centers due to COVID–19 have led to a significant backlog of individuals who are waiting to sit for FINRA examinations.[13]

In addition, firms are continuing to experience operational challenges with much of their personnel working from home due to shelter-in-place orders, restrictions on businesses and social activity imposed in various states, and adherence to other social distancing guidelines consistent with the recommendations of public health officials.[14] As a result, firms continue to face potentially significant disruptions to their normal business operations that may include a limitation of in-person activities and staff absenteeism as a result of the health and welfare concerns stemming from COVID–19. Such potential disruptions may be further exacerbated and may even affect client services if firms cannot continue to keep principal or Operations Professional positions filled as they may have difficulty finding other qualified individuals to transition into these roles or may need to reallocate employee time and resources away from other critical responsibilities at the firm.

These ongoing, extenuating circumstances make it impracticable for member firms to ensure that the individuals whom they have designated to function in a principal or Operations Professional capacity, as set forth in FINRA Rules 1210.04 and 1220(b)(3)(B), are able to successfully sit for and pass an appropriate qualification examination within the 120-calendar day period required under the rules, or to find other qualified staff to fill these positions. The ongoing circumstances also require individuals to be exposed to the health risks associated with taking an in-person examination, because the General Securities Principal and Operations Professional examinations are not available online. Therefore, FINRA is proposing to continue the temporary relief provided through the FAQs by adopting Rules 1210.12 and 1220.07 to extend the 120-day period during which an individual can function as a principal or Operations Professional before having to pass an applicable qualification examination until December 31, 2020.[15] The proposed rule change would apply only to those individuals who were designated to function as a principal or

[4] *See* Frequently Asked Questions Related to Regulatory Relief Due to the Coronavirus Pandemic, available at *https://www.finra.org/rules-guidance/key-topics/covid-19/faq.*

[5] *See https://www.finra.org/rules-guidance/key-topics/covid-19/faq#qe.*

[6] At the outset of the COVID–19 pandemic, all FINRA qualification examinations were administered at test centers operated by Prometric. Based on the health and welfare concerns resulting from COVID–19, in March Prometric closed all of its test centers in the United States and Canada and began to slowly reopen some of them at limited capacity in May. At this time, not all of these Prometric test centers have reopened at full capacity.

[7] FINRA Rule 1210.04 (Requirements for Registered Persons Functioning as Principals for a Limited Period) allows a member firm to designate certain individuals to function in a principal capacity for 120 calendar days before having to pass an appropriate principal qualification examination.

[8] *See supra* note 5.

[9] Pursuant to FINRA Rule 1220(b)(3)(B) (Qualifications), a person registering as an Operations Professional may function in that capacity for 120 days before having to pass an applicable qualification examination.

[10] *See supra* note 5.

[11] Information about the continued impact of COVID–19 on FINRA-administered examinations is available at *https://www.finra.org/rules-guidance/key-topics/covid-19/exams.*

[12] Information from Prometric about its safety practices and the impact of COVID–19 on it operations is available at *https://www.prometric.com/corona-virus-update. See also supra* note 11.

[13] Although an online test delivery service has been launched to help address the backlog, the General Securities Principal Exam (Series 24) and the Operations Professional Exam (Series 99) are not available online. *See supra* note 11.

[14] *See, e.g.,* Centers for Disease Control and Prevention, How to Protect Yourself & Others, *https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html.*

[15] *See supra* note 3.

Operations Professional prior to September 3, 2020. Any individuals designated to function as a principal or Operations Professional on or after September 3, 2020, would need to successfully pass an appropriate qualification examination within 120 days.[16]

FINRA believes that this proposed continued extension of time is tailored to address the needs and constraints on a firm's operations during the COVID–19 pandemic, without significantly compromising critical investor protection. The proposed extension of time will help to minimize the impact of COVID–19 on firms by providing continued flexibility so that firms can ensure that principal and Operations Professional positions remain filled. The potential risks from the proposed extension of the 120-day period are mitigated by the firm's continued requirement to supervise the activities of these designated individuals and ensure compliance with federal securities laws and regulations, as well as FINRA rules.

FINRA has filed the proposed rule change for immediate effectiveness and has requested that the SEC waive the requirement that the proposed rule change not become operative for 30 days after the date of the filing, so FINRA can implement the proposed rule change immediately.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[17] which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest.

The proposed rule change is intended to minimize the impact of COVID–19 on firm operations by further extending the 120-day period certain individuals may function as a principal or Operations Professional without having successfully passed an appropriate qualification examination under FINRA Rules 1210.04 and 1220(b)(3)(B) until December 31, 2020. The proposed rule change does not relieve firms from maintaining, under the circumstances, a reasonably designed system to supervise the activities of their associated persons to achieve compliance with applicable securities laws and regulations, and with applicable FINRA rules that directly serve investor protection. In a time when faced with unique challenges resulting from the COVID–19 pandemic, FINRA believes that the proposed rule change is a sensible accommodation that will continue to afford firms the ability to ensure that critical positions are filled and client services maintained, while continuing to serve and promote the protection of investors and the public interest in this unique environment.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is intended solely to provide temporary relief given the impacts of the COVID–19 pandemic crisis.[18] As a result of the temporary nature of the proposed relief, an abbreviated economic impact assessment is appropriate.

1. Economic Impact Assessment

(a) Regulatory Objective

FINRA is proposing this temporary relief to address the public health risks and corresponding challenges during the COVID–19 pandemic. Social distancing, quarantining and other similar requirements to promote the health and safety of citizens have resulted in serious interruptions in the administration of FINRA qualification examinations at Prometric test centers and the limited ability of individuals to sit for the examinations. In recognition of these extraordinary times, the proposed rule change would temporarily extend the time that individuals can function as a principal or Operations Professional without having successfully passed an appropriate qualification examination.

(b) Economic Baseline

As described above, FINRA Rules 1210.04 and 1220(b)(3)(B) allow firms to designate certain individuals to function in a principal or Operations Professional capacity for 120 calendar days before having to pass an appropriate principal qualification examination. As also described above, FINRA has provided temporary extensions to the 120-day period through FAQs, most recently in June 2020.

Currently, approximately 157,000 individuals are registered as principals and approximately 36,000 are registered as Operations Professionals. Additionally, FINRA estimates that approximately 6,000 individuals pass the General Securities Principal (Series 24) exam each year.[19]

(c) Economic Impact

The proposed rule change is intended solely to provide a temporary mechanism for firms to address the difficulty of ensuring that the individuals whom they have designated to function in a principal or Operations Professional capacity are able to successfully sit for and pass an appropriate qualification examination within the 120-calendar day period required under the rules while the COVID–19 pandemic continues to pose health and safety risks. The proposed rule change is necessary to temporarily rebalance the attendant benefits and costs of the obligations under FINRA Rules 1210 and 1220 in response to the impacts of the COVID–19 pandemic.

(1) Anticipated Benefits

The benefits of the proposed temporary rule change will mainly accrue to those individuals who are operating as principals or Operations Professionals without having yet passed the appropriate qualification examinations, as permitted under FINRA rules, as these individuals will have additional time to pass their qualification examinations. The additional time provided to those individuals to pass the appropriate examinations will likely prevent any disruption to their employment associated with not meeting the examination requirement. Further, neither the principal examination nor the Operations Professional (Series 99) examination are available via remote testing. Therefore, the proposed temporary rule change will also allow those individuals to avoid any health risks (and resulting costs) associated with taking an in-person examination.

Firms employing principals and Operations Professionals who have not yet passed their qualifying examinations will also benefit from continuity in their business operations. If those firms were required to prevent those individuals from functioning as principals or Operations Professionals, this would likely have spillover effects on firm procedures and services. Relatedly, investors at those firms will benefit from the resulting business continuity.

[16] FINRA notes that the proposed rule change would impact members that have elected to be treated as capital acquisition brokers (''CABs''), given that the CAB rule set incorporates the impacted FINRA rules by reference.

[17] 15 U.S.C. 78o–3(b)(6).

[18] *See also Regulatory Notice* 20–08 (March 2020).

[19] Statistic is based on average examination volume from 2017–2019.

(2) Anticipated Costs

As previously stated, the public health risks stemming from the COVID–19 pandemic have increased the costs associated with sitting for in-person qualification examinations. FINRA carefully considered the implications of extending the 120-calendar day period provided in FINRA Rules 1210.04 and 1220(b)(3)(B) and the potential for any downstream effects on retail investors and believes that there are potential negative spillover effects on investors if firms' processes are interrupted, as noted above. Further, FINRA believes that any risk associated with the extension of time is mitigated by the fact that the extension is temporary and by members' ongoing obligations to supervise the activities of associated persons.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [20] and Rule 19b–4(f)(6) [21] thereunder.

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative for 30 days after the date of filing. However, pursuant to Rule 19b–4(f)(6)(iii), the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. FINRA has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. As noted above, FINRA stated that the temporary proposed rule change will help minimize the impact of the COVID–19 outbreak on FINRA member firms' operations by allowing them to keep principal and Operations Professional positions filled and minimizing disruptions to client services and other critical responsibilities. The ongoing extenuating circumstances of the COVID–19 pandemic make it impractical to ensure that individuals designated to act in these capacities are able to take and pass the appropriate qualification examination during the 120-calendar day period required under the rules. Shelter-in-place orders, quarantining, restrictions on business and social activity and adherence to other social distancing guidelines consistent with the recommendation of public officials remain in place in various states.[22] Further, FINRA states that Prometric test centers have experienced serious interruptions in the administration of FINRA qualification examinations, resulting in a backlog of individuals waiting to take these examinations. Following a nationwide closure of all test centers earlier in the year, some test centers have re-opened, but are operating at limited capacity or are only delivering certain examinations that have been deemed essential by the local government.[23] FINRA has launched an online test delivery service to help address this backlog. However, the General Securities Principal (Series 24) and the Operations Professional (Series 99) Examinations are not available online. FINRA states that the temporary proposed rule change will provide needed flexibility to ensure that these positions remain filled and is tailored to address the constraints on member firms' operations during the COVID–19 pandemic without significantly compromising critical investor protection.[24]

The Commission also notes that the proposal provides only temporary relief from the requirement to pass certain qualification examinations in within the 120-day period in the rules. As proposed, this relief would extend the 120-day period that certain individuals can function as principals or Operations Professionals through December 31, 2020. FINRA also noted that if it requires temporary relief from the rule requirements identified in this proposal beyond December 31, 2020, it may submit a separate rule filing to extend the effectiveness of the temporary relief under these rules.[25] For these reasons, the Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.[26]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. 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–FINRA–2020–026 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–FINRA–2020–026. 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

[20] 15 U.S.C. 78s(b)(3)(A).

[21] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. FINRA has satisfied this requirement.

[22] *See supra* note 14.

[23] *See supra* notes 11 and 12. FINRA states that Prometric has also had to close some reopened test centers due to incidents of COVID–19 cases.

[24] FINRA states that member firms remain subject to the continued requirement to supervise the activities of these designated individuals and ensure compliance with federal securities laws and regulations, as well as FINRA rules.

[25] *See supra* note 3.

[26] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule change's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

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, on business days between the hours of 10:00 a.m. and 3:00 p.m., located at 100 F Street NE, Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of FINRA. 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–FINRA–2020–026 and should be submitted on or before September 29, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[27]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–19719 Filed 9–4–20; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89752; File No. SR–CboeBZX–2020–067]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Update Rule 11.26(a), Stating It Will Utilize MEMX Market Data From the CQS/UQDF for Purposes of Order Handling, Routing, Execution, and Related Compliance Processes

September 2, 2020.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on August 19, 2020, Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (the ''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

Cboe BZX Exchange, Inc. (''BZX'' or the ''Exchange'') proposes to update Rule 11.26(a), stating it will utilize MEMX market data from the CQS/UQDF for purposes of order handling, routing, execution, and related compliance processes. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/bzx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to update Rule 11.26(a) regarding the public disclosure of the sources of data that the Exchange utilizes when performing: (i) Order handling; (ii) order routing; (iii) order execution; and (iv) related compliance processes to reflect the operation of the MEMX as a registered national securities exchange.

On May 4, 2020, the Commission approved MEMX's application to register as a national securities exchange.[4] MEMX announced that it plans to launch trading on September 4, 2020.[5] The Exchange, therefore, proposes to update Rule 11.26(a) regarding the public disclosure of the sources of data that the Exchange utilizes when performing: (i) Order handling; (ii) order routing; (iii) order execution; and (iv) related compliance processes to reflect the operation of MEMX as a registered national securities exchange beginning on September 4, 2020. Specifically, the Exchange proposes to amend Rule 11.26(a) to include MEMX by stating it will utilize MEMX market data from the Consolidated Quotation System (''CQS'')/UTP Quotation Data Feed (''UQDF'') for purposes of order handling, routing, execution, and related compliance processes. The Exchange will not have a secondary source for data from MEMX.

The Exchange proposes that this proposed rule change would be operative on the day that MEMX launches operations as an equities exchange, which is currently expected on September 4, 2020.[6]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[7] in general, and furthers the objectives of Section 6(b)(5) of the Act,[8] in particular, in that it is 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 its proposal to update Exchange Rule 11.26(a) to include MEMX will ensure that the Rule correctly identifies and publicly states on a market-by-market basis all of the specific network processor and proprietary data feeds that the Exchange utilizes for the handling, routing, and execution of orders, and for performing the regulatory compliance checks related to each of those functions. The proposed rule changes also remove impediments to and perfects the mechanism of a free and open market and protects investors and the public interest because it provides additional specificity, clarity and transparency.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes its proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the Exchange believes the

[27] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act No. 88806 (May 4, 2020) 85 FR 27451 (May 8, 2020).

[5] *See supra* note 3 [sic].

[6] *Id.*

[7] 15 U.S.C. 78f.

[8] 15 U.S.C. 78f(b)(5).

proposal would enhance competition because including all of the exchanges enhances transparency and enables investors to better assess the quality of the Exchange's execution and routing services.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from Members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [9] and Rule 19b–4(f)(6) thereunder.[10] Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; or (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [11] and Rule 19b–4(f)(6)(iii) thereunder.[12]

A proposed rule change filed under Rule 19b–4(f)(6) [13] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[14] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may take effect immediately upon filing.

The Exchange states that waiver of the operative delay would allow the Exchange to implement the proposed rule change on the day that MEMX launches operations as an equities exchange, which is currently expected on September 4, 2020, thereby providing clarity to market participants with respect to the specific network processor and proprietary data feeds that the Exchange utilizes for the handling, routing, and execution of orders, and for performing the regulatory compliance checks related to each of those functions. For this reason, the Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.[15]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [16] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–CboeBZX–2020–067 on the subject line.

Paper Comments

- Send paper comments in triplicate to: Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CboeBZX–2020–067. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeBZX–2020–067 and should be submitted on or before September 29, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–19849 Filed 9–4–20; 8:45 am]

BILLING CODE 8011–01–P

[9] 15 U.S.C. 78s(b)(3)(A)(iii).

[10] 17 CFR 240.19b–4(f)(6).

[11] 15 U.S.C. 78s(b)(3)(A)(iii).

[12] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has fulfilled this requirement.

[13] 17 CFR 240.19b–4(f)(6).

[14] 17 CFR 240.19b–4(f)(6)(iii).

[15] For purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[16] 15 U.S.C. 78s(b)(2)(B).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89741; File No. SR–NYSEArca–2020–79]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Modify the NYSE Arca Options Fee Schedule

September 2, 2020.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on September 1, 2020, NYSE Arca, Inc. (''NYSE Arca'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to modify the NYSE Arca Options Fee Schedule (''Fee Schedule'') regarding credits for certain Qualified Contingent Cross (''QCC'') transactions. The Exchange proposes to implement the fee change effective September 1, 2020. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to amend the Fee Schedule to adopt new credits for certain QCC transactions, which are designed to encourage an increase in billable manual volume executed on the Exchange, including QCC transactions.[4] The Exchange proposes to implement the rule change on September 1, 2020.

Currently, Floor Brokers earn a credit for executed QCC orders of ($0.07) per contract for the first 300,000 contracts or ($0.10) per contract in excess of 300,000.[5] The Exchange currently limits the maximum Floor Broker credit to $375,000 per month per Floor Broker firm.[6]

The Exchange proposes to amend the Fee Schedule to provide an additional ($0.02) per contract credit on the first 300,000 eligible QCC contracts to Floor Brokers that meet a certain minimum level of average daily volume (''ADV'').[7] Specifically, the Exchange proposes that a Floor Broker would be entitled to the enhanced credit provided the Floor Broker executes the greater of:

- At least 150% of the Floor Broker's First Quarter (''Q1'') 2019 billable contract sides ADV; or
- at least 30,000 billable contract sides ADV.[8]

As proposed, the calculation for billable contract sides ADV applies to manual executions and QCCs, but excludes Customer volume, Professional Customer QCC volume, Firm Facilitation and Broker Dealer facilitating a Customer trades, and any volume calculated to achieve the Firm and Broker Dealer Monthly Fee Cap and the Strategy Execution Fee Cap, regardless of whether either of these caps is achieved.[9] In short, any volume (or contract side) for which a Floor Broker is (potentially) not billed, including because of monthly fee caps, would not count towards achieving the enhanced credit. The proposed enhanced credit would not impact the maximum allowable monthly Floor Broker credit, which would continue to be limited to $375,000 per month per Floor Broker firm.

The Exchange believes that 30,000 contract sides in billable ADV (*i.e.,* 150% of 20,000 contract sides) is a reasonable minimum threshold for a Floor Broker, including one that is new to the Exchange, to achieve given that most Floor Brokers exceeded this volume requirement during several months of 2019, even though it was not required. Similarly, the Exchange believes that the minimum alternative threshold of 150% of a Floor Broker's total billable ADV in contract sides during the Q1 2019 is reasonable for those Floor Brokers that achieve more than 30,000 ADV billable contract sides, given the increased options volume executed by Floor Brokers in 2020—pre-COVID–19, which manual volume levels the Exchange believes will rise again post-COVID–19, as market participants return to their normal capacity and workflow.

The Exchange cannot predict with certainty whether any Floor Brokers would avail themselves of the proposed fee change. However, all Floor Brokers are eligible for this enhanced credit.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[10] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[11] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Proposed Rule Change Is Reasonable

The Exchange operates in a highly competitive market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [12]

There are currently 16 registered options exchanges competing for order flow. Based on publicly-available information, and excluding index-based options, no single exchange has more than 16% of the market share of executed volume of multiply-listed equity and ETF options trades.[13] Therefore, no exchange possesses significant pricing power in the execution of multiply-listed equity & ETF options order flow. More specifically, in June 2020, the Exchange had slightly more than 10% market share of executed volume of multiply-listed equity & ETF options trades.[14]

The Exchange believes that the ever-shifting market share among the

[4] A QCC is defined as an originating order to buy or sell at least 1,000 contracts that is identified as being part of a qualified contingent trade, coupled with a contraside order or orders totaling an equal number of contracts. *See* Rule 6.62–O(bb).

[5] *See* Fee Schedule, Qualified Contingent Cross (''QCC'') Transactions Fees and Credits, *available here, https://www.nyse.com/publicdocs/nyse/markets/arca-options/NYSE_Arca_Options_Fee_Schedule.pdf.*

[6] *See id.,* Endnote 13. The Floor Broker credit is paid only on volume within the applicable tier and is not retroactive to the first contract traded. QCC executions in which a Customer is on both sides of the QCC trade will not be eligible for the Floor Broker credit. *See id.*

[7] *See* proposed Endnote 13 to Fee Schedule.

[8] *See id.*

[9] *See id.*

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(4) and (5).

[12] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (S7–10–04) (''Reg NMS Adopting Release'').

[13] The OCC publishes options and futures volume in a variety of formats, including daily and monthly volume by exchange, available here: *https://www.theocc.com/market-data/volume/default.jsp.*

[14] Based on OCC data, *see id.,* the Exchange's market share in equity-based options was 9.59% for the month of June 2019 and 10.69% for the month of June 2020.

exchanges from month to month demonstrates that market participants can shift order flow, or discontinue or reduce use of certain categories of products, in response to fee changes. Accordingly, competitive forces constrain options exchange transaction fees. Stated otherwise, modifications to exchange transaction fees can have a direct effect on the ability of an exchange to compete for order flow.

To respond to this competitive marketplace, the Exchange has established incentives to assist Floor Brokers in attracting more business to the Exchange—including credits on QCC transactions—as such participants serve an important function in facilitating the execution of orders via open outcry, which promotes price discovery on the public markets.

The Exchange believes that the proposed enhanced credit is reasonable because it is designed to incent Floor Brokers to increase the number and type of manual billable transactions sent to the Exchange, including QCC transactions. To the extent that the proposed change attracts more volume to the Exchange, this increased order flow would continue to make the Exchange a more competitive venue for order execution, which, in turn, promotes just and equitable principles of trade and removes impediments to and perfects the mechanism of a free and open market and a national market system. The Exchange notes that all market participants stand to benefit from any increase in volume by Floor Brokers, which promotes market depth, facilitates tighter spreads and enhances price discovery, and may lead to a corresponding increase in order flow from other market participants. In addition, any increased liquidity on the Exchange would result in enhanced market quality for all participants.

Floor Brokers have the option of attempting to trade sufficient volume to achieve the proposed credit and those Floor Brokers that do not meet the minimum volume thresholds would still be eligible for the current ($0.07) per contract credit on the first 300,000 QCC transactions executed on the Exchange.

Finally, to the extent the proposed change continues to attract greater volume and liquidity, the Exchange believes the proposed change would improve the Exchange's overall competitiveness and strengthen its market quality for all market participants. In the backdrop of the competitive environment in which the Exchange operates, the proposed rule change is a reasonable attempt by the Exchange to increase the depth of its market and improve its market share relative to its competitors. The Exchange's fees are constrained by intermarket competition, as Floor Brokers may direct their order flow to any of the 16 options exchanges, including those with similar QCC credits.[15] Thus, Floor Brokers have a choice of where they direct their order flow—including their QCC transactions. The proposed rule change is designed to incent Floor Brokers to direct liquidity to the Exchange—in particular billable manual volume and QCC orders, thereby promoting market depth, price discovery and improvement and enhancing order execution opportunities for market participants.

The Exchange cannot predict with certainty whether any Floor Brokers would avail themselves of the proposed fee change.

The Proposed Rule Change Is an Equitable Allocation of Credits and Fees

The Exchange believes the proposed rule change is an equitable allocation of its fees and credits. The proposal is based on the amount and type of business transacted on the Exchange and Floor Brokers can opt to attempt to trade sufficient volume to achieve the enhanced credit or not. All Floor Brokers have the ability to qualify for the same enhanced credit under two alternatives offered (*i.e.,* the greater of at least 30,000 contract sides in billable ADV or 150% of the Floor Broker's total billable ADV in contract sides during the Q1 2019).

In addition, the proposed change applies to qualifying Floor Brokers equally and would encourage and support Floor Brokers facilitating the execution of orders via open outcry.

Moreover, the proposed enhanced credit is designed to incent Floor Brokers to encourage OTP Holders to aggregate their executions—particularly billable volumes—at the Exchange as a primary execution venue. To the extent that the proposed changes attract more volume to the Exchange, this increased order flow would continue to make the Exchange a more competitive venue for, among other things, order execution. Thus, the Exchange believes the proposed rule changes would improve market quality for all market participants on the Exchange and, as a consequence, attract more order flow to the Exchange thereby improving market-wide quality and price discovery.

The Proposed Rule Change Is Not Unfairly Discriminatory

The Exchange believes it is not unfairly discriminatory to add an enhanced Floor Broker credit because the proposed modification would be available to all similarly-situated Floor Brokers on an equal and non-discriminatory basis. The proposed enhanced credit is not unfairly discriminatory to non-Floor Brokers because Floor Brokers serve an important function in facilitating the execution of orders via open outcry, which as a price-improvement mechanism, the Exchange wishes to encourage and support.

The proposal is based on the amount and type of business transacted on the Exchange and Floor Brokers are not obligated to try to achieve the enhanced credit, nor are they obligated to execute QCC orders. Rather, the proposal is designed to encourage Floor Brokers to utilize the Exchange as a primary trading venue for manual transactions (if they have not done so previously) or increase volume sent to the Exchange. To the extent that the proposed change attracts more billable manual volume, including QCC orders to the Exchange, this increased order flow would continue to make the Exchange a more competitive venue for order execution. Thus, the Exchange believes the proposed rule change would improve market quality for all market participants on the Exchange and, as a consequence, attract more order flow to the Exchange thereby improving market-wide quality and price discovery. The resulting increased volume and liquidity would provide more trading opportunities and tighter spreads to all market participants and thus would promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act, the Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, as discussed above, the Exchange believes that the proposed changes would encourage the

[15] *See e.g.,* Nasdaq ISE fee schedule, Section 6 A. (QCC and Solicitation Rebate). Nasdaq ISE offers rebates on QCC and Solicitation mechanism transactions from ($0.05) on 100,000 to 199,000 contracts, up to ($0.11) per contract beyond 1,000,000 contracts in a month.

submission of additional liquidity to a public exchange, thereby promoting market depth, price discovery and transparency and enhancing order execution opportunities for all market participants. As a result, the Exchange believes that the proposed change furthers the Commission's goal in adopting Regulation NMS of fostering integrated competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.'' [16]

Intramarket Competition. The proposed enhanced credit is designed attract additional order flow to the Exchange (particularly in Floor Brokers' billable manual volume, including QCC transactions), which would enhance the quality of quoting and may increase the volumes of contracts traded on the Exchange. Greater liquidity benefits all market participants on the Exchange and increased billable manual volume would increase opportunities for execution of other trading interest. The proposed enhanced credit would be available to all similarly-situated Floor Brokers that executed manual trades, and, as such, the proposed change would not impose a disparate burden on competition among market participants on the Exchange. To the extent that there is an additional competitive burden on non-Floor Brokers, the Exchange believes that this is appropriate because Floor Brokers serve an important function in facilitating the execution of orders via open outcry, which as a price-improvement mechanism, the Exchange wishes to encourage and support.

Intermarket Competition. The Exchange operates in a highly competitive market in which market participants can readily favor one of the 16 competing option exchanges if they deem fee levels at a particular venue to be excessive. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and to attract order flow to the Exchange. Based on publicly-available information, and excluding index-based options, no single exchange has more than 16% of the market share of executed volume of multiply-listed equity and ETF options trades.[17] Therefore, currently no exchange possesses significant pricing power in the execution of multiply-listed equity & ETF options order flow. More specifically, in June 2020, the Exchange had slightly more than 10% market share of executed volume of multiply-listed equity & ETF options trades.[18]

The Exchange believes that the proposed rule change reflects this competitive environment because it modifies the Exchange's fees in a manner designed to incent Floor Brokers to direct trading interest (particularly billable manual volume and QCC transactions) to the Exchange, to provide liquidity and to attract order flow. To the extent that this purpose is achieved, all the Exchange's market participants should benefit from the improved market quality and increased opportunities for price improvement.

The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues. In such an environment, the Exchange must continually review, and consider adjusting, its fees and credits to remain competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed rule change reflects this competitive environment. And, in fact, the Exchange believes that the proposed change could promote competition between the Exchange and other execution venues, including those that currently offer similar QCC credits, by encouraging additional orders to be sent to the Exchange for execution.[19]

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) [20] of the Act and subparagraph (f)(2) of Rule 19b–4 [21] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [22] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSEArca–2020–79 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2020–79. 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

[16] *See* Reg NMS Adopting Release, *supra* note 12, at 37499.

[17] The OCC publishes options and futures volume in a variety of formats, including daily and monthly volume by exchange, *available here: https://www.theocc.com/market-data/volume/default.jsp.*

[18] Based on OCC data, *see id.,* the Exchange's market share in equity-based options was 9.51% for the month of June 2019 and 10.65% for the month of June 2020.

[19] *See supra* note 15 (regarding Nasdaq ISE QCC and Solicitation Rebate).

[20] 15 U.S.C. 78s(b)(3)(A).

[21] 17 CFR 240.19b–4(f)(2).

[22] 15 U.S.C. 78s(b)(2)(B).

submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2020–79, and should be submitted on or before September 29, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–19842 Filed 9–4–20; 8:45 am]

BILLING CODE 8011–01–P

[23] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–96, OMB Control No. 3235–0151]

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:

Rule 17Ac3–1(a) and Form TA–W

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information provided for in Rule 17Ac3–1(a) (17 CFR 240.17Ac3–1(a)) and Form TA–W (17 CFR 249b.101), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (''Exchange Act''). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Section 17A(c)(4)(B) of the Exchange Act authorizes transfer agents registered with an appropriate regulatory agency (''ARA'') to withdraw from registration by filing a written notice of withdrawal with the ARA and by agreeing to such terms and conditions as the ARA deems necessary or appropriate in the public interest, for the protection of investors, or in the furtherance of the purposes of Section 17A.

In order to implement Section 17A(c)(4)(B) of the Exchange Act, the Commission promulgated Rule 17Ac3–1(a) and accompanying Form TA–W on September 1, 1977. Rule 17Ac3–1(a) provides that notice of withdrawal from registration as a transfer agent with the Commission shall be filed on Form TA–W. Form TA–W requires the withdrawing transfer agent to provide the Commission with certain information, including: (1) The locations where transfer agent activities are or were performed; (2) the reasons for ceasing the performance of such activities; (3) disclosure of unsatisfied judgments or liens; and (4) information regarding successor transfer agents.

The Commission uses the information disclosed on Form TA–W to determine whether the registered transfer agent applying for withdrawal from registration as a transfer agent should be allowed to deregister and, if so, whether the Commission should attach to the granting of the application any terms or conditions necessary or appropriate in the public interest, for the protection of investors, or in furtherance of the purposes of Section 17A of the Exchange Act. Without Rule 17Ac3–1(a) and Form TA–W, transfer agents registered with the Commission would not have a means to voluntarily deregister when it is necessary or appropriate to do so.

On average, respondents have filed approximately 58 TA–Ws with the Commission annually from 2017 to 2020. A Form TA–W filing occurs only once, when a transfer agent is seeking to deregister. In view of the readily-available information requested by Form TA–W, its short and simple presentation, and the Commission's experience with the filers, we estimate that approximately 30 minutes is required to complete and file Form TA–W. Thus, the total annual time burden to the transfer agent industry is approximately 29 hours (58 filings × 0.5 hours). We estimate that the internal labor cost of compliance per filing is approximately $35.5 (0.5 hours × $71 average hourly rate for clerical staff time). The total internal compliance cost per year is thus approximately $1,030 (29 × $35.5 = $1029.5 rounded up to $1,030).

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549, or send an email to: *PRA_Mailbox@sec.gov.*

Dated: September 1, 2020.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–19721 Filed 9–4–20; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89725; File No. SR–Phlx–2020–41]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing of Proposed Rule Change To List and Trade Options on a Nasdaq–100® Volatility Index

September 1, 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 24, 2020, Nasdaq PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to list and trade options on a Nasdaq–100® Volatility Index (Ticker Symbol: VOLQ), a new index that measures changes in 30-day implied volatility of the Nasdaq–100 Index. Options on the new index, also ticker symbol VOLQ, will be cash-settled and will have European-style exercise provisions.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/phlx/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to introduce a new options index product, the Nasdaq–100 Volatility Index (the ''Volatility Index''). This product would enable retail and institutional investors to manage volatility versus price risk. This index will measure ''at-the-money'' volatility, a precise measure of volatility used by investors. Unlike other indexes, this proposed novel product isolates at-the-money volatility for precise trading and hedging strategies. This product will provide investors information on volatility index returns by allowing them to observe increases and decreases of the Volatility Index.

Specifically, the Exchange proposes to provide for the listing and trading on the Exchange of options on a new index that measures changes in 30-day implied volatility of the Nasdaq–100 Index (commonly known as and referred to by its ticker symbol, NDX). Options on the Volatility Index will be cash-settled and will have European-style exercise provisions. The Volatility Index, calculated using published real-time bid/ask quotes of NDX options, represents 30-day implied volatility and will be disseminated in annualized percentage points. The Exchange proposes to amend Options 4A, Section 12, ''Terms of Option Contracts,'' at subparagraphs (b)(2), (b)(6) and (e) as well as Supplementary Material .01 to Options 4A, Section 12. The Exchange also proposes to amend Options 3. Section 3, ''Minimum Increments'' and Options 4A, Section 6, ''Position Limits.''

The Exchange proposes to list up to six weekly expirations and up to 12 standard (monthly) expirations in Volatility Index options. The six weekly expirations would be for the nearest weekly expirations from the actual listing date, and the weekly expirations would not expire in the same week in which standard (monthly) Volatility Index options expire. Standard (monthly) expirations in the Volatility Index options would not be counted as part of the maximum six weekly expirations permitted for Volatility Index options.[3]

Volatility Index Design and Composition

The calculation of the Volatility Index is based on the methodology developed by NShares LLC, a firm that develops proprietary derivatives-based indexes and options enhanced indexes. The Volatility Index reflects changes in 30-day implied volatility, which measures magnitude of changes of the underlying broad-based securities index, NDX, calculated and maintained by Nasdaq, Inc., which is an affiliate of the Exchange. The Nasdaq–100 Index includes 100 of the largest[4] domestic and international non-financial companies listed on The Nasdaq Stock Market LLC based on market capitalization. The Index reflects companies across major industry groups including computer hardware and software, telecommunications, retail/wholesale trade and biotechnology. It does not contain securities of financial companies including investment companies.

The Volatility Index, which is a broad-based securities index pursuant to Phlx Options 4A, Section 2(a)(13),[5] measures the expectation for market volatility over the next 30 calendar days as expressed by options on NDX. The Volatility Index uses the prices of certain listed options on NDX to obtain the prices of synthetic precisely at-the-money (''ATM'') options. The ultimate Volatility Index component options used directly in the computation include a total of eight NDX options from each of four expirations for a total of thirty-two component options derived from observation of thirty-two NDX option bids and thirty-two NDX options offers (a total of sixty-four input observations). The synthetic ATM option prices are then used to calculate 30-day closed-form implied volatility. The result is a closed-form measure of implied volatility for the Nasdaq–100 Index that focuses on the options practitioners, hedgers, and traders use most, at-the-money options.

The generalized formula for Closed-Form Implied Volatility (CFIV) is:

$$Closed\ Form\ Implied\ Volatility = \frac{\sqrt{2\pi}}{\left(\frac{F}{e^{R*T}} * \sqrt{T}\right)} * Precisely\ ATM\ Option\ Price$$

Where:

F is the forward price for the underlying asset calculated using put/call parity;

R is the annualized risk free rate;

T is time to expiration expressed as a fraction of a year;

Precisely ATM Option Price is the calculated price for an option with a strike price exactly equal to the forward price.

The formula for the Volatility Index is:

$$VOLQ = 100 * CFIV_{30\text{-Day}}$$

Where:

$CFIV_{30\text{-Day}}$ is calculated using the Closed Form Implied Volatility for four weekly expirations as described in the methodology document attached [sic] as Exhibit 3–1.

The underlying asset for the Volatility Index is NDX. The thirty-two NDX component options used directly in the index calculation consist of the first and second in-the-money and the first and second out-of-the-money call and put options in the first-term, second-term, third-term, and fourth-term expirations (as described below). The price of any option is computed as the simple

[3] *See* Options 4A, Section 12, Terms of Option Contracts, proposed new section (b)(viii)(A), which is based upon Cboe Exchange, Inc. (''Cboe'') Rule 4.13(a)(2) as applicable to Volatility Index (''VIX'') options.

[4] As of June 30, 2020, there were 78 components in the bottom 25% of Nasdaq–100 Index weight. From January 1 through June 30, 2020, these components had an Average Daily Dollar Trading Volume of $29.7 billion. The Average Daily Dollar Trading Volume of the least active component was $41.1 million. The aggregate market capitalization of the 78 components was $2.60 trillion.

[5] Options 4A, Section 2(a)(13) define a ''market index'' and ''broad-based index'' to mean an index designed to be representative of a stock market as a whole or of a range of companies in unrelated industries. Like the Cboe Volatility Index (''VIX''), the Nasdaq–100 Volatility Index is an implied volatility index and not a realized volatility index.

average of the best bid and ask prices (accordingly, thirty-two bids and thirty-two asks are observed for a total of sixty-four initial input observations to arrive at thirty-two Volatility Index components). The relevant NDX option prices used in the Volatility Index construction are the NBBO (National Best Bid and Offer).

This proposed broad-based product does not have single or aggregated component concentration risk. The methodology caps each single component as well as the top five weighted components. Specifically, no component security of the Volatility Index comprises more than 12.50% of the index's weighting. Further, the five highest weighted component securities of the Volatility Index in the aggregate do not comprise more than 43.75% of the index's weighting.

The options on NDX used in the Volatility Index calculation are the a.m.- and p.m.-settled options expiring on Friday, unless Friday is an exchange holiday. The a.m.-settled options are those which expire on the third Friday of the month. The p.m.-settled options are those which expire on other Fridays during the month. At the beginning of regular trading hours (9:30 a.m. ET) each Thursday (or the commencement of trading on the next trading day if Thursday is an exchange holiday), the constituent options ''roll'' to new contract maturities. The new first-term options are those expiring on the Friday (or the expiration immediately prior to that Friday, if an exchange holiday), which is 22 days after the nominal Thursday roll date. The new second-term options are those expiring on the Friday (or the expiration immediately prior to that Friday, if an exchange holiday), which is 29 days after the nominal Thursday roll date. The new third-term options are those expiring on the Friday (or the expiration immediately subsequent to the Friday, if an exchange holiday), which is 36 days after the nominal Thursday roll date. The new fourth-term options are those expiring on the Friday (or the expiration immediately subsequent to the Friday, if an exchange holiday), which is 43 days after the nominal Thursday roll date.

The Volatility Index is quoted in annualized percentage points. For example, an Index level of 17.90 represents an annualized implied volatility of 17.90%.

Index Calculation and Maintenance

The level of the Volatility Index will reflect the current 30-day implied volatility of NDX. The Volatility Index will be updated on a real-time basis on each trading day beginning at 9:30 a.m. and ending at 4:15 p.m. (New York time). If the current published value of a component is not available, the last published value will be used in the calculation.

Values of the Volatility Index will be disseminated via the Nasdaq GIDS market data system every 15 seconds during the Exchange's regular trading hours to market information vendors such as Bloomberg and Thomson Reuters. In the event the Volatility Index ceases to be maintained or calculated the Exchange will not list any additional series for trading and will limit all transactions in such options to closing transactions only for the purpose of maintaining a fair and orderly market and protecting investors.

Exercise and Settlement Value

The exercise settlement value calculation used for Volatility Index option settlement would be calculated on the same day as the Volatility Index Options expiration date. The exercise settlement value of a Volatility Index option would be calculated on the specific date (usually a Wednesday) identified in the option symbol for the series. If that Wednesday or the Friday that is 30 days following that Wednesday is an Exchange holiday, the exercise settlement value would be calculated on the business day immediately preceding that Wednesday. The last trading day for a Volatility Index option would be the business day immediately preceding the expiration date of the Volatility Index option. When the last trading day is moved because of an Exchange holiday, the last trading day for an expiring Volatility Index option contract would be the day immediately preceding the last regularly scheduled business day.[6]

Monthly options on the Volatility Index would expire on the Wednesday that is thirty days prior to the third Friday of the calendar month immediately following the expiring month. Trading in expiring options on the Volatility Index would normally cease at 4:15 p.m. (New York time) on the Tuesday preceding an expiration Wednesday.

Final Settlement

The final settlement price (Ticker Symbol: VOLS) would be calculated as described below on Wednesday commencing at 9:32:000 a.m. on the expiration day, and continuing each second for the next 300 seconds (New York time). The exercise settlement amount would be equal to the difference between the final settlement price and the exercise price of the option, multiplied by $100. Exercise would result in the delivery of cash on the business day following expiration.

The Volatility Index's component NDX options are listed on Phlx as well as on the Exchange's affiliates, Nasdaq ISE, LLC (''ISE'') and Nasdaq GEMX, LLC (''GEMX''). The settlement value for the Volatility Index options (ticker symbol ''VOLS'') will be the Closing Volume Weighted Average Price (''Closing VWAP''), to be determined by reference to the prices and sizes of executed transactions or quotes in the thirty-two underlying NDX component options[7] on the Exchange calculated at the opening of trading on the expiration date (usually a Wednesday).

The following process is used to calculate the Closing VWAP of the Volatility Index options.[8] At the end of individual one-second time observations during a 300 second period of time (the ''Closing Settlement Period'')[9] commencing at 9:32:000 on the expiration day (or 2.00.001 minutes after the open of trading in the event trading does not commence at 9:30:00 a.m. ET),[10] and continuing each second for the next 300 seconds, the number of

[6] *See* Options 4A, Section 12, ''Terms of Option Contracts,'' proposed new section (b)(6)(B) and (C), which is based upon Cboe Rule 4.13(a)(5)(A)(2) and (C) as applicable to VIX options.

[7] Dependent upon movement in the Nasdaq–100 Index, all of the Closing Settlement Period index (VOLS) thirty-two underlying NDX component options can change every second making live market final settlement replication unfeasible over 300 seconds. The Exchange notes the Commission approved CBOE's change to the VIX settlement methodology to provide additional protection against manipulation by exact replication whereby CBOE will be solely responsible for determining the strike range of the settlement strip, making it impossible for anyone to attempt to manipulate the VIX settlement process by attempting to artificially affect which SPX series will have zero bids at the opening and thus potentially be included in the settlement strip. *See* Securities Exchange Act Release No. 86879 (September 5, 2019), 84 FR 47984 (September 11, 2019) (SR–CBOE–2019–034).

[8] The Exchange shall be the reporting authority for VOLQ Index. The term ''reporting authority'' in respect of a particular index means the institutions or reporting service designated by the Exchange as the official source for calculating and determining the current value or the closing index value of the index. *See* Phlx Options 4A, Section 2(a)(16).

[9] The Exchange notes the extensive five-minute length of the VOLS Closing Settlement Period is similar to final settlement construction of the EURO STOXX 50 VOLATILITY index (VSTOXX) (average of all valid ticks that index produced during an expanding time window starting at 11:30:00 CET up to the current calculation time and not later than 12:00:00 CET). Both VSTOXX and VOLS inject substantive randomization for which components may change and market participants cannot know index components on a forward-looking basis.

[10] If the Exchange is unable to publish a settlement value by 12:00 p.m. (New York Time) due to a trading halt, the Exchange will determine and publish a value on its website. In the event of a trading halt, the Exchange will commence the calculation of the settlement window beginning 2.00.001 minutes after the re-opening of trading.

contracts traded on Phlx at each price during the observation period is multiplied by that price to yield a Reference Number.[11] All Reference Numbers are then summed, and that sum is then divided by the total number of contracts traded during the observation period [Sum of (contracts traded at a price x price) ÷ total contracts traded)] to calculate a Volume Weighted Average Price for that observation period (a ''One Second VWAP'') for that component option. If no transactions occur on Phlx during any one-second observation period, the NBBO midpoint [12] at the end of the one second observation period will be considered the One Second VWAP for that observation period for purposes of this settlement methodology. Specifically, VOLS would seek the best bid and best offer (which may consist of a quote or an order) from among the listing markets, Phlx, ISE and GEMX markets.[13] Each One Second VWAP for each component option is then used to calculate the Volatility Index, resulting in the calculation of 300 sequential Volatility Index values. Finally, all 300 Volatility Index values will be arithmetically averaged (*i.e.,* the sum of 300 Volatility Index calculations is divided by 300) and the resulting figure is rounded to the nearest .01 to arrive at the settlement value disseminated under the ticker symbol VOLS.[14]

The Exchange notes the Volatility Index final settlement has exceedingly high hurdles for potential manipulation. First, the Volatility Index assesses each second of the entire field of NDX options prices to select certain listed options to obtain the prices of synthetic precisely at-the-money options. Accordingly, since the market is subject to constant change during three hundred individual one-second time periods for which listed options will be included in final settlement, market participants cannot predict which components will be included, which would entail predicting where the Nasdaq–100 Index price level (a function of predicting the price of all one-hundred component stocks) will be at the end of each of the three hundred individual one-second time periods.

Second, in the event the number of contracts traded at each price during the observation period is limited or zero, traders are subject to highly competitive market forces of deep and established market liquidity. Streaming bid/ask quotes on notional total contract value [Number of Contracts on Bid (Offer) times $100 multiplier times the Nasdaq–100 Index price level] during the final settlement observation often exceed one billion dollars, a figure which would require substantive capital to influence quotes. Taken together, during each second of the final settlement observation period on January 16, 2019 and February 13, 2019, the average notional value of each bid of the thirty-two components was $21.1 million; the average notional value of each offer was $13.5 million. The sum of all thirty-two component notional value bid quotes was $675.9 million; the sum of all thirty-two component notional value ask quotes was $432.89 million (a bid/ask notional value of $1.1 billion).

Third, since the Volatility Index assesses each second of all listed NDX options, this is a continuous assessment of competitive price action and voluminous trading activity for all Nasdaq-100 Index stock components. During the final settlement observation period (five-minute period) on January 16, 2019 and February 13, 2019, the average summation of traded volume for all Nasdaq-100 Index component shares was 18.8 million shares. The average total value of all Nasdaq-100 Index shares traded during the final settlement observation period was $1.93 billion. The corresponding market capitalization for all Nasdaq–100 Index components during the final settlement period was $7.8 trillion.

Contract Specifications

The contract specifications for options on the Volatility Index are set forth in Exhibit 3–2. As noted above, the Volatility Index is a market index or a broad-based index, as defined in Phlx Options 4A, Section 2(a)(13). Options on the Volatility Index are European-style and cash-settled. The Exchange's standard trading hours for broad-based index options (9:30 a.m. to 4:15 p.m., New York time) will apply to the Volatility Index options under Phlx Options 4A, Section 12 at Supplementary Material .01, as proposed to be amended. The Exchange proposes to apply margin requirements for the purchase and sale of options on the Volatility Index that are identical to those applied for its other broad-based index options.

The trading of options on the Volatility Index will be subject to the trading halt procedures applicable to other index options traded on the Exchange.[15] Options on the Index will be quoted and traded in U.S. dollars.[16] Accordingly, all Exchange and The Options Clearing Corporation members will be able to accommodate trading, clearance and settlement of the Volatility Index without alteration. All options on the index would have a minimum increment for options trading below 3.00 of 0.05 ($5.00) and for all other series, 0.10 ($10.00).

The Exchange proposes to set the minimum strike price interval for options on the Volatility Index at $0.50 or greater where the strike price is less than $75, $1 or greater where the strike price is $200 or less and $5 or greater where the strike price is more than $200.[17] The Exchange believes that these strike price intervals will provide investors with greater flexibility by allowing them to establish positions that are better tailored to meet their investment objectives.

The Exchange proposes that there shall be no position or exercise limits for options on the Volatility Index. As noted above, the Volatility Index will settle using published volume and/or quotes from NDX options. Given that there are currently no position limits for NDX options,[18] the Exchange believes it is appropriate for there to be no position or exercise limits [19] for options on the Volatility Index. The underlying Nasdaq–100 Index includes 100 of the largest domestic and international non-financial securities listed on The Nasdaq Stock Market LLC based on market capitalization. The Index reflects companies across major industry groups including computer hardware and software, telecommunications, retail/wholesale trade and biotechnology. It

[11] The Volatility Index final settlement treats options inclusion prices largely similar to the EURO STOXX 50 VOLATILITY (VSTOXX) index whereby the options inclusion price is defined as first priority, the most recent trade price and then second, the midpoint bid/ask price.

[12] The Volatility Index's component NDX options are listed on Phlx as well as on the Exchange's affiliates, ISE, GEMX. NDX average bid/ask spreads for all component options at each second for each of four expiration dates (11/21/2018, 12/19/2018, 1/16/2019, and 2/13/2019) commencing at 9:30:15 a.m. is 5.52%. Commencing at 9:32.010 a.m. the NDX average bid/ask spreads for all component options at each second for each of four expiration dates is 3.72%, demonstrating quote stability at 2 minutes after the opening.

[13] By considering the NBBO of all three markets, the Exchange believes the risk of manipulation is tempered by the consideration of a larger number of quotes from multiple Market Makers.

[14] *See* Options 4A, Section 12, ''Terms of Option Contracts,'' proposed new section (b)(6)(D)(II).

[15] Phlx Options 4A, Section 18(c), ''Trading Rotations, Halts or Reopenings.''

[16] Phlx Options 4A, Section 12(a)(1) titled ''Meaning of Premium Bids and Offers,'' provides that bids and offers shall be expressed in terms of dollars and decimal equivalents of dollars per unit of the index (*e.g.,* a bid of 85.50 would represent a bid of $85.50 per unit).

[17] Phlx Options 4A, Section 12 ''Terms of Option Contracts,'' proposed new section (b)(6)(E).

[18] *See* Phlx Options 4A, Section 6, ''Position Limits,'' section (a)(ii).

[19] Phlx Options 4A, Section 10, ''Exercise Limits,'' provides ''In determining compliance with Options 9, Section 15, exercise limits for index option contracts shall be equivalent to the position limits described in Options 4A, Section 6.''

does not contain securities of financial companies including investment companies. As of June 30, 2020, the Nasdaq–100 Index contained 74.7 billion component shares representing $11.42 trillion market value. By extension, the Exchange believes that the same reasoning applies to options on the Volatility Index since the value of options on the Volatility Index is derived from the volatility of NDX as implied by its options. The Exchange notes that options on the Miami International Securities Exchange LLC (''MIAX'') SPIKES Index, and options on the Cboe Volatility (''VIX'') Index are also not subject to any position or exercise limits.[20] SPX, which underlies the Cboe Volatility Index, is one of the most actively trading index option and is, therefore, subject to no position limits. Accordingly, NDX, which underlies the VOLQ Index, is also one of the most actively trading index option and is, therefore, subject to no position limits.

The trading of options on the Volatility Index would be subject to the same rules that presently govern the trading of Exchange index options, including sales practice rules, margin requirements, and trading rules. In addition, long term option series having up to sixty months to expiration could be traded.[21] The trading of long term options on the Volatility Index would also be subject to the same rules that govern the trading of all the Exchange's index options, including sales practice rules, margin requirements, and trading rules.

Options 10, Section 6, ''Opening of Accounts,'' is designed to protect public customer trading and shall apply to trading in options on the Volatility Index. Specifically, Options 10, Section 6(a) prohibits members and member organizations from accepting a customer order to purchase or write an option, including options on the Volatility Index, unless such customer's account has been approved in writing by an Options Principal. Additionally, Phlx Options 10, Section 8, ''Suitability,'' is designed to ensure that options, including options on the Volatility Index, are only sold to customers capable of evaluating and bearing the risks associated with trading in this instrument. Further, Phlx Options 10, Section 9, ''Discretionary Accounts,'' permits members and member organizations to exercise discretionary power with respect to trading options, including options on the Volatility Index, in a customer's account only if the customer has given prior written authorization and the account has been accepted in writing by a Registered Options Principal. Phlx Options 10, Section 9 also requires a record to be made of every option transaction for an account in respect to which a member or member organization or a partner, officer or employee of a member organization is vested with any discretionary authority, such record to include the name of the customer, the designation, number of contracts and premium of the option contracts, the date and time when such transaction took place and clearly reflecting the fact that discretionary authority was exercised. Finally, Phlx Options 10, Section 7, ''Supervision of Accounts,'' Phlx Options 10, Section 10,''Confirmations to Customers,'' and Phlx Options 10, Section 13, ''Delivery of Options Disclosure Documents,'' will also apply to trading in options on the Volatility Index.

Surveillance and Capacity

The Exchange has an adequate surveillance program in place for options traded on the Volatility Index and intends to apply those same program procedures that it applies to the Exchange's other options products. Further, the Phlx Market Surveillance Department conducts routine surveillance in approximately 30 discrete areas. Index products and their respective symbols are integrated into the Exchange's existing surveillance system architecture and are thus subject to the relevant surveillance processes. This is true for both surveillance system processing and manual processes that support the Phlx's surveillance program. Additionally, the Exchange is also a member of the Intermarket Surveillance Group (''ISG'') under the Intermarket Surveillance Group Agreement, dated June 20, 1994. ISG members work together to coordinate surveillance and investigative information sharing in the stock and options markets.

The consistent liquidity of NDX options as well as the underlying NDX component securities ensures a multitude of market participants at any given time.[22] Indeed, at least twelve Market Makers actively traded NDX options on Phlx during December 2018 on any given day, and there are now three options exchanges that list NDX options. The Exchange reiterates that it is unlikely that the Volatility Index settlement value could be manipulated. In particular, because the 32 component Volatility Index option inputs [23] are reviewed each second as the market changes to determine the ATM strikes (meaning that Volatility Index components could change 300 times during the settlement period), market participants could manipulate the settlement value only if they could replicate such value by guessing exact market moves over an extended period of 300 million microseconds. Because the likelihood of replication is extremely low, the Exchange believes that it is unlikely the settlement value could be manipulated.

Nonetheless, the Exchange, in its normal course of surveillance, will monitor for any potential manipulation of the Volatility Index settlement value according to the Exchange's current procedures. Additionally, the Exchange would monitor the integrity of the Volatility Index by analyzing trades, quotations, and orders that affect any of the 300 calculated reference prices for any of the 32 NDX option series used for the final settlement calculation for potential manipulation on the Exchange.

In the context of surveillance, the Exchange will monitor all NDX NBBO quotes and trades (including but not limited to NDX quotes and trades on the Exchange) during the opening (from 09:32:01 a.m. to 09:37:00 a.m.) for each of the 32 at-the-money series utilized in the final settlement calculation for possible manipulation. It would also surveil for open interest manipulation by monitoring NDX positions prior to settlement to identify the economic interest (long and short), account type

[20] *See* ISE Options 4A, Section 12, Cboe Rule 4.13 and MIAX Rule 1804. Additionally, the Exchange notes there are currently a number of other actively-traded broad-based index options, *i.e.,* DJX and SPX, that are not subject to any position or exercise limits.

[21] Phlx Options 4A, Section 12(b)(2), as proposed to be amended. Phlx Rule Options 4A, Section 12(b)(2) currently applies only to stock index options and would be amended to permit listing of long term Volatility Index options. The Commission has previously approved long term options on the Nations VolDex Index. *See* Securities Exchange Act Release No. 71365, 79 FR 4512 (January 28, 2014) (approving SR–ISE–2013–42).

[22] NDX options one year (July 2019–June 2020) average daily volume was 11,678 contracts per day. For a comparative measure of liquidity, the Russell 2000 (RUT) index options one year (July 2019–June 2020) average daily volume surpassed NDX (36,998 contracts versus 11,678 contracts). However, NDX options average daily portfolio notional value is greater than Russell 2000 (RUT) options average daily portfolio notional value ($10.09 billion versus $4.94 billion). The NDX options average daily portfolio notional value is the product of the average daily volume times the one year (July 2019–June 2020) median index price times the one-hundred dollar options index multiplier divided by 253 trading days.

[23] The Exchange notes that due to the number of proposed components, the mathematical formula would prevent the Volatility Index from exceeding 12.5% in any single component and 43.5% for the top 5 components.

(customer, firm or market maker) and clearing members to evaluate customer, and firm interest in the Volatility Index options. Additionally, the Exchange will evaluate all trades in the NDX option series on the Phlx, ISE and GEMX options exchanges from one second after the Closing Settlement Period through end of the trading day for possible wash trading or related artificial activity. Finally, the Exchange will monitor for manipulation by comparing quotes for settlement against quotes for non-settlement in the 32 NDX option series used for settlement between the opening, and a period of time thereafter, with a focus on identifying deviations of the midpoint, the bid-ask spread and other market elements compared to the Nasdaq–100 Index value.

The Exchange believes that its surveillance procedures currently in place, coupled with the additional measures proposed above, will allow it to adequately surveil for any potential manipulation in the trading of Volatility Index options.

The Exchange represents that it has the necessary system capacity to support additional quotations and messages that will result from the listing and trading of options on the Volatility Index.

Implementation

The Exchange proposes to issue an Options Trader Alert announcing the day it will launch options on Nasdaq–100 Volatility Index. The Exchange will launch these options by Q3 2021. The Exchange will issue an Options Trader Alert to announce the launch date.

The Exchange also proposes minor technical amendments within Options 4A, Sections 6 and 12 to update the name of the Nasdaq–100 Index.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[24] in general, and furthers the objectives of Section 6(b)(5) of the Act,[25] in particular, in that it will permit options trading in the Volatility Index pursuant to rules designed to prevent fraudulent and manipulative acts and practices and promote just and equitable principles of trade. In particular, the Exchange believes the proposed rule change will further the Exchange's goal of introducing new and innovative products to the marketplace. The Exchange believes that listing options on the Volatility Index will provide an opportunity for investors to hedge, or speculate on, the market risk associated with changes in 30-day implied volatility.

Volatility-focused products have become more prominent over the past few years, and in a number of different formats and types, including ETFs, exchange-traded notes, exchange-traded options, and exchange-traded futures. Such products offer investors the opportunity to manage their volatility risks associated with an underlying asset class. Currently, most of the products focus on underlying equity indexes or equity-based portfolios. The Exchange proposes to introduce a cash-settled options contract on a new volatility index, which focuses on equity exposure using options on the NDX, which are actively traded equity option products. The Exchange believes that because the Volatility Index is derived from published NDX options prices, and given the immense liquidity found in the individual security components of NDX as well as the aggregate index market value of $7.24 trillion, the concern that the Volatility Index will be subject to market manipulation is greatly reduced. Therefore, the Exchange believes that the proposed rule change to list options on the Volatility Index is appropriate.

The Exchange further notes that Phlx rules that apply to the trading of other index options currently traded on the Exchange would also apply to the trading of options on the Volatility Index. The Exchange proposes to utilize nickel and dime increments for trading the Volatility Index options. The Exchange believes that these trading increments will enable traders to make the most effective use of the product for trading and hedging purposes. Additionally, the trading of options on the Volatility Index would be subject to, among others, Exchange rules governing margin requirements and trading halt procedures. Finally, the Exchange represents that it has an adequate surveillance program in place to detect manipulative trading in options on the Volatility Index. The Exchange also represents that it has the necessary systems capacity to support the new options series. And as stated in the filing, the Exchange has rules in place designed to protect public customer trading.

Phlx's proposal to initiate the Closing Settlement Period at 2 minutes after the underlying market opens is intended to permit the price of the underlying NDX component security to settle down and not flicker back and forth among prices after its opening. It is common for options to fluctuate in price immediately upon opening; such volatility reflects a natural uncertainty about the ultimate opening price of all Nasdaq–100 Index component stocks while the buy and sell interest is matched. The Exchange notes that this delay ensures more stability in the marketplace prior to initiating the settlement. The Exchange's decision to initiate the Closing Settlement Period at 2 minutes after the underlying market opens ensures that it has the ability for Market Makers to gain information and certainty after the underlying market has opened before submitting quotes. This 2 minute delay before the Closing Settlement Period commences permits Market Makers to submit informed quotes which the Exchange believes would be tighter given the added certainty. Market Makers provide necessary liquidity to the marketplace.

B. Self-Regulatory Organization's Statement on Burden on Competition

This proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange notes that the proposed rule change will facilitate the listing and trading of an index option product with a novel structure that will enhance competition among market participants, to the benefit of investors and the marketplace.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove 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:

[24] 15 U.S.C. 78f(b).

[25] 15 U.S.C. 78f(b)(5).

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–Phlx–2020–41 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–Phlx–2020–41. 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–Phlx–2020–41, and should be submitted on or before September 29, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[26]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–19716 Filed 9–4–20; 8:45 am]

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[26] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89754; File No. SR–NYSE–2020–71]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Its Price List

September 2, 2020.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act''),[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on August 20, 2020, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Price List to (1) revise the Step Up Tier 1 Adding Credit; (2) revise the Step Up Tier 4 Adding Credit; (3) revise a requirement for the Incremental Rebate Per Share for Designated Market Makers (''DMM'') in most active securities; (4) adopt a new National Best Bid and Offer (''NBBO'') Setter pricing tier for DMMs; (5) adopt a new NBBO Setter pricing tier for Supplemental Liquidity Providers (''SLP''); and (6) extend through August 2020 the waiver of equipment and related service charges and trading license fees for NYSE Trading Floor-based member organizations implemented for April, May, June and July 2020, make Floor broker member organizations that had no March 2020 volumes eligible for both waivers, and provide a one-time credit of the equipment and related service charges and trading license fees for member organizations that became member organizations after April 1, 2020. The Exchange proposes to implement the fee changes effective August 20, 2020.[4] 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] The Exchange originally filed to amend the Price List on August 3, 2020 (SR–NYSE–2020–65). SR–NYSE–2020–65 was subsequently withdrawn and replaced by SR–NYSE–2020–70. SR–NYSE–2020–70 was subsequently withdrawn and replaced by this filing.

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 its Price List to:

- Revise the Step Up Tier 1 Adding Credit;
- revise the Step Up Tier 4 Adding Credit;
- revise a requirement for the Incremental Rebate Per Share for DMMs in most active securities;
- adopt a new NBBO Setter pricing tier for DMMs;
- adopt a new NBBO Setter pricing tier for SLPs; and
- extend through August 2020 the waiver of equipment and related service charges and trading license fees for NYSE Trading Floor-based member organizations implemented for April, May, June and July 2020, make Floor broker member organizations that had no March 2020 volumes eligible for both waivers, and provide a one-time credit of the equipment and related service charges and trading license fees for member organizations that became member organizations after April 1, 2020.

The proposed changes respond to the current competitive environment where order flow providers have a choice of where to direct liquidity-providing orders by offering further incentives for member organizations to send additional displayed liquidity to the Exchange, especially aggressively priced orders that improve the market by setting the NBBO on the Exchange. The proposed changes also respond to the current volatile market environment that has resulted in unprecedented average daily volumes and the temporary closure of the Trading Floor,

which are both related to the ongoing spread of the novel coronavirus (''COVID–19'').

The Exchange proposes to implement the fee changes effective August 20, 2020.[5]

Current Market and Competitive Environment

The Exchange operates in a highly competitive market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [6]

As the Commission itself recognized, the market for trading services in NMS stocks has become ''more fragmented and competitive.'' [7] Indeed, equity trading is currently dispersed across 13 exchanges,[8] 31 alternative trading systems,[9] and numerous broker-dealer internalizers and wholesalers, all competing for order flow. Based on publicly-available information, no single exchange has more than 20% market share (whether including or excluding auction volume).[10] Therefore, no exchange possesses significant pricing power in the execution of equity order flow. More specifically, the Exchange's market share of trading in Tape A, B and C securities combined is less than 10%.

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can move order flow, or discontinue or reduce use of certain categories of products, in response to fee changes. With respect to non-marketable order flow that would provide displayed liquidity on an Exchange, member organizations can choose from any one of the 13 currently operating registered exchanges to route such order flow. Accordingly, competitive forces constrain exchange transaction fees that relate to orders that would provide liquidity on an exchange.

In response to the competitive environment described above, the Exchange has established incentives for its member organizations who submit orders that provide liquidity on the Exchange. The proposed fee change is designed to attract additional order flow to the Exchange by offering new pricing tiers and lowering a step up requirement in order to incentivize member organizations to submit additional liquidity to, and quote aggressively in support of the price discovery process on, the Exchange.

Moreover, beginning on March 16, 2020, in order to slow the spread of COVID–19 through social distancing measures, significant limitations were placed on large gatherings throughout the country. As a result, on March 18, 2020, the Exchange determined that beginning March 23, 2020, the physical Trading Floor facilities located at 11 Wall Street in New York City would close and that the Exchange would move, on a temporary basis, to fully electronic trading.[11] On May 14, 2020, the Exchange announced that on May 26, 2020 trading operations on the Trading Floor would resume on a limited basis to a subset of Floor brokers, subject to safety measures designed to prevent the spread of COVID–19.[12] On June 15, 2020, the Exchange announced that on June 17, 2020, the Trading Floor would reintroduce a subset of DMMs, also subject to safety measures designed to prevent the spread of COVID–19.[13]

The proposed rule change responds to these unprecedented events by extending the waiver of equipment and related service charges and trading license fees for NYSE Trading Floor-based member organizations for August 2020 and providing relief for member organizations that became member organizations after the partial closure of the Trading Floor.

Proposed Rule Change

Step Up Tier 1 Adding Credit

Currently, the Step Up Tier 1 Adding Credit offers a higher credit to member organizations that qualify for the tier and an additional credit for member organizations providing displayed liquidity in Tapes B and C securities. Specifically, under the current tier, a member organization that sends orders, except MPL and Non-Displayed Limit Orders, that add liquidity in Tape A securities would receive a credit of $0.0019 if:

- The member organization has Adding ADV, excluding any liquidity added by a DMM, that is at least 0.45% of NYSE CADV,[14] and
- the member organization has Adding ADV, excluding any liquidity added by a DMM, that is at least 0.20% of NYSE CADV for the billing month over the member organization's March 2019 Adding ADV as a percentage of NYSE CADV in March 2019.

In addition, a member organization that meets these requirements, and thus qualifies for the $0.0019 credit in Tape A securities, would be eligible to receive an additional $0.00005 per share if trades in Tapes B and C securities against the member organization's orders that add liquidity, excluding orders as a SLP, equal to at least 0.20% of Tape B and Tape C CADV combined.

The Exchange proposes to retain the current credit and offer an additional tiered credit based on a member organization's Adding ADV percentage of NYSE CADV. Specifically, the Exchange proposes that a $0.0020 credit would be available to member organizations that have Adding ADV, excluding any liquidity added by a DMM, that is at least 0.65% of NYSE CADV and at least 0.60% of NYSE CADV over that Member Organization's March 2019 adding liquidity taken as a percentage of NYSE CADV.

The requirement that a member organization has Adding ADV, excluding any liquidity added by a DMM, that is at least 0.20% of NYSE CADV for the billing month over the member organization's March 2019 Adding ADV as a percentage of NYSE CADV in March 2019 would remain unchanged.

For example, assume Member Organization B, excluding any liquidity added by a DMM, has an Adding ADV in March 2019 of 0.15% of NYSE CADV.

[5] The Exchange originally filed to amend the Price List on August 3, 2020 (SR–NYSE–2020–65). SR–NYSE–2020–65 was subsequently withdrawn and replaced by SR–NYSE–2020–70. SR–NYSE–2020–70 was subsequently withdrawn and replaced by this filing.

[6] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37495, 37499 (June 29, 2005) (S7–10–04) (Final Rule) (''Regulation NMS'').

[7] *See* Securities Exchange Act Release No. 51808, 84 FR 5202, 5253 (February 20, 2019) (File No. S7–05–18) (Transaction Fee Pilot for NMS Stocks Final Rule) (''Transaction Fee Pilot'').

[8] *See* Cboe Global Markets, U.S. Equities Market Volume Summary, available at *http://markets.cboe.com/us/equities/market_share/. See* generally *https://www.sec.gov/fast-answers/divisionsmarketregmrexchangesshtml.html.*

[9] *See* FINRA ATS Transparency Data, available at *https://otctransparency.finra.org/otctransparency/AtsIssueData.* A list of alternative trading systems registered with the Commission is available at *https://www.sec.gov/foia/docs/atslist.htm.*

[10] *See* Cboe Global Markets U.S. Equities Market Volume Summary, available at *http://markets.cboe.com/us/equities/market_share/.*

[11] *See* Press Release, dated March 18, 2020, available here: *https://ir.theice.com/press/press-releases/allcategories/2020/03-18-2020-204202110.*

[12] *See* Trader Update, dated May 14, 2020, available here: *https://www.nyse.com/traderupdate/history#110000251588.*

[13] *See* Trader Update, dated June 15, 2020, available here: *https://www.nyse.com/trader-update/history#110000272018.*

[14] The terms ''ADV'' and ''CADV'' are defined in footnote * of the Price List.

In the applicable billing month, Member Organization B has an Adding ADV of 0.85% of NYSE CADV. Member Organization B would qualify for the Step Up Tier 1's higher Adding Credit of $0.0020 per share in the billing month because it both (1) meets the Adding ADV requirement of 0.65% of NYSE CADV with 0.85%, and (2) meets the Adding ADV increase over that firm's March 2019 Adding ADV by at least 0.60% (Adding ADV of 0.85% of NYSE CADV in the billing month minus the Adding ADV of 0.15% of NYSE CADV in the baseline month for a step up of 0.70% Adding ADV of NYSE CADV).

The purpose of this proposed change is to continue to incentivize member organizations to increase the liquidity-providing orders in Tape A securities they send to the Exchange, which would support the quality of price discovery on the Exchange and provide additional price improvement opportunities for incoming orders. The Exchange believes that by correlating the amount of the credit to the level of orders sent by a member organization that add liquidity, the Exchange's fee structure would incentivize member organizations to submit more orders that add liquidity to the Exchange, thereby increasing the potential for price improvement to incoming marketable orders submitted to the Exchange. The Exchange proposes higher credits to provide an incentive for member organizations to send more orders because they would then qualify for the credit.

As noted above, the Exchange operates in a competitive environment, particularly as it relates to attracting non-marketable orders, which add liquidity to the Exchange. Currently, two (2) member organizations qualify for the Step Up Tier 1 Adding Credit. The Exchange does not know how much order flow member organizations choose to route to other exchanges or to off-exchange venues. There are currently approximately five (5) firms that could qualify for the proposed higher Step Up Tier 1 Adding Credits based on their current trading profile on the Exchange if they so choose. However, without having a view of member organization's activity on other exchanges and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would result in any member organization directing orders to the Exchange in order to qualify for the new tier credits.

Step Up Tier 4 Adding Credit

The Exchange currently provides an incremental $0.0006 credit in Tapes A, B and C securities for all orders from a qualifying member organization market participant identifier (''MPID'') or mnemonic that sets the NBBO [15] or a new BBO [16] if the MPID or mnemonic:

- Has adding average daily volume (''ADV'') in Tapes A, B and C Securities as a percentage of Tapes A, B and C CADV, excluding any liquidity added by a DMM, that is at least 50% more than the MPID's or mnemonic's Adding ADV in Tapes A, B and C securities in June 2020 as a percentage of Tapes A, B and C CADV, and
- is affiliated with an SLP that has an Adding ADV in Tape A securities at least 0.10% of NYSE CADV, and
- has Adding ADV in Tape A securities as a percentage of NYSE CADV, excluding any liquidity added by a DMM, that is at least 0.20%.

The credits are in addition to the MPID's or mnemonic's current credit for adding liquidity and also do not count toward the combined limit on SLP credits of $0.0032 per share provided for in the Incremental Credit per Share for affiliated SLPs whereby SLPs can qualify for incremental credits of $0.0001, $0.0002 or $0.0003.

The Exchange proposes that member organizations meeting the above current Step Up Tier 4 Adding Credit requirements and that also have

- an Adding ADV that is at least 0.45% of Tapes A, B and C CADV, and
- Adding ADV setting the NBBO that is at least 0.18% of Tapes A, B and C CADV (''US CADV'')

would qualify for the following credits instead of the existing credit combined with the incremental $0.0006 credit:

- $0.0036 for adding orders that set the NBBO; or
- $0.0031 for all other displayed adding orders in Tape A, B and C Securities.

For example, assume Member Organization A has two MPIDs, MPID1 and MPID2, and that MPID1 is a SLP with at least 0.10% SLP Adding ADV of NYSE CADV in the billing month. Further assume that MPID2 has an Adding ADV in Tape A, B and C Securities of 0.10% of US CADV in June 2020.

If in the billing month MPID2 has an Adding ADV in Tape A, B and C Securities of 0.50% of US CADV, of which 0.20% of US CADV is in Adding ADV that sets the NBBO, and MPID2 also has Adding ADV in Tape A Securities of 0.25% of NYSE CADV, then Member Organization A's MPID2 would qualify for the current higher incremental credit of $0.0006 per share for setting the NBBO and NYSE BBO in the billing month because MPID2:

- Is affiliated with MPID1 that has an SLP Adding ADV of at least 0.10%;
- has an Adding ADV of 0.50% of US CADV, which is at least 50% higher than June's Adding ADV of 0.10% of US CADV; and
- also meets the Adding ADV in Tape A securities as a percentage of NYSE CADV of least 0.20% with an Adding ADV of 0.25% of NYSE ADV in the billing month.

However, since MPID2 has an Adding ADV of 0.50% of US CADV with 0.20% of US CADV of Adding ADV that sets the NBBO, MPID2 would instead qualify for the proposed credits of $0.0036 for adding orders that set the NBBO, and $0.0031 for all other displayed adding orders, both in Tape A, B and C Securities. MPID1 would also receive the new credits as it is affiliated with MPID2, unless it's current SLP credits combined with the SLP Step Up credits are higher.

The purpose of this proposed change is to continue incentivizing member organizations to increase aggressively priced liquidity-providing orders that improve the market by setting the NBBO or a new BBO on the Exchange and encourage higher levels of liquidity, which would support the quality of price discovery on the Exchange and is consistent with the overall goals of enhancing market quality.

As noted above, the Exchange operates in a competitive environment, particularly as it relates to attracting non-marketable orders that adds liquidity to the Exchange. Currently, one (1) member organizations qualifies for the Step Up Tier 4 Adding Credit. The Exchange does not know how much order flow member organizations choose to route to other exchanges or to off-exchange venues but there are currently approximately three (3) firms that could qualify for the proposed alternative credits based on their current trading profile on the Exchange if they so choose. However, without having a view of member organization's activity on other exchanges and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would result in any member organization directing orders to the Exchange in order to qualify for the new credits.

NYSE CADV Requirement for DMM Incremental Rebate

Currently, the Exchange offers an additional per share credit to DMMs in each eligible assigned More Active Security with a stock price of at least $1.00 on current rebates of $0.0034 or

[15] *See* Rule 1.1(q) (defining ''NBBO'' to mean the national best bid or offer).

[16] *See* Rule 1.1(c) (defining ''BBO'' to mean the best bid or offer on the Exchange).

less, *i.e.,* adding credits of $0.0015, $0.0027, $0.0031, and $0.0034 per share. Specifically, DMMs are eligible for an incremental rebate $0.0002 per share in each eligible assigned More Active Security with a stock price of at least $1.00 where NYSE CADV is equal to or greater than 4.5 billion shares, when adding liquidity with orders, other than MPL Orders, in such securities and the DMM either:

(1) Has providing liquidity in all assigned securities as a percentage of NYSE CADV that is an increase of 0.30% more than the DMM's April 2020 providing liquidity in all assigned securities as a percentage of NYSE CADV, or

(2) has providing liquidity in all assigned securities as a percentage of NYSE CADV that is an increase of at least 40% more than the DMM's April 2020 providing liquidity in all assigned securities as a percentage of NYSE CADV for DMMs with 750 or fewer assigned securities in the previous month.

The Exchange proposes that the incremental credit would be available in months where NYSE CADV is equal to or greater than 4.0 billion shares. The purpose of this proposed change is to continue to incentivize DMM to increase their added liquidity on the Exchange during periods of high market volumes, thereby improving quoting and increase adding liquidity across securities where there may be more liquidity providers. The Exchange notes that the lower NYSE CADV requirement is still higher than the average NYSE CADV in 2019 (3.56 billion shares) and 2018 (3.64 billion shares). The Exchange therefore believes that the proposed NYSE CADV level will continue to increase DMM liquidity during periods of higher market volumes.

DMM NBBO Setter Tier

The Exchange proposes to adopt a new pricing tier—the DMM NBBO Setter Tier—for securities with a per share price of $1.00 or above.[17]

The Exchange proposes an incremental rebate per share for orders, other than MPL Orders, in DMM assigned securities that provide displayed liquidity in Tape A, B and C Securities, as follows:

1. A DMM with providing liquidity in all assigned securities as a percentage of NYSE CADV of the DMM's assigned securities of

- at least 0.65% and less than 0.90%, and
- at least 0.12% of a DMM's Adding ADV setting the NBBO or BBO combined would receive an incremental DMM BBO Setter Credit in Tape A, B and C Securities of $0.00005 per share for adding orders that set the BBO.

2. A DMM with providing liquidity in all assigned securities as a percentage of NYSE CADV of the DMM's assigned securities of

- at least 0.90% and less than 1.25%, and
- at least 0.225% of a DMM's Adding ADV setting the NBBO or BBO combined would receive an incremental DMM NBBO Setter Credit in Tape A, B and C Securities of
- $0.0002 per share for adding orders that set the NBBO; or
- $0.000075 per share for adding orders that set the BBO; or
- $0.00005 per share for all other adding orders, other than MPL Orders.

3. Finally, a DMM with providing liquidity in all assigned securities as a percentage of NYSE CADV of the DMM's assigned securities of

- at least 1.25%, and
- at least 0.375% Adding ADV setting the NBBO or BBO combined would receive an incremental DMM NBBO Setter Credit in Tape A, B and C Securities of
- $0.0003 per share for adding orders that set the NBBO; or
- $0.0001 per share for adding orders that set the BBO; or
- $0.0001 per share for all other adding orders, other than MPL Orders.

For example, assume DMM A has an Adding ADV of NYSE CADV of 1.30% in their assigned securities, with 0.30% Adding ADV of NYSE CADV that sets the NBBO or BBO. DMM A would then qualify for incremental credits per share of:

- Adding orders that set the NBBO: $0.0002.
- Adding orders that set the BBO: $0.000075.
- All other adding orders, other than MPL Orders: $0.00005.

If the DMM A's current credit in a symbol was $0.0031, then the credits in that symbol for DMM A would now be $ 0.0033 when setting the NBBO ($0.0031 + $0.0002), $0.003175 when setting the BBO ($0.0031 + $0.000075), and $0.00315 for all other adding orders, other than MPL Orders ($0.0031 + $0.00005).

However, if DMM A has the same Adding ADV of NYSE CADV of 1.30% but instead had an Adding ADV of NYSE CADV that sets the NBBO or BBO of 0.39%, then DMM A would qualify for higher DMM incremental credits of:

- $0.0003 per share for adding orders that set the NBBO; or
- $0.0001 per share for adding orders that set the BBO; or
- $0.0001 per share for all other displayed adding orders, other than MPL Orders.

The purpose of this proposed change is to incentivize DMMs to increase aggressively priced liquidity-providing orders that improve the market by setting the NBBO on the Exchange. The proposed DMM NBBO Setter Tier is thus intended to encourage higher levels of liquidity by DMMs on the Exchange, which would support the quality of price discovery on the Exchange and is consistent with the overall goals of enhancing market quality. As noted above, the Exchange operates in a competitive environment, and member organizations have a choice of where to send order flow. Because the proposed tier requires DMMs to receive an incremental per share credit if the DMM meets certain trading qualifications and establishes the NBBO on the Exchange, the Exchange believes that the proposed credit would provide an incentive for all four (4) DMMs to quote more aggressively on the Exchange in order to qualify for it. The Exchange believes that incentivizing DMMs on the Exchange to add liquidity that improve the market by setting the NBBO on the Exchange could contribute to price discovery and improve quoting on the Exchange. In addition, additional liquidity providing quotes benefit all market participants because they provide greater execution opportunities on the Exchange and improve the public quotation, which benefits all member organizations.

SLP NBBO Setter Tier

The Exchange proposes to adopt a new pricing tier—the SLP NBBO Setter Tier—for securities with a per share price of $1.00 or above.

The Exchange proposes three tiered credits for orders that provide displayed liquidity in Tape A, B and C Securities, on a monthly basis, from SLPs and member organizations affiliated with SLPs in addition to the tiered or non-

[17] For both the DMM NBBO Setter Tier and the SLP NBBO Setter Tier discussed below, the Exchange also proposes the non-substantive change of inserting a column to the right of the proposed fee that would identify the relevant Exchange liquidity indicator as set forth in the NYSE Pillar Gateway Binary Protocol Specification (August 3, 2020). The value represents the conditions under which an order was executed and whether it added or removed liquidity from the Exchange. For the DMM NBBO Setter Tier, the relevant liquidity indicators would be a combination of the following: ''ASP'' (Add Limit Order Setting New NBBO with Priority), ''ASB'' (Add Limit Order Setting New BBO) and ''AJP'' (Add Limit Order Joining NBBO with Priority). The SLP NBBO Setter Tier would utilize the ASP liquidity indicator.

tiered SLP credit for adding displayed liquidity, as follows:

1. A member organization that has an

- Adding ADV, including any liquidity added by a DMM, that is at least 1.25% of US CADV combined, and
- Adding ADV setting the NBBO of at least 0.30% of US CADV combined would receive an NBBO Setter Credit in Tape A, B and C Securities of
- $0.0038 per share for adding orders that set the NBBO; and
- $0.0033 per share for all other displayed adding orders.

2. A member organization that has an

- Adding ADV, including any liquidity added by a DMM, that is at least 0.95% of US CADV combined, and
- Adding ADV setting the NBBO of at least 0.18% of US CADV combined would receive an NBBO Setter Credit in Tape A, B and C Securities of
- $0.0037 per share for adding orders that set the NBBO; and
- $0.0032 per share for all other displayed adding orders.

3. A member organization that has an

- has an Adding ADV, including any liquidity added by a DMM, that is at least 0.65% of US CADV combined, and
- has an Adding ADV setting the NBBO of at least 0.09% of US CADV combined would receive an NBBO Setter Credit in Tape A, B and C Securities of
- $0.0036 per share for adding orders that set the NBBO; and
- $0.0031 per share for all other displayed adding orders.

4. Finally, a member organization that has an

- has an Adding ADV, including any liquidity added by a DMM, that is at least 0.55% of US CADV combined, and
- has an Adding ADV setting the NBBO of at least 0.05% of US CADV combined would receive an NBBO Setter Credit in Tape A, B and C Securities of
- $0.0035 per share for adding orders that set the NBBO; or
- $0.00305 per share for all other displayed adding orders.

For example, assume Member Organization B affiliated with an SLP has an Adding ADV of at least 0.60% of US CADV, of which at least 0.05% of US CADV sets the NBBO. Member Organization B would qualify for a credit of $0.0035 for orders that set the NBBO and $0.00305 for all other displayed adding orders. Further assume that Member Origination B qualifies for the current SLP Tier 1 credit of $0.0029 and Incremental SLP Step Up Tier credit of $0.0003 for a combined current SLP credit of $0.0032.

For the billing month, Member Organization B would qualify for credits per share of:

- $0.0035 per share for adding orders that set the NBBO,
- $0.0032 per share for SLP adding orders that meet the current 10% average or more quoting requirement in an assigned security pursuant to Rule 107B
- $0.00305 per share for all other displayed adding orders.

The Incremental SLP Step Up Tier credit would not apply to the proposed $0.0035 or $00305 credits.

The purpose of this proposed change is to incentivize member organizations that are SLPs to increase aggressively priced liquidity-providing orders that improve the market by setting the NBBO. The proposed SLP NBBO Setter Tier is thus intended to encourage higher levels of liquidity, which would support the quality of price discovery on the Exchange and is consistent with the overall goals of enhancing market quality. As noted above, the Exchange operates in a competitive environment, particularly as it relates to attracting non-marketable orders, which add liquidity to the Exchange. Because the proposed tier requires an SLP to receive an per share credit if the SLP meets certain trading qualifications and establish the NBBO on the Exchange, the Exchange believes that the proposed credit would provide an incentive for SLPs and their affiliates to send additional liquidity to the Exchange to set the NBBO in order to qualify for it.

The Exchange does not know how much order flow member organizations choose to route to other exchanges or to off-exchange venues. Since the proposed tier is new, the Exchange does not know how many SLPs and their affiliates could qualify for the proposed tiered credits based on their current trading profile on the Exchange. However, without having a view of member organization's activity on other exchanges and off-exchange venues, there are currently approximately six (6) SLPs and affiliated firms that could qualify for the new setting tier based on their current trading profile on the Exchange if they so choose. However, without having a view of member organization's activity on other exchanges and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would result in any member organization directing orders to the Exchange in order to qualify for the new setting tier.

Fee Waivers for Trading Floor-Based Member Organizations

As noted above, on March 18, 2020, the Exchange announced that it would temporarily close the Trading Floor, effective March 23, 2020, as a precautionary measure to prevent the potential spread of COVID–19. Following the temporary closure of the Trading Floor, the Exchange waived certain equipment fees for the booth telephone system on the Trading Floor and associated service charges for the months of April and May.[18] On May 26, 2020, the Trading Floor reopened on a limited basis to a reduced number of Floor brokers to accommodate health-focused considerations. Following the partial reopening, the Exchange extended the equipment fee waiver for the months of June and July.[19] As noted above, on June 15, 2020, a limited number of DMMs returned to the Trading Floor. The Trading Floor continues to operate with reduced headcount and additional health and safety precautions.[20]

For the months of April, May, June and July, the Exchange waived the Annual Telephone Line Charge of $400 per phone number and the $129 fee for a single line phone, jack, and data jack. The Exchange also waived related service charges, as follows: $161.25 to install single jack (voice or data); $107.50 to relocate a jack; $53.75 to remove a jack; $107.50 to install voice or data line; $53.75 to disconnect data line; $53.75 to change a phone line subscriber; and miscellaneous telephone charges billed at $106 per hour in 15 minute increments.[21] These fees were waived for (1) member organizations with at least one trading license, a physical Trading Floor presence, and Floor broker executions accounting for 40% or more of the member organization's combined adding, taking, and auction volumes during March 1 to March 20, 2020, and (2) member organizations with at least one trading

[18] *See* Securities Exchange Act Release No. 88602 (April 8, 2020), 85 FR 20730 (April 14, 2020) (SR–NYSE–2020–27); Securities Exchange Act Release No. 88874 (May 14, 2020), 85 FR 30743 (May 20, 2020) (SR–NYSE–2020–29). *See* footnote 11 of the Price List.

[19] *See* Securities Exchange Act Release No. 89050 (June 11, 2020), 85 FR 36637 (June 17, 2020) (SR–NYSE–2020–49); Securities Exchange Act Release No. 89324 (July 15, 2020), 85 FR 44129 (July 21, 2020) (SR–NYSE–2020–59).

[20] *See* Trader Update, dated June 15, 2020, available here: *https://www.nyse.com/trader-update/history#110000272018.* DMMs continue to support a subset of NYSE-listed securities remotely.

[21] The Service Charges also include an internet Equipment Monthly Hosting Fee that the Exchange did not waive for April, May and June 2020 and that the Exchange does not propose to waive for August 2020.

license that are Designated Market Makers with 30 or fewer assigned securities for the billing month of March 2020.

Because the Trading Floor continues to operate with reduced capacity, the Exchange proposes to extend the waiver of these Trading Floor-based fees through August 2020. To effectuate this change, the Exchange proposes to add ''and August'' between ''July'' and ''2020'' in footnote 11 to the Price List.

In addition, the Exchange proposes to enable member organizations that had no Floor broker executions during March 1 to March 20, 2020 to be eligible for the waiver of these Trading Floor-based fees through August 2020. As proposed, a Floor member organization member organizations with at least one trading license and a physical Trading Floor presence that had no Floor broker executions during March 1 to March 20, 2020 would be eligible for the waiver if it had Floor broker executions accounting for 40% or more of the member organization's combined adding, taking, and auction volumes during its first month as a member organization on or after May 26, 2020, *i.e.,* the date the Trading Floor re-opened on a limited basis.

Finally, the Exchange also proposes that member organizations with a physical trading Floor presence that became member organizations on or after April 1, 2020 would be eligible for a one-time credit for the member organization's Booth Telephone System charges and all Service Charges except the internet Equipment Monthly Hosting Fee for the months of April through July 2020 if the member organization meets the other requirements for the waiver described in footnote 11 of the Price List.

In order to further reduce costs for member organizations with a Trading Floor presence, the Exchange also waived the April, May, June and July 2020 monthly portion of all applicable annual fees for (1) member organizations with at least one trading license, a physical Trading Floor presence and Floor broker executions accounting for 40% or more of the member organization's combined adding, taking, and auction volumes during March 1 to March 20, 2020, and (2) member organizations with at least one trading license that are DMMs with 30 or fewer assigned securities for the billing month of March 2020.[22]

The Exchange proposes to also waive the August 2020 monthly portion of all applicable annual fees for member organizations with at least one trading license, a physical Trading Floor presence and Floor broker executions accounting for 40% or more of the member organization's combined adding, taking, and auction volumes during March 1 to March 20, 2020. The indicated annual trading license fees would also be waived for August 2020 for member organizations with at least one trading license that are DMMs with 30 or fewer assigned securities for the billing month of March 2020. To effectuate this change, the Exchange proposes to add ''and August'' between ''July'' and ''2020'' in footnote 15.

In addition, the Exchange proposes to enable member organizations that had no Floor broker executions during March 1 to March 20, 2020, as they were not NYSE members, to be eligible for waiver of the monthly portion of the applicable annual fees through August 2020. As proposed, a Floor member organization member organizations with at least one trading license and a physical Trading Floor presence that had no Floor broker executions during March 1 to March 20, 2020 would be eligible for the waiver if it had Floor broker executions accounting for 40% or more of the member organization's combined adding, taking, and auction volumes during its first full month as a member organization on or after May 26, 2020.

Similarly, the Exchange proposes that member organizations with a physical trading Floor presence that became member organizations on or after April 1, 2020 would be eligible for a one-time credit for the member organization's indicated annual trading license fee for the months of April through July 2020 if the member organization meets the other requirements for the waiver described in footnote 15 of the Price List.

The proposed extension of the fee waivers would reduce monthly costs for member organizations with a Trading Floor presence whose operations were disrupted by the Floor closure, which lasted approximately two months, and remains partially closed. The Exchange believes that extension of the fee waiver would ease the financial burden associated with the ongoing partial Trading Floor closure. The Exchange believes that all member organization that conduct a significant portion of trading on the Trading Floor would benefit from this proposed fee change. In addition, enabling member organizations with a Trading Floor presence and at least one trading license who became member organizations on or after May 26, 2020 to be eligible for the proposed waivers for August 2020 and to provide a one-time credit for the waivers for the months April through July 2020 would reduce monthly costs and ease the financial burden associated with the ongoing partial Trading Floor closure for member organizations that became member organizations after the temporary closure of the Trading Floor in March and who, like other Floor-based member organizations, are not operating at full capacity while the Trading Floor remains partially closed.

The proposed changes are not otherwise intended to address other issues, and the Exchange is not aware of any significant problems that market participants would have in complying with the proposed changes.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[23] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[24] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Proposed Change Is Reasonable

As discussed above, the Exchange operates in a highly fragmented and competitive market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [25]

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can move order flow, or discontinue or reduce use of certain categories of products, in response to fee changes. With respect to non-marketable orders which provide liquidity on an Exchange, member organizations can choose from any one of the 13 currently operating registered exchanges to route such order flow. Accordingly, competitive forces constrain exchange

[22] *See* notes 17–19, *supra. See* footnote 15 of the Price List.

[23] 15 U.S.C. 78f(b).

[24] 15 U.S.C. 78f(b)(4) & (5).

[25] *See* Regulation NMS, 70 FR at 37499.

transaction fees that relate to orders that would provide displayed liquidity on an exchange. Stated otherwise, changes to exchange transaction fees can have a direct effect on the ability of an exchange to compete for order flow.

Step Up Tier 1 Adding Credit

The Exchange believes that the proposed revisions to the Step Up Tier 1 Adding Credit represent a reasonable attempt to attract additional order flow to the Exchange.

Specifically, the Exchange believes that providing additional higher credits for incremental increases in Adding ADV as a percentage of NYSE CADV would continue to provide an incentive for member organizations to route additional liquidity-providing orders to the Exchange in Tape A securities, which would support the quality of price discovery on the Exchange and provide additional price improvement opportunities for incoming orders. Submission of additional liquidity to the Exchange would promote price discovery and transparency and enhance order execution opportunities for member organizations from the substantial amounts of liquidity present on the Exchange. All member organizations would benefit from the greater amounts of liquidity that will be present on the Exchange, which would provide greater execution opportunities. The Exchange further believes that by correlating the amount of the credit to the level of orders sent by a member organization that add liquidity, the Exchange's fee structure would incentivize member organizations to submit more orders that add liquidity to the Exchange, thereby increasing the potential for price improvement to incoming marketable orders submitted to the Exchange. The Exchange proposes higher credits to provide an incentive for member organizations to send more orders because they would then qualify for the credit.

As noted above, the Exchange operates in a competitive environment, particularly as it relates to attracting non-marketable orders, which add liquidity to the Exchange. As previously noted, there are a number of member organizations that could qualify for the proposed higher credit but without a view of member organization activity on other exchanges and off-exchange venues, the Exchange has no way of knowing whether the proposed rule change would result in any member organization qualifying for the tier. The Exchange believes the proposed higher credit is reasonable as it would provide an additional incentive for member organizations to direct their order flow to the Exchange and provide meaningful added levels of liquidity in order to qualify for the higher credit, thereby contributing to depth and market quality on the Exchange.

Step Up Tier 4 Adding Credit

The Exchange believes that the proposed alternative incentives to member organizations that meet the current Step Up Tier 4 Adding Credit requirements and add additional liquidity to the Exchange is reasonable.

Specifically, the Exchange believes that providing alternative credits to member organizations that increase aggressively priced liquidity-providing orders that improve the market by setting the NBBO on the Exchange and encourage higher levels of liquidity would continue to support the quality of price discovery on the Exchange and is consistent with the overall goals of enhancing market quality. As noted above, the Exchange operates in a highly competitive environment, particularly for attracting non-marketable order flow that provides liquidity on an exchange. The Exchange believes it is reasonable to provide higher credits for orders that provide additional liquidity. Moreover, the Exchange believes that providing a higher credit for adding orders that set the NBBO or a new BBO is reasonable because it would encourage additional aggressively priced displayed liquidity on the Exchange and because market participants benefit from the greater amounts of liquidity and price improvement present on the Exchange. Further, the Exchange believes that requiring member organizations to meet additional specific Adding ADV requirements is reasonable. Specifically, requiring additional Adding ADV that is at least 0.45% of US CADV, and at least 0.18% of US CADV is reasonable because it would encourage additional displayed liquidity on the Exchange and because market participants benefit from the greater amounts of liquidity and price improvement present on the Exchange.

As previously noted, there are a number of member organizations that could qualify for the proposed higher credit but without a view of member organization activity on other exchanges and off-exchange venues, the Exchange has no way of knowing whether the proposed rule change would result in any member organization qualifying for the alternate credits. The Exchange believes the proposed credits are reasonable as it would provide an additional incentive for member organizations to direct their order flow to the Exchange and provide meaningful added levels of liquidity in order to qualify for the higher credit, thereby contributing to depth and market quality on the Exchange.

NYSE CADV Requirement for DMM Incremental Rebate

The Exchange believes that requiring that the DMM incremental credit be available in months where NYSE CADV is equal to or greater than 4.0 billion shares is reasonable. As noted, the purpose of this proposed change is to continue to incentivize DMM to increase their added liquidity on the Exchange during periods of high market volumes, thereby improving quoting and increase adding liquidity across securities where there may be more liquidity providers and contributing to price discovery, thus benefiting all market participants. As noted above, the lower NYSE CADV requirement is still higher than the average NYSE CADV in 2019 (3.56 billion shares) and 2018 (3.64 billion shares). The Exchange therefore believes that the proposed NYSE CADV level will continue to increase DMM liquidity during periods of high market volumes. Revising the NYSE CADV requirement would not impair the fostering of liquidity provision and stability in the marketplace during periods of high volumes.

As noted above, the Exchange operates in a competitive environment, particularly as it relates to attracting non-marketable orders, which add liquidity to the Exchange. The Exchange believes that the proposed revision would continue to provide an incentive for DMMs to send additional liquidity to the Exchange to set the NBBO in order to qualify for the credit. In addition, the proposal would continue to foster liquidity provision and stability in the marketplace during periods of high volumes and continue to reward DMMs, who have greater risks and heightened quoting and other obligations than other market participants.

DMM NBBO Setter Tier

The Exchange believes that the proposed DMM NBBO Setter Tier is reasonable. Specifically, the Exchange believes that a new DMM NBBO Setter Tier would provide an incentive for DMMs to increase aggressively priced liquidity-providing orders that improve the market by setting the NBBO and BBO on the Exchange. The proposed DMM NBBO Setter Tier is thus intended to encourage higher levels of liquidity by DMMs on the Exchange, which would support the quality of price discovery on the Exchange and is consistent with the overall goals of enhancing market quality. To the extent that the proposed change leads to an

increase in overall liquidity activity on the Exchange and more competitive pricing, this will improve the quality of the Exchange's market, improve quote spreads and increase its attractiveness to existing and prospective participants.

As noted above, the Exchange operates in a competitive environment, and member organizations have a choice of where to send order flow. Because the proposed tier requires DMMs to receive an incremental per share credit if the DMM meets certain trading qualifications and establishes the NBBO or BBO, the Exchange believes that the proposed credit would provide an incentive for all DMMs to quote more aggressively on the Exchange in order to qualify for it. The Exchange believes that incentivizing DMMs on the Exchange to add liquidity that improves the market by setting the NBBO or BBO on the Exchange could contribute to price discovery and improve quoting on the Exchange. In addition, additional liquidity providing quotes benefit all market participants because they provide greater execution opportunities on the Exchange and improve the public quotation.

SLP NBBO Setter Tier

The Exchange believes that the proposed SLP NBBO Setter Tier is reasonable. Specifically, the Exchange believes that a new NBBO Setter Tier would provide an incentive for SLPs to provide aggressively priced orders that improve the market by setting the NBBO and to send additional liquidity providing orders to the Exchange in Tape A, B and C Securities. To the extent that the proposed change leads to an increase in overall liquidity activity on the Exchange and more competitive pricing, this will improve the quality of the Exchange's market, improve quote spreads and increase its attractiveness to existing and prospective participants.

As noted above, the Exchange operates in a highly competitive environment, particularly for attracting non-marketable order flow that provides liquidity on an exchange. The Exchange believes it is reasonable to provide higher credits for orders that provide additional liquidity and set the NBBO. Moreover, the Exchange believes that providing an incrementally higher credit for adding orders that set the NBBO is reasonable because it would encourage additional aggressively priced displayed liquidity on the Exchange by SLPs and because market participants benefit from the greater amounts of liquidity and price improvement present on the Exchange. Further, the Exchange believes that requiring SLPs to meet specific Adding ADV requirements in order to qualify for the credits is also reasonable because it would encourage additional liquidity on the Exchange and because market participants benefit from the greater amounts of liquidity and price improvement present on the Exchange.

Since the proposed tier would be new, no SLP currently qualifies for the proposed pricing tier. As previously noted, based on the profile of liquidity-providing SLPs generally, the Exchange believes that a number of SLPs and affiliated firms could qualify for the credits if they choose to direct order flow to, and increase quoting on, the Exchange. The Exchange believes the proposed credit is also reasonable because it would provide an additional incentive for member organizations that are not SLPs to become SLPs and direct their order flow to the Exchange.

Fee Waivers for Trading Floor-Based Member Organizations

The proposed extension of the waiver of equipment and related service fees and the applicable monthly trading license fee for Trading Floor-based member organizations is reasonable in light of the partial continued closure of the NYSE Trading Floor. Beginning March 2020, markets worldwide have experienced unprecedented declines and volatility because of the ongoing spread of COVID–19 also resulted in the temporary closure of the NYSE Trading Floor. As noted, the Trading Floor was recently partially reopened on a limited basis to a subset of Floor brokers and DMMs, subject to safety measures designed to prevent the spread of COVID–19. The proposed change is designed to reduce costs for Floor participants for the month of August 2020 and therefore ease the financial burden faced by member organizations that conduct business on the Trading Floor while it continues to operate with reduced capacity. For the same reasons, the Exchange believes that it is reasonable to provide an alternate benchmark for member organizations with a Floor presence that were not member organizations in March 2020 in order to be eligible for the waiver in August. Similarly, the Exchange believes that it is reasonable to provide member organizations with a Floor presence that became member organizations after April 1, 2020 and could not previously qualify for the waivers between April and July 2020 with a one-time credit for those fees if the member organization meets the requirements for the waiver described in the Price List.

Finally, the Exchange believes the proposed non-substantive changes to add relevant liquidity indicators to the proposed NBBO setter tiers is reasonable and would not be inconsistent with the public interest and the protection of investors because investors will not be harmed and in fact would benefit from increased clarity and transparency on the Price List, thereby reducing potential confusion.

The Proposal Is an Equitable Allocation of Fees

The Exchange believes the proposal equitably allocates its fees among its market participants by fostering liquidity provision and stability in the marketplace.

Step Up Tier 1 Adding Credit

The Exchange believes that the proposed revisions to the Step Up Tier 1 Adding Credit is equitable because the magnitude of the additional credits are not unreasonably high relative to the other adding tier and step up tier credits, which range from $0.0015 to $0.0029, in comparison to the credits paid by other exchanges for orders that provide additional step up liquidity.[26] The Exchange believes the proposed rule change would improve market quality for all market participants on the Exchange and, as a consequence, attract more liquidity to the Exchange, thereby improving marketwide quality and price discovery.

As noted, without a view of member organization activity on other exchanges and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would result in any member organization qualifying for new tier rates. The Exchange believes the proposed higher credits are reasonable as it would provide an additional incentive for member organizations to direct their order flow to the Exchange and provide meaningful added levels of liquidity in order to qualify for the higher credit, thereby contributing to depth and market quality on the Exchange.

The proposal neither targets nor will it have a disparate impact on any particular category of market participant. Member organizations that add liquidity to the Exchange and meet the current Step Up Tier 1 Adding requirements would be eligible for the additional credits by increasing their amount of Adding ADV as a percentage of NYSE CADV, and because the tiered thresholds would apply equally to all

[26] The tiered adding credits (Tier 1–4 Adding Credits, Step Up Tier 1–4) range from $0.0029 to $0.0015. *See* Cboe BZX Fee Schedule, which has adding credits ranging from $0.0020 to $0.0032, at *https://markets.cboe.com/us/equities/membership/fee_schedule/bzx/.*

similarly situated member organizations. Similarly, member organizations that currently qualify for adding liquidity credit of $0.0019 will continue to receive credits when they provide liquidity to the Exchange. With the proposed new tiered requirements, all member organizations would be eligible to qualify for the higher credits if they increase their Adding ADV as a percentage of NYSE CADV. The Exchange believes that offering higher step up credits for providing liquidity will continue to attract order flow and liquidity to the Exchange, thereby providing additional price improvement opportunities on the Exchange and benefiting investors generally. As to those market participants that do not presently qualify for the adding liquidity credit, the proposal will not adversely impact their existing pricing or their ability to qualify for other credits provided by the Exchange.

Step Up Tier 4 Adding Credit

The Exchange believes that the proposed alternative incentives for member organizations that meet the current Step Up Tier 4 Adding Credit requirements will allocate the proposed credits fairly among market participants. The proposal will allow member organizations to qualify for an enhanced credit by adding liquidity and setting the NBBO. The Exchange believes the proposed rule change would improve market quality for all market participants on the Exchange and, as a consequence, attract more liquidity to the Exchange, thereby improving marketwide quality and price discovery. It is equitable for the Exchange to add additional incentives for member organizations when their orders add liquidity to the Exchange as a means of incentivizing increased liquidity adding activity. An increase in overall liquidity on the Exchange will improve the quality of the Exchange's market and increase its attractiveness to existing and prospective participants.

As previously noted, there are a number of member organizations that could qualify for the proposed higher credit but without a view of member organization activity on other exchanges and off-exchange venues, the Exchange has no way of knowing whether the proposed rule change would result in any member organization qualifying for the alternate credits. The Exchange believes the proposed incremental credits are reasonable as it would incentivize activity that encourages the setting of the NBBO, thereby contributing to depth and market quality and increased price improvement on the Exchange.

The proposal neither targets nor will it have a disparate impact on any particular category of market participant. All member organizations would be eligible to qualify for the proposed credits if the Adding ADV requirements are met. Any market participant that is dissatisfied with the proposed new credit is free to shift order flow to competing venues that provide more favorable pricing or less stringent qualifying criteria. The Exchange believes that offering an alternative step up credit for setting the NBBO will encourage higher levels of liquidity provision into the price discovery process and is consistent with the overall goals of enhancing market quality, thereby providing additional price improvement opportunities on the Exchange and benefiting investors generally. As to those market participants that do not presently qualify for the Step Up Tier 4 Adding Credit, the proposal will not adversely impact their existing pricing or their ability to qualify for other credits provided by the Exchange.

NYSE CADV Requirement for DMM Incremental Rebate

The Exchange believes that the proposal for the DMM incremental credit to be available in months where NYSE CADV is equal to or greater than 4.0 billion shares is an equitable allocation of fees because it would apply equally to all existing and potential DMM firms on an equal basis. As noted, the purpose of this proposed change is to continue to incentivize DMM to increase their added liquidity on the Exchange during periods of higher market volumes, thereby improving quoting and increase adding liquidity across securities where there may be more liquidity providers and contributing to price discovery, thus benefiting all market participants. The Exchange believes that the proposal would provide an equal incentive to all DMMs to add liquidity in more active securities, and that the proposal constitutes an equitable allocation of fees because all similarly situated DMMs would be eligible for the same incremental rebate.

DMM NBBO Setter Tier

The Exchange believes the proposed DMM NBBO Setter Tier is equitable and not unfairly discriminatory because the proposed incremental credits would be available to all DMMs on an equal basis. The Exchange believes that the proposed setter tier will allocate the proposed credits fairly among DMMs and allow DMMs to qualify for a credit by adding liquidity and setting the NBBO or BBO. The Exchange believes the proposed rule change would improve market quality by providing incentives for all DMMs to increase aggressively priced liquidity-providing orders that improve the market by setting the NBBO or BBO on the Exchange, thereby encouraging higher levels of liquidity by DMMs on the Exchange, which would support the quality of price discovery on the Exchange and is consistent with the overall goals of enhancing market quality.

SLP NBBO Setter Tier

The Exchange believes that the proposed SLP NBBO Setter Tier will allocate the proposed credits fairly among market participants. The proposed tier will allow SLPs to qualify for a credit by adding liquidity and setting the NBBO on the Exchange. The Exchange believes the proposed rule change would improve market quality for all market participants on the Exchange and, as a consequence, attract more liquidity to the Exchange, thereby improving market-wide quality and price discovery. It is equitable for the Exchange to add additional incentives for SLPs to receive a credit when their orders add liquidity to the Exchange as a means of incentivizing increased liquidity adding activity. An increase in overall liquidity on the Exchange will improve the quality of the Exchange's market and increase its attractiveness to existing and prospective participants.

Since the proposed tier would be new, no SLP currently qualifies for the proposed pricing tier. As previously noted, based on the profile of liquidity-providing SLPs generally, the Exchange believes that a number of SLPs and affiliated firms could qualify for the credits if they choose to direct order flow to, and increase quoting on, the Exchange.

The proposal neither targets nor will it have a disparate impact on any particular category of market participant. All similarly situated SLPs would be eligible to qualify for the proposed credits if the Adding ADV requirements in Tapes A, B and C securities are met. Moreover, the Exchange believes that the proposed provides an equal incentive for all member organizations that are not SLPs to become SLPs and qualify for the proposed credits on an equal basis by directing their order flow to the Exchange. The Exchange believes that offering SLPs credits for setting the NBBO will encourage higher levels of liquidity provision into the price discovery process and is consistent with the overall goals of enhancing market

quality, thereby providing additional price improvement opportunities on the Exchange and benefiting investors generally.

Fee Waivers for Trading Floor-Based Member Organizations

Finally, the proposed extension of the waiver of equipment and related service fees and the applicable monthly trading license fee for Trading Floor-based member organizations to August 2020 are also an equitable allocation of fees. The proposed waivers apply to all Trading Floor-based firms meeting specific requirements during the period that the Trading Floor is partially open.

The proposed change is equitable as it merely continues the fee waiver granted in April, May, June and July 2020, and is designed to reduce monthly costs for Trading Floor-based member organizations that are unable to fully conduct Floor operations. For the same reasons, providing a way for member organizations with a Floor presence that were not member organizations during March 2020 to qualify for the waivers in August in the same way as all other Trading Floor-based member organizations is also an equitable allocation of fees. Finally, the Exchange believes that providing member organizations with a Floor presence that became member organizations after April 1, 2020 with a one-time credit for those fees during April–July 2020 is an equitable allocation of fees because it would have the effect of treating all similarly situated Floor-based member organizations the same for the period April and July 2020.

The Proposal Is Not Unfairly Discriminatory

The Exchange believes that the proposal is not unfairly discriminatory. In the prevailing competitive environment, member organizations are free to disfavor the Exchange's pricing if they believe that alternatives offer them better value.

The proposal is not unfairly discriminatory because it neither targets nor will it have a disparate impact on any particular category of market participant.

Step Up Tier 1 Adding Credit

The Exchange believes it is not unfairly discriminatory to provide a higher per share step up credit, as the proposed credit would be provided on an equal basis to all member organizations that add liquidity by meeting the new Step Up Tier 1's requirements. Further, the Exchange believes the proposed Step Up Tier 1 credit would incentivize member organizations that meet the current tiered requirements to send more orders to the Exchange to qualify for higher credits. The Exchange also believes that the proposed change is not unfairly discriminatory because it is reasonably related to the value to the Exchange's market quality associated with higher volume. Finally, the submission of orders to the Exchange is optional for member organizations in that they could choose whether to submit orders to the Exchange and, if they do, the extent of its activity in this regard.

Step Up Tier 4 Adding Credit

The Exchange believes it is not unfairly discriminatory to provide an alternative per share step up credits for activity that encourages the setting of the NBBO or a new BBO as the proposed credits would be provided on an equal basis to all member organizations that add liquidity by meeting the new proposed requirements. As noted, the Exchange intends for the proposal to improve market quality for all members on the Exchange and by extension attract more liquidity to the market, thereby improving market wide quality and price discovery. The Exchange also believes that the proposed change is not unfairly discriminatory because it is reasonably related to the value to the Exchange's market quality associated with higher volume. Finally, the submission of orders to the Exchange is optional for member organizations in that they could choose whether to submit orders to the Exchange and, if they do, the extent of its activity in this regard.

NYSE CADV Requirement for DMM Incremental Rebate

The proposal for the DMM incremental credit to be available in months where NYSE CADV is equal to or greater than 4.0 billion shares is also not unfairly discriminatory because the proposal would continue to provide an additional incentive to DMMs to quote and trade their assigned securities on the Exchange in very active months, and will still allow the Exchange and DMMs to better compete for order flow, thus enhancing competition. The proposed lower NYSE CADV requirement would apply equally to all similarly situated DMMs. As described above, member organizations have a choice of where to send order flow. The Exchange believes that incentivizing DMMs on the Exchange to add more liquidity during period of high volumes could contribute to greater price discovery on the Exchange. In addition, additional liquidity-providing quotes benefit all market participants because they provide greater execution opportunities on the Exchange and improve the public quotation.

DMM NBBO Setter Tier

The Exchange believes it is not unfairly discriminatory to provide credits for adding liquidity that encourages DMMs on the Exchange to set the NBBO or BBO as the proposed credits would be provided on an equal basis to all similarly situated DMMs that add liquidity by meeting the new proposed DMM Setter Tier's requirements. For the same reason, the Exchange believes it is not unfairly discriminatory to provide incrementally higher credits for increased adding ADV setting the NBBO or BBO combined because the proposed higher credits would equally encourage all DMMs to provide additional liquidity on the Exchange. As noted, the Exchange intends for the proposal to improve market quality for all members on the Exchange and by extension attract more liquidity to the market, thereby encouraging higher levels of liquidity by DMMs on the Exchange, which would support the quality of price discovery on the Exchange and is consistent with the overall goals of enhancing market quality.

SLP NBBO Setter Tier

The Exchange believes it is not unfairly discriminatory to provide credits for adding liquidity that encourages SLPs to set the NBBO on the Exchange as the proposed credits would be provided on an equal basis to all SLPs and add liquidity by meeting the new proposed requirements. For the same reason, the Exchange believes it is not unfairly discriminatory to provide incrementally higher credits for increased adding ADV setting the NBBO in Tapes A, B and C CADV combined because the proposed higher credits would equally encourage all SLPs to provide additional liquidity on the Exchange in all three tapes. As noted, the Exchange believes that the proposed credit would provide an incentive for SLPs to send additional liquidity to the Exchange to set the NBBO in order to qualify for the additional credits. The Exchange also believes that the proposed change is not unfairly discriminatory because it is reasonably related to the value to the Exchange's market quality associated with higher volume. Finally, the Exchange believes that the proposed provides an equal incentive for all member organizations that are not SLPs to become SLPs or becomes affiliated with SLPs and qualify for the proposed credits on an

equal basis by directing their order flow to the Exchange. The Exchange believes that offering SLPs credits for setting the NBBO will encourage higher levels of liquidity provision into the price discovery process and is consistent with the overall goals of enhancing market quality, thereby providing additional price improvement opportunities on the Exchange and benefiting investors generally.

Fee Waivers for Trading Floor-Based Member Organizations

The proposed continuation of the waiver of equipment and related service fees and the applicable monthly trading license fee for Trading Floor-based member organizations during July 2020 is not unfairly discriminatory because the proposed waivers would benefit all similarly-situated market participants on an equal and non-discriminatory basis. The Exchange is not proposing to waive the Floor-related fixed indefinitely, but rather during the period that the Trading Floor is not fully open. The proposed fee change is designed to ease the financial burden on Trading Floor-based member organizations that cannot fully conduct Floor operations.

For the same reasons, it is not unfairly discriminatory to provide a way for member organizations with a Floor presence that were not member organizations during March 2020 to qualify for the waivers in August in the same way as all other Trading Floor-based member organizations. Similarly, the Exchange believes that providing member organizations with a Floor presence that became member organizations after April 1, 2020 with a one-time credit for the fees waived during April–July 2020 if the member organization meets the requirements for the waiver is not unfairly discriminatory because it would treat all similarly situated Floor-based member organizations equally for the period April and July 2020.

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition.

For the foregoing reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[27] the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, as discussed above, the Exchange believes that the proposed changes would encourage the submission of additional liquidity to a public exchange, thereby promoting market depth, price discovery and transparency and enhancing order execution opportunities for member organizations. As further discussed above, the Exchange believes that the proposed changes would encourage the continued participation of member organizations on the Exchange by providing certainty and fee relief during the unprecedented volatility and market declines caused by the continued spread of COVID–19. As a result, the Exchange believes that the proposed change furthers the Commission's goal in adopting Regulation NMS of fostering integrated competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.'' [28]

Intramarket Competition. The proposed changes are designed to respond to the current competitive environment and to attract additional order flow to the Exchange. The Exchange believes that the proposed changes would continue to incentivize market participants to direct displayed order flow to the Exchange. Greater liquidity benefits all market participants on the Exchange by providing more trading opportunities and encourages member organizations to send orders, thereby contributing to robust levels of liquidity, which benefits all market participants on the Exchange. The current and proposed credits would be available to all similarly-situated market participants, and, as such, the proposed change would not impose a disparate burden on competition among market participants on the Exchange. Further, the proposed continued waiver of equipment and related service fees and the applicable monthly trading license fee for Trading Floor-based member organizations during August 2020 and the one-time credit for Floor brokers that became member organizations after April 2020 provides a degree of certainty and ease the financial burden on Trading Floor-based member organizations impacted by the temporary closing and partial reopening of the Trading Floor. As noted, the proposal would apply to all similarly situated member organizations on the same and equal terms, who would benefit from the changes on the same basis. Accordingly, the proposed change would not impose a disparate burden on competition among market participants on the Exchange.

Intermarket Competition. The Exchange operates in a highly competitive market in which market participants can readily choose to send their orders to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. As previously noted, the Exchange's market share of trading in Tape A, B and C securities combined is less than 10%. In such an environment, the Exchange must continually adjust its fees and rebates to remain competitive with other exchanges and with off-exchange venues. Because competitors are free to modify their own fees and credits in response, and because market participants may readily adjust their order routing practices, the Exchange does not believe its proposed fee change can impose any burden on intermarket competition. The Exchange believes that the proposed rule change reflects this competitive environment because it modifies the Exchange's fees in a manner designed to provide a degree of certainty and ease the financial burdens of the current unsettled market environment, and permit affected member organizations to continue to conduct market-making operations on the Exchange and avoid unintended costs of doing business on the Exchange while the Trading Floor is not fully open, which could make the Exchange a less competitive venue on which to trade as compared to other options exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) [29] of the Act and subparagraph (f)(2) of Rule 19b–4 [30] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of

[27] 15 U.S.C. 78f(b)(8).

[28] Regulation NMS, 70 FR at 37498–99.

[29] 15 U.S.C. 78s(b)(3)(A).

[30] 17 CFR 240.19b–4(f)(2).

investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[31] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSE–2020–71 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–2020–71. 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–2020–71, and should be submitted on or before September 29, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[32]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–19851 Filed 9–4–20; 8:45 am]

BILLING CODE 8011–01–P

[31] 15 U.S.C. 78s(b)(2)(B).

[32] 17 CFR 200.30–3(a)(12), (59).

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–424 OMB Control No. 3235–0473]

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension: Rule 17A–3(b)

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information provided for in Rule 17Ad–3(b) (17 CFR 240.17Ad–3(b)), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 17Ad–3(b) requires registered transfer agents to send a copy of the written notice required under Rule 17Ad–2(c), (d), and (h) to the chief executive officer of each issuer for which the transfer agent acts when it has failed to turnaround at least 75% of all routine items in accordance with the requirements of Rule 17Ad–2(a), or to process at least 75% of all items in accordance with the requirements of Rule 17Ad–2(b), for two consecutive months. The issuer may use the information contained in the notices: (1) As an early warning of the transfer agent's non-compliance with the Commission's minimum performance standards regarding registered transfer agents; and (2) to become aware of certain problems and poor performances with respect to the transfer agents that are servicing the issuer's issues. If the issuer does not receive notice of a registered transfer agent's failure to comply with the Commission's minimum performance standards then the issuer will be unable to take remedial action to correct the problem or to find another registered transfer agent. Pursuant to Rule 17Ad–3(b), a transfer agent that has already filed a Notice of Non-Compliance with the Commission pursuant to Rule 17Ad–2 will only be required to send a copy of that notice to issuers for which it acts when that transfer agent fails to turnaround 75% of all routine items or to process 75% of all items for two consecutive months.

The Commission estimates that only one transfer agent will be subject to the third party disclosure requirements of Rule 17Ad–3(b) each year. If a transfer agent fails to meet the turnaround and processing requirements under 17Ad–3(b), it would simply send its issuer-clients a copy of the notice that had already been produced for the Commission pursuant to Rule 17Ad–2(c) or (d). The Commission estimates the requirement will take the transfer agent approximately four hours to complete. The total estimated burden associated with Rule 17Ad–3(b) is thus approximately 4 hours per year. The Commission estimates that the internal compliance cost for the transfer agent to comply with this third party disclosure requirement will be approximately $1,128 per year (4 hours × $283 per hour = $1,128). The total estimated internal cost of compliance associated with Rule 17Ad–3(b) is thus approximately $1,128 per year. There are no external costs associated with sending the notice to issuer-clients.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: David Bottom, Director/Chief Information Officer, Securities and

Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549, or send an email to: *PRA_Mailbox@sec.gov.*

Dated: September 1, 2020.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–19722 Filed 9–4–20; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–516; OMB Control No. 3235–0574]

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension: Rule 3a–8

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the ''Commission'') is soliciting comments on the collections of information summarized below. The Commission plans to submit the existing collection of information to the Office of Management and Budget for extension and approval.

17 CFR 270.3a–8 (rule 3a–8 of the Investment Company Act of 1940 (15 U.S.C. 80a) (the ''Act'')), serves as a nonexclusive safe harbor from investment company status for certain research and development companies (''R&D companies'').

The rule requires that the board of directors of an R&D company seeking to rely on the safe harbor adopt an appropriate resolution evidencing that the company is primarily engaged in a non-investment business and record that resolution contemporaneously in its minute books or comparable documents.[1] An R&D company seeking to rely on the safe harbor must retain these records only as long as such records must be maintained in accordance with state law.

Rule 3a–8 contains an additional requirement that is also a collection of information within the meaning of the PRA. The board of directors of a company that relies on the safe harbor under rule 3a–8 must adopt a written policy with respect to the company's capital preservation investments. We expect that the board of directors will base its decision to adopt the resolution discussed above, in part, on investment guidelines that the company will follow to ensure its investment portfolio is in compliance with the rule's requirements.

The collection of information imposed by rule 3a–8 is voluntary because the rule is an exemptive safe harbor, and therefore, R&D companies may choose whether or not to rely on it. The purposes of the information collection requirements in rule 3a–8 are to ensure that: (i) The board of directors of an R&D company is involved in determining whether the company should be considered an investment company and subject to regulation under the Act, and (ii) adequate records are available for Commission review, if necessary. Rule 3a–8 would not require the reporting of any information or the filing of any documents with the Commission.

Commission staff estimates that there is no annual recordkeeping burden associated with the rule's requirements. Nevertheless, the Commission requests authorization to maintain an inventory of one burden hour for administrative purposes.

Commission staff estimates that approximately 29,999 R&D companies may take advantage of rule 3a–8.[2] Given that the board resolutions and investment guidelines will generally need to be adopted only once (unless relevant circumstances change),[3] the Commission believes that all the R&D companies that existed prior to the adoption of rule 3a–8 adopted their board resolutions and established written investment guidelines in 2003 when the rule was adopted. We expect that R&D companies formed subsequent to the adoption of rule 3a–8 would adopt the board resolution and investment guidelines simultaneously with their formation documents in the ordinary course of business.[4] Therefore, we estimate that rule 3a–8 does not impose additional burdens.

Written 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 will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, C/O Cynthia Roscoe, 100 F Street NE, Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov.*

Dated: September 1, 2020.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–19723 Filed 9–4–20; 8:45 am]

BILLING CODE 8011–01–P

[1] Rule 3a–8(a)(6) (17 CFR 270.3a–8(6)).

[2] *See* National Science Foundation, National Center for Science and Engineering Statistics, Business R&D and Innovation Survey: 2016 (results published May 13, 2019).

[3] In the event of changed circumstances, the Commission believes that the board resolution and investment guidelines will be amended and recorded in the ordinary course of business and would not create additional time burdens.

[4] In order for these companies to raise sufficient capital to fund their product development stage, Commission staff believes that they will need to present potential investors with investment guidelines. Investors generally want to be assured that the company's funds are invested consistent with the goals of capital preservation and liquidity.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89723; File No. SR–NYSEAMER–2020–64]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing of Proposed Rule Change To Modify Rules 971.1NY and 971.2NY

September 1, 2020.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on August 19, 2020, NYSE American LLC (''NYSE American'' or the ''Exchange'') 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 self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to modify Rules 971.1NY and 971.2NY regarding its Customer Best Execution (''CUBE'') auction to provide optional all-or-none functionality for larger-sized orders. The proposed rule change is available on the

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to expand its electronic crossing mechanism—the CUBE Auction, to provide optional all-or-none (''AON'')[4] functionality for ATP Holders to execute larger-sized orders (*i.e.,* 500 or more contracts) in both the Single-Leg and Complex CUBE Auctions (collectively, referred to herein as the ''CUBE Auction'' functionality).[5] As proposed, a CUBE Order would execute in full at the single stop price against the Contra Order, unless RFR Responses that provide price improvement to the CUBE Order or customer interest that is priced equal to the CUBE Order, or both, can in the aggregate, satisfy the full quantity of the CUBE Order, in which case, the Contra Order would not receive an allocation.[6]

Priority of Resting Customer Interest at Start of CUBE Auctions

The CUBE Auction operates seamlessly with the Consolidated Book—while still affording Single-Leg and Complex CUBE Orders an opportunity to receive price improvement.[7] In the case of the Single-Leg CUBE, to assure that a CUBE Order does not execute ahead of Customer interest resting on the Book at the initiation of an Auction, the Exchange has established that the CUBE Order may only execute within a defined range of permissible executions, which range is based on a snapshot of the market at the initiation of the Auction.[8] Specifically, for a CUBE Order to buy (sell) 50 or more contracts, the Auction begins with an ''initiating price,'' which is the lower (higher) of the CUBE Order's limit price or the NBO (NBB); however, if there is Customer interest on the Book at the BB (BO), the lower (upper) bound of permissible executions is the higher (lower) of the BB plus one cent (BO minus one cent) or the NBB (NBO).[9] This latter structure (when there is resting Customer interest) ensures that any Customer interest at the BB (BO) retains priority at that price, and is not circumvented by the interest in the CUBE Auction, including the CUBE Order. As discussed below, the proposed AON CUBE Order, which is 500 or more contracts, would be subject to the same requirements regarding how the range of permissible executions and initiating price of the CUBE Order would be determined, which are designed to honor the priority of Customer interest on the Book.

Once an Auction for a CUBE Order is commenced, such order is deemed executed (as it is guaranteed).[10] However, to respect the priority of the Consolidated Book, the Auction for a CUBE Order ends early upon the arrival of certain price-improving interest—including Customer interest that improves the stop price.[11]

In the case of Complex CUBE, the Exchange utilizes the concept of a CUBE BBO, which requires price improvement over resting interest to initiate a Complex CUBE Auction.[12] Upon entry of a Complex CUBE Order in the System, the CUBE BBO is determined to be the more aggressive of (i) the Complex BBO improved by $0.01, or (ii) the Derived BBO improved by: $0.01 multiplied by the smallest leg of the complex order strategy.[13] As with Single-Leg, a Complex CUBE Auction begins with an ''initiating price,'' which for a Complex CUBE Order is the less aggressive of the net debit/credit price of such order or the price that locks the contra-side CUBE BBO and the range of permissible executions of a Complex CUBE Order is all prices equal to or between the initiating price and the same-side CUBE BBO.[14] Thus, to initiate a Complex CUBE Auction, the Complex CUBE Order must be priced better than the interest resting on the Consolidated Book, *i.e.,* the CUBE BBO, which ensures that price-time priority—including for Customer interest—is respected.[15] As discussed below, the proposed AON Complex CUBE Order must likewise rely on the CUBE BBO to determine the initiating price and therefore honor Customer (and all other resting) interest.

Like a Single-Leg CUBE Order, once an Auction for a Complex CUBE Order is commenced, such order is deemed executed (as it is guaranteed).[16] As such, to respect the priority of the Consolidated Book, the Auction for a Complex CUBE Order ends early upon the arrival of certain price-improving

[4] An All-or-None Order or AON Order is a ''Market or Limit Order that is to be executed on the Exchange in its entirety or not at all.'' *See* Rule 900.3NY(d)(4).

[5] *See* proposed Rules 971.1NY, Commentary .05 and 971.2NY, Commentary .04.

[6] Capitalized terms have the same meaning as the defined terms in Rules 971.1NY and 971.2NY. See Securities and Exchange Act Release Nos. 71655 (March 5, 2014) 79 FR 13711 (March 11, 2014) (SR–NYSEMKT–2014–17) (the ''Single-Leg CUBE Notice''); 82802 (March 2, 2018), 83 FR 9769 (March 7, 2018) (SR–NYSEAMER–2018–05) (the ''Complex CUBE Notice'').

[7] *See* Rule 900.2NY(14) (defining Consolidated Book (or ''Book'') and providing that all quotes and orders ''that are entered into the Book will be ranked and maintained in accordance with the rules of priority as provided in Rule 964NY''). Rule 964NY (Display, Priority and Order Allocation—Trading Systems) dictates the priority of quotes and orders. The Exchange has integrated the Complex CUBE Auction into the Complex Matching Engine (or CME), which ensures that the Complex CUBE Auction respects the priority of interest in the Consolidated Book. *See* Rule 971.2NY(a).

[8] *See generally* Rule 971.1NY (for detailed description of operation of Single-Leg CUBE Auction). This proposal focuses solely on requirements of Single-Leg CUBE Order of 50 or more contracts because the proposed AON CUBE Order is for more than 50 contracts (*i.e.,* at least 500). *See, e.g.,* Rule 971.1NY(b)(1)(A) (regarding 50 or more contracts), (B) (regarding pricing for CUBE Order of 50 or fewer contracts).

[9] *See* Rule 971.1NY(b)(1)(A). *See supra* note 6, Single-Leg CUBE Notice, 79 FR 13711, at 13713 (examples #1 and 2 setting forth the initiating price and range of permissible executions based on resting Customer interest at the BBO at the start of the Auction).

[10] *See* Rule 971.1NY(b) (providing that ''[t]he time at which the Auction is initiated shall also be considered the time of execution for the CUBE Order . . .).

[11] *See* 971.1NY(c)(4) (setting forth the type of interest that causes the early end to a Single-Leg CUBE Auction).

[12] *See generally* Rule 971.2NY and Commentary .02 (definitions). *See also* Rule 900.2NY(7)(b),(c) (defining Complex BBO and Derived BBO). The ''same-side CUBE BBO'' and ''contra-side CUBE BBO'' refer to the CUBE BBO on the same or opposite side of the market as the Complex CUBE Order, respectively. *See* Rule 971.2NY(a)(2).

[13] *See* Rule 971.2NY(a)(2). A complex order strategy is entered with the ratio expressed in the fewest number of contracts for each leg of the ratio. For a complex order strategy with a ratio of 2, 3, and 6 contracts per leg, the $0.01 figure would be multiplied by 2 contracts, which represents the smallest leg. To calculate the CUBE BBO for this strategy, the Derived BBO would need to be priced improved by $0.02.

[14] *See* Rule 971.2NY(a)(2)–(4).

[15] *See supra* note 6, Complex CUBE Notice, 83 FR 9769, at 83 FR 9772 (example illustrating the initiating price and range of permissible executions for a Complex CUBE Order per Rule 971.2NY(a)(2)–(4)).

[16] *See* Rule 971.2NY(c) (providing that ''[t]he time at which the Auction is initiated will also be considered the time of execution for the Complex CUBE Order'').

interest—including Customer interest that improves the stop price.[17]

The proposal to expand the current CUBE Auction functionality by providing an additional (optional) method for market participants to effect larger-sized orders in the CUBE Auction would likewise operate seamlessly with the Consolidated Book. The Exchange also believes this proposal would encourage ATP Holders to compete vigorously to provide the opportunity for price improvement for larger-sized orders in a competitive auction process, which may lead to enhanced liquidity and tighter markets.

Proposed AON CUBE Functionality

AON CUBE Order for Single-Leg CUBE

The Exchange proposes to add new Commentary .05 to Rule 971.1NY to provide that a CUBE Order of at least 500 contracts would execute in full at the single stop price against the Contra Order, except under specified circumstances (the ''AON CUBE Order'').[18] As further proposed, a Contra Order would not be permitted to guarantee an AON CUBE Order for auto-match or an auto-match limit, which features are otherwise available in a Single-Leg CUBE Auction.[19]

The initiating price and permissible range of executions for a proposed AON CUBE Order would be determined in the same manner as for a standard CUBE Order, which means it must improve the price of any resting Customer interest to maintain the priority of such resting interest at the start of the Auction.[20] An AON CUBE Order Auction would also be subject to the same early end events as a Singe-Leg CUBE Order, including the arrival of Customer interest that improves the stop price.[21]

As proposed, an AON CUBE Order to buy (sell) would not execute with the Contra Order if the entire AON CUBE Order can be satisfied in full by contra-side Customer interest at the stop price or contra-side interest that price improves the stop price, or both. To effect this, the Exchange proposes that paragraph (a) to Commentary .05 to Rule 971.1NY would provide that the Contra Order would not receive an allocation if:

(a) RFR Responses to sell (buy) at prices lower (higher) than the stop price or Customer interest to sell (buy) at a price equal to the stop price, or both, that in the aggregate can satisfy the full quantity of the AON CUBE Order, in which case, the RFR Responses will be allocated as provided for in paragraphs (c)(5)(A) and (c)(5)(B)(i) of this Rule, as applicable.[22]

Thus, any Customer RFR Responses that equal the price of the AON CUBE Order may on its own or in combination with any non-Customer RFR Responses that improve the price of the AON CUBE Order, execute against the AON CUBE Order, provided that the size contingency of the order is met. The Exchange believes that providing RFR Responses an opportunity for an allocation in these specified circumstances is consistent with the Exchange's priority rules that give priority first to customer orders, and second to orders that provide price improvement.[23]

As further proposed, if RFR Responses and Customer interest to sell (buy) do not meet the requirements of proposed Commentary .05(a) to Rule 971.1NY, RFR Responses would not receive an allocation in the Auction for the AON CUBE Order. The Exchange believes that this proposal is consistent with the terms of how AONs function generally without violating the Exchange's general priority rules.[24]

With respect to allocation, the Exchange notes that the proposed functionality differs from the allocation of a standard Single-Leg CUBE Order in that the Contra Order is not guaranteed a minimum allocation at the stop price. Instead, given the AON nature of the functionality, the Contra Order either trades with the entire AON CUBE Order or not at all.[25]

With the exception of differences to the minimum size and allocation described in proposed Commentary .05 to Rule 971.1NY, an AON CUBE Order would otherwise be subject to Rule 971.1NY with respect to all other aspects of the CUBE Auction functionality.

AON Complex CUBE Order for Complex CUBE[26]

The Exchange also proposes to adopt substantially similar rule text to likewise offer ATP Holders the option of executing larger-sized orders in the Complex CUBE Auction. Specifically, as proposed, Commentary .04 to Rule 971.2NY would provide that a Complex CUBE Order Auction of at least 500 contracts would execute in full at the single stop price against the Complex Contra Order under specified circumstances (the ''AON Complex CUBE Order'').[27] As further proposed, a Complex Contra Order would not be permitted to guarantee an AON Complex CUBE Order for auto-match limit, which feature is otherwise available in a Complex CUBE Auction.[28]

The CUBE BBO for a proposed AON Complex CUBE Order would be determined in the same manner as for a Complex CUBE Order, which means an AON Complex CUBE Order would ensure the priority of such resting interest at the start of the Auction.[29] An AON Complex CUBE Order Auction would also be subject to the same early end events as a Complex CUBE Order, including the arrival of Customer interest that improves the stop price.[30]

[17] *See* 971.1NY(c)(3) (setting forth the type of interest that causes the early end to a Complex CUBE Auction).

[18] *See* proposed Commentary .05, Rule 971.1NY. *See* Rule 971.1NY(c)(1)(A) (setting forth parameters for single stop price). An AON CUBE Order would be rejected for the same reasons as a CUBE Order (*see* Rule 971.1NY(b)(2)–(10)), except that the minimum size is 500 contracts, as opposed to one contract, as set forth in Rule 971.1NY(b)(8).

[19] *See* proposed Commentary .05, Rule 971.1NY. *See also* Rule 971.1NY(c)(1)(B)–(C) (regarding parameters for auto-match and auto-match limit price).

[20] An AON CUBE Order and its paired Contra Order would be rejected if it failed to meet the pricing parameters. *See* Rule 971.1NY(b) (regarding auction eligibility requirements). *See supra* note 9 (regarding examples in Single-Leg CUBE Notice setting forth the initiating price and range of permissible executions based on resting Customer interest at the BBO at the start of the Auction).

[21] *See* 971.1NY(c)(4) (setting forth the type of interest that causes the early end to an Single-Leg CUBE Auction).

[22] *See* proposed Commentary .05, Rule 971.1NY(a).

[23] *See* Rule 971.1NY (c)(5)(A) (providing Customer interest first priority to trade with the CUBE Order, pursuant to the size pro rata algorithm set forth in Rule 964NY(b)(3) at each price point) and (c)(5)(B)(i) (providing that, second to Customer interest, RFR Responses priced below (above) the stop price, beginning with the lowest (highest) price within the range of permissible executions will execute with the CUBE Order, pursuant to the size pro rata algorithm set forth in Rule 964NY(b)(3) at each price point).

[24] *See* Rule 964NY (regarding order ranking and priority).

[25] *See* Rule 971.1NY(c)(5)(B)(i)(b) (providing that, ''if there is sufficient size of the CUBE Order still available after executing at better prices or against Customer interest, the Contra Order shall receive additional contracts required to achieve an allocation of the greater of 40% of the original CUBE Order size or one contract (or the greater of 50% of the original CUBE Order size or one contract if there is only one RFR Response)'').

[26] *See generally* Rule 971.2NY (for detailed description of operation of Complex CUBE Auction).

[27] *See also* proposed Commentary .04, Rule 971.2NY. *See* Rule 971.2NY(b)(1)(A) (setting forth parameters for single stop price). An AON Complex CUBE Order would be rejected for the same reasons as a Complex CUBE Order (*see* Rule 971.2NY(b)(2)–(5)).

[28] *See* Rule 971.2NY(b)(1)(B) (regarding parameters for auto-match limit price).

[29] A Complex AON CUBE Order and its paired Complex Contra Order would be rejected if it failed to meet the pricing parameters. *See* Rule 971.2NY(b) (regarding auction eligibility requirements). *See supra* note 15 (regarding example in Complex CUBE Notice setting forth the initiating price and range of permissible executions based CUBE BBO).

[30] *See* 971.1NY(c)(3) (setting forth the type of interest that causes the early end to a Complex CUBE Auction).

As proposed, an AON Complex CUBE Order to buy (sell) would not execute in full with the Complex Contra Order if the entire AON Complex CUBE Order can be satisfied in full by contra-side Customer interest at the stop price or RFR Responses that price improve the stop price, or both. To effect this, the Exchange proposes that paragraph (a) to Commentary .04 to Rule 971.2NY would provide that the Complex Contra Order would not receive an allocation if:

(a) RFR Responses to sell (buy) at prices more aggressive than the stop price or Customer interest to sell (buy) at a price equal to the stop price, or both, that in the aggregate can satisfy the full quantity of the AON Complex CUBE Order, in which case, the RFR Responses will be allocated as provided for in paragraphs (c)(4)(A) and (c)(4)(B)(i) of this Rule, as applicable.[31]

Thus, any Customer RFR Responses that equal the price of the AON Complex CUBE Order may on its own or in combination with any non-Customer RFR Responses that improve the price of the AON CUBE Order, execute against the AON Complex CUBE Order provided that the size contingency of the order is met. The Exchange believes that providing RFR Responses an opportunity for an allocation in these specified circumstances is consistent with the Exchange's priority rules that give priority first to customer orders, and second to orders that provide price improvement.[32]

As further proposed, if RFR Responses and Customer interest to sell (buy) do not meet the requirements of proposed Commentary .04(a) to Rule 971.2NY, RFR Responses would not receive an allocation in the Auction for the AON Complex CUBE Order. The Exchange believes that this proposal is consistent with the terms of how AONs function generally without violating the Exchange's general priority rules.[33]

With respect to allocation, the Exchange notes that the proposed functionality differs from the allocation of a standard Complex CUBE Order in that the Complex Contra Order is not guaranteed a minimum allocation at the stop price. Instead, given the AON nature of the functionality, the Complex Contra Order either trades with the entire AON Complex CUBE Order or not at all.[34]

With the exception of differences to the minimum size and allocation described in proposed Commentary .04 to Rule 971.2NY, an AON Complex CUBE Order would otherwise be subject to Rule 971.2NY with respect to all other aspects of the Complex CUBE Auction functionality.

Implementation

The Exchange will announce the implementation date of the proposed rule change in a Trader Update following the approval of this proposed rule change.

2. Statutory Basis

For the reasons set forth above, the Exchange believes the proposed rule change is consistent with Section 6(b) of the Act in general, and furthers the objectives of Section 6(b)(5) of the Act, in that it is designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

The proposed functionality is intended to benefit investors, because it is designed to provide investors seeking to execute large option orders in the CUBE Auction with greater certainty regarding the price at which the order would be executed. This proposal would remove impediments to and perfect the mechanism of a free and open market and a national market system because it would provide ATP Holders that locate liquidity for their customers' larger-sized orders a facility in which to execute those orders at the agreed-upon price, while also providing an opportunity for such orders to be price improved if the full quantity can be price improved. The Exchange believes the proposed functionality would promote and foster competition and provide more options contracts with the opportunity for price improvement.

The Exchange believes that the proposed functionality would provide more efficient transactions, reduce execution risk to ATP Holders, and afford greater execution opportunities for larger-sized orders. The proposed functionality would operate within the Single-Leg CUBE and Complex CUBE (including by integrating Complex CUBE into the Complex Matching Engine, per Rule 971.2NY(a)) such that—because of the existing price-improvement requirements to initiate the respective CUBE Auctions that would be applicable to an AON CUBE Order or AON Complex CUBE Order—the Exchange is able to assure that the proposed functionality would continue to respect the priority of interest, in particular Customer interest, resting on the Consolidated Book when an Auction commences.

Further, the proposed functionality is reasonable and promotes a fair and orderly market and national market system, because it is substantially similar to the price improvement mechanisms for larger-sized orders available on other options exchanges. The Exchange believes this proposal may lead to an increase in Exchange volume and should allow the Exchange to better compete against other markets that already offer an all-or-none electronic solicitation mechanism for larger-sized orders. The Exchange believes that its proposal would allow the Exchange to better compete for solicited transactions, while providing an opportunity for price improvement on the larger-sized orders. In addition, the proposed functionality should promote and foster competition and provide more options contracts with the opportunity for price improvement, which should benefit market participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange is proposing the functionality as an optional market enhancement that, if utilized, should increase competition for ATP Holders seeking to execute larger-sized orders in an electronic auction mechanism. The Exchange notes that other options exchanges offer electronic auction mechanisms for larger-sized orders on an AON basis. While the Exchange has not conducted a comparison of the proposed functionality to the mechanisms that are available on other exchanges, the Exchange nonetheless believes the

[31] *See* proposed Commentary .04, Rule 971.2NY(a).

[32] *See also* Rule 971.2NY (c)(4)(A) (providing Customer interest first priority to trade with the Complex CUBE Order, at each price level, pursuant to the size pro rata algorithm set forth in Rule 964NY(b)(3) at each price point) and (c)(4)(B)(i) (providing that, second to Customer interest, RFR Responses priced below (above) the stop price, beginning with the lowest (highest) price within the range of permissible executions will execute with the Complex CUBE Order, pursuant to the size pro rata algorithm set forth in Rule 964NY(b)(3) at each price point).

[33] *See* Rule 980NY(b) (''Priority of Electronic Complex Orders in the Consolidated Book''). *See also* Rule 971.2NY (regarding processing of Complex CUBE Orders per Rule 980NY).

[34] *See* Rule 971.2NY(c)(4)(B)(i)(b) (providing that, ''[a]t the stop price, if there is sufficient size of the Complex CUBE Order still available after executing at prices better than the stop price or against Customer interest, the Complex Contra Order will receive an allocation of the greater of 40% of the original Complex CUBE Order size or one contract (or the greater of 50% of the original Complex CUBE Order size or one contract if there is only one RFR Response)'').

proposed functionality would provide ATP Holders with a greater choice of exchanges from which to execute such orders. The proposal is structured to offer the same enhancement to all market participants and would not impose an intra-market competitive burden on any participant. The price improvement functionality for the AON functionality for both Single-Leg and CUBE Auctions are designed to promote competition for ATP Holders to compete amongst each other by responding with not only their best price, but also the full size for a particular auction.

The Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues who offer similar functionality. The Exchange believes that the proposed rule change will relieve any burden on, or otherwise promote, competition. The Exchange believes this proposed rule change is necessary to permit fair competition among the options exchanges and to establish more uniform price improvement auction rules on the various options exchanges. The proposed functionality may lead to an increase in Exchange volume and should allow the Exchange to better compete against other markets that already offer similar price improvement mechanisms for larger-sized orders. The Exchange anticipates that this proposal will create new opportunities for the Exchange to attract new business and compete on equal footing with those options exchanges that offer auction AON functionality for larger-sized orders and for this reason the proposal does not create an undue burden on intermarket competition. By contrast, not having the proposed functionality places the Exchange at a competitive disadvantage vis-à-vis other exchanges that offer similar price improvement mechanisms for larger-sized orders.

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 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–NYSEAMER–2020–64 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEAMER–2020–64. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEAMER–2020–64, and should be submitted on or before September 29, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[35]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–19714 Filed 9–4–20; 8:45 am]

BILLING CODE 8011–01–P

[35] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 16633 and # 16634; LOUISIANA Disaster Number LA–00103]

Presidential Declaration Amendment of a Major Disaster for the State of Louisiana

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Louisiana (FEMA—4559—DR), dated 08/28/2020.

Incident: Hurricane Laura.

Incident Period: 08/22/2020 through 08/27/2020.

DATES: Issued on 08/30/2020.

Physical Loan Application Deadline Date: 10/27/2020.

Economic Injury (EIDL) Loan Application Deadline Date: 05/28/2021.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of Louisiana, dated 08/28/2020, is hereby amended to include the following areas as adversely affected by the disaster:

Primary Parishes (Physical Damage and Economic Injury Loans): Vernon

Contiguous Parishes (Economic Injury Loans Only):

Louisiana: Natchitoches, Sabine.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Cynthia Pitts,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2020–19772 Filed 9–4–20; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #16633 and #16634; Louisiana Disaster Number LA–00103]

Presidential Declaration Amendment of a Major Disaster for the State of Louisiana

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 2.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Louisiana (FEMA–4559–DR), dated 08/28/2020.

Incident: Hurricane Laura.

Incident Period: 08/22/2020 through 08/27/2020.

DATES: Issued on 08/31/2020.

Physical Loan Application Deadline Date: 10/27/2020.

Economic Injury (EIDL) Loan Application Deadline Date: 05/28/2021.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of Louisiana, dated 08/28/2020, is hereby amended to include the following areas as adversely affected by the disaster:

Primary Parishes (Physical Damage and Economic Injury Loans):

Acadia, Ouachita, Vermilion.

Contiguous Counties (Economic Injury Loans Only):

Louisiana: Caldwell, Iberia, Jackson, Lafayette, Lincoln, Morehouse, Richland, Saint Landry, Union.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Cynthia Pitts,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2020–19796 Filed 9–4–20; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

Notice of Approved Agency Information Collection: Certification of Women-Owned Small Business Federal Contract Program

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA), the Small Business Administration (SBA) is providing notice to the public that the Office of Management and Budget (OMB) has approved the information collection request titled, ''Certification of Women-Owned Small Business Federal Contract Program'' (ICR). This ICR was revised in conjunction with a final rule, ''Women-Owned Small Business and Economically-Disadvantaged Women-Owned Small Business Certification.''

DATES: The OMB approval of the revision of this ICR is effective immediately with an expiration date of December 31, 2020.

FOR FURTHER INFORMATION CONTACT: Nikki Burley, U.S. Small Business Administration, Office of Policy, Planning and Liaison, 409 Third Street SW, Washington, DC 20416; (202) 205–6459; *nikki.burley@sba.gov.*

SUPPLEMENTARY INFORMATION: On May 11, 2020, SBA published a final rule, ''Women-Owned Small Business and Economically-Disadvantaged Women-Owned Small Business Certification'' (Final Rule) (85 FR 27650). The Final Rule implemented a statutory requirement to certify women-owned small businesses and economically-disadvantaged women-owned small businesses participating in the Women-Owned Small Business Federal Contracting Program (WOSB Program). The Final Rule included a new section, § 127.355, that contains a requirement for third-party certifiers to submit monthly reports to SBA showing the number of applications received, number of applications approved and denied, and any other information that SBA determines would help to ensure the third party certifiers are meeting their obligations under the WOSB program, would help to strengthen oversight of third-party certifiers, and improve program performance.

In conjunction with the publication of the Final Rule SBA submitted this new reporting requirement to the Office of Management and Budget (OMB) as a revision to the information collection ''Certification of Women-Owned Small Business Federal Contract Program'' (OMB Control Number 3245–0374) (ICR). SBA also revised the ICR to [brief statement re the other revisions] SBA indicated in the Final Rule that the revisions to the ICR, including the new reporting requirements in § 127.355 had not yet been approved by OMB and that the SBA will publish a subsequent notice in the **Federal Register** when that event occurred.

By this notice, SBA announces that OMB approved the revisions to the ICR. Section 127.355 is effective immediately, as are the other revisions to the ICR. The expiration date for the ICR is December 31, 2020.

Barbara Carson,

Deputy Associate Administrator, Office of Government Contracting and Business Development.

[FR Doc. 2020–19759 Filed 9–4–20; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #16635 and #16636; Texas Disaster Number TX–00568]

Administrative Declaration of a Disaster for the State of Texas

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Texas dated 08/31/2020.

Incident: Hurricane Hanna.

Incident Period: 07/25/2020 through 07/28/2020.

DATES: Issued on 08/31/2020.

Physical Loan Application Deadline Date: 10/30/2020.

Economic Injury (EIDL) Loan Application Deadline Date: 06/01/2021.

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: Hidalgo

Contiguous Counties: Texas: Brooks, Cameron, Kenedy, Starr, Willacy

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	2.500
Homeowners Without Credit Available Elsewhere	1.250
Businesses With Credit Available Elsewhere	6.000
Businesses Without Credit Available Elsewhere	3.000
Non-Profit Organizations With Credit Available Elsewhere	2.750
Non-Profit Organizations Without Credit Available Elsewhere	2.750
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 16635 8 and for economic injury is 16636 0.

The State which received an EIDL Declaration # is Texas.

(Catalog of Federal Domestic Assistance Number 59008)

Jovita Carranza,

Administrator.

[FR Doc. 2020–19755 Filed 9–4–20; 8:45 am]

BILLING CODE 8026–03–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2019–0847]

Period of Public Comment for the FAA Aviation Maintenance Technical Workers Workforce Development Grant Program Is Open for 15 Days

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

ACTION: Period of public comment for the FAA Aviation Maintenance Technical Workers Workforce Development Grant Program is open for 15 days.

SUMMARY: The FAA announces a Period of Public Comment for the Aviation Maintenance Technical Workers Workforce Development Grant Program and previews a forthcoming notice of funding opportunity.

DATES: Written comments should be submitted by September 23, 2020.

ADDRESSES: Please send written comments:

By Electronic Docket: www.regulations.gov (Enter docket number into search field).

SUPPLEMENTARY INFORMATION: *Assistance Listing Number:* 20.112, *www.beta.sam.gov.*

Note: This is not a request for proposals or offers.

Background

On October 5, 2018, the President signed the FAA Reauthorization Act of 2018 (the Act) (Pub. L. 115–254). Section 625 of the Act addresses the projected shortage of aviation maintenance technical workers in the aviation industry by directing the establishment of an Aviation Maintenance Technical Workers Workforce Development Grant Program. Congress authorized the program through the end of Fiscal Year 2023.

Authorizing Legislation

FAA Reauthorization Act of 2018 (Pub. L. 115–254, Section 625).

Funding

Congress appropriated $5,000,000 of funding for the program in Fiscal Year 2020 budget and capped each approved project to be not more than $500,000 for any one grant in any one fiscal year.

Types of Projects

The types of projects supported under the new Aviation Maintenance Technical Workers Workforce Development Grant Program are those that:

(a) Establish new educational programs that teach technical skills used in aviation maintenance, including purchasing equipment, or improve existing such programs;

(b) enhance aviation maintenance technical education or the aviation maintenance industry workforce;

(c) establish scholarships or apprenticeships for individuals pursuing employment in the aviation maintenance industry;

(d) support outreach about careers in the aviation maintenance industry to primary, secondary, and post-secondary school students or to communities under-represented in the industry;

(e) support transition to careers in aviation maintenance, including for members of the Armed Forces; or

(f) support educational opportunities related to aviation maintenance in economically disadvantaged geographic areas.

Eligible Applicants

Section 625 of the Act identifies the following types of entities as eligible to apply for the Aviation Maintenance Technical Workers Workforce Development Grants:

(a) Holders of a certificate issued under 14 CFR parts 21, 121, 135, or 145, or labor organizations representing aviation maintenance workers;

(b) accredited institutions of higher education (as defined in 20 U.S.C. 1001), or high schools or secondary schools (as defined in 20 U.S.C. 7801); or

(c) state or local governmental entities.

Notice of Funding Opportunity (NOFO) Information

Targeted Release Date

The FAA anticipates releasing an initial Notice of Funding Opportunity (NOFO) on *www.grants.gov* on or about November 13, 2020. The FAA envisions thereafter releasing NOFOs each year for which funding has been appropriated. The FAA anticipates all NOFOs will remain open for 60 days.

Notice of Intent To Apply

NOFOs may ask for applicants to email the FAA with their Intent to Apply for a grant within ten days of NOFO release. Submission of Intent to Apply will not be mandatory.

Unexpended Funds

If all funds are not expended in an award cycle for each fiscal year, the FAA may make additional awards from a previous pool of applications.

Grants.Gov

The FAA will release NOFOs on *www.grants.gov* and intends to accept only electronic applications. Potential applicants are encouraged to create accounts on *www.grants.gov* and can review samples of forms by following this link: *https://www.grants.gov/web/grants/forms/sf-424-family.html.*

Application Package

Application packages will be accepted electronically on *www.grants.gov* up to 11:59 p.m. prevailing Eastern Time of the closing date. Late submissions will not be accepted or reviewed. The application package may consist of completed standard government Financial Assistance Application forms such as those listed below:

- Application for Federal Assistance (SF 424)
- Budget Information for Non-Construction Programs (SF–424A)
- Assurances for Non-Construction Programs (SF–424B—Mandatory)
- SF–425 Federal Financial Report 4040–0014 and SF–425A Federal Financial Report Attachment
- Disclosure of Lobbying Activities and Certification (SF–LLL)

- Project/Performance Site Location(s), Key Contacts, and Project Abstract
- Project Abstract Summary
- ACH Vendor Payment Enrollment (SF–3881)

Proof of Eligibility

Applicants will be required to upload proof of eligibility to apply for the grants such as copies of accreditations and certifications. The FAA reserves the right to validate proof of eligibility.

Award Floor and Ceiling

The FAA may issue awards of between $25,000 and not more than $500,000 (the ceiling established in the Act) for any one grant in any one fiscal year.

Number of Awards

This grant program is competitive. The FAA reserves the right to make grant awards depending on the quantity and quality of proposals received in response to the NOFO. The expectation is to fund a minimum of 10 proposals.

Period of Performance

The FAA anticipates that the period of performance of each grant will be 12 to 18 months from the effective date of the grant award.

Funding Restrictions

- The FAA will not reimburse pre-award costs or application preparation costs under the proposed award.
- The FAA will not reimburse for facility construction or research activities.
- The FAA may cap the use of the grant funds for Indirect and Administrative Costs to 5% of the total award.

Matching Requirements

The FAA Aviation Workforce Development Grant Programs enabling legislation does not require matching contributions in this program.

Partnerships

Individual entities, teams, and new providers are eligible to apply for a grant. The FAA encourages applicants to partner with others as appropriate to: satisfy Congressional intent and meet the requirements of this selection criteria; reach and include students and educators in various geographic and economic areas; and to help the applicant provide additional opportunities, assistance, and resources to ensure success and sustainability.

Application Review Information

FAA Subject Matter Experts will serve on teams to provide a Technical, and a Management and Fiscal Evaluation. The Technical Evaluation Team will review applications and rank proposals based upon merit criteria similar to the examples below. The Management and Fiscal Reviewers will review financial aspects of the proposal including the budget and supporting narrative, plans to administer and oversee activities, assessment processes and tools. Incorrect, missing documents/items, or incomplete applications will be grounds for rejecting the application. Applications should address each criterion. Late submissions will not be considered.

Examples of Potential Merit Criteria

Criterion 1

The extent to which the applicant can encourage, increase interest, recruit students, and deliver programs to a diverse population including those in economically disadvantaged geographic areas and those under-represented in the aviation maintenance field. The applicant should demonstrate the following:

- Outreach and recruitment efforts to encourage aviation maintenance careers for students in primary, secondary and/or post-secondary schools, or in communities under- represented in the industry, and facilitate the transition to careers in aviation maintenance to include members of the Armed Forces.
- The role of individuals, entities or organizations participating in the proposed activities; provide letters of commitment by each participant.
- The extent to which the applicant is prepared to create, adapt, or improve programs designed to generate and increase interest in aviation maintenance careers. Provide activities participants will undertake to prepare for and transition into aviation maintenance careers.
- An ability to provide education and training activities to enhance career awareness and understanding of the aviation maintenance industry. Include vocational and other programs presented in the past through various methods. Include the size and scope of the program anticipated.
- Plans to improve existing or establish new educational programs that teach appropriate technical skills and describe how the activities will serve to enhance and prepare the future aviation maintenance workforce. Include potential scholarship and/or apprenticeship opportunities to attract those who may pursue employment in the aviation maintenance industry.

Criterion 2

Resources available to the applicant to carry out this project. The applicant should demonstrate the following:

- Ability to provide the necessary resources and facilities and carry out activities to support the program overall.
- Plans to provide maintenance career preparation and related activities using multiple methods.
- Other resources.

Criterion 3

Ability to design and disseminate program information. Include a plan to provide aviation maintenance workforce development programs to a diverse population including those in economically disadvantaged geographic areas and those under-represented in the aviation maintenance field, with a continuing education component. Include a plan to attract potential participants transitioning into the field. The applicant should demonstrate the following:

- Ability to conduct courses, seminars, workshops, vocational or other activities related to aviation maintenance careers.
- Facilities, equipment, and resources available to provide for: student recruitment; academic and career counseling and mentoring; and general information dissemination activities.
- Outreach plans to include students in primary, secondary, and post-secondary schools or communities under-represented in the industry and those transition from the Armed Forces.

Criterion 4

Ability to effectively administer the proposed activities. The FAA is interested in a disciplined administrative and strategic project plan. Include an approach to efficiently control administrative expenses while effectively allocating resources between projects designed to optimize career awareness and prepare students to enter aviation maintenance careers. The applicant should demonstrate the following:

- Provide a plan describing how the applicant will organize and oversee individual activities and manage the various tasks.
- Describe how the applicant will evaluate activities and meet, develop, adapt or expand performance goals.
- Indicate the entity prepared to serve as the lead for administrative purposes and describe the responsibilities to be undertaken, should a team propose.
- Provide a proposed budget including necessary equipment to be

purchased to achieve program goals with a supporting narrative.

Industry Consultation

Prior to selecting among competing applications, the *Secretary shall consult* with representatives from aircraft repair stations, design and production approval holders, air carriers, labor organizations, business aviation, general aviation, educational institutions, and other relevant aviation sectors. Therefore, the FAA is assuming this responsibility by providing stakeholders and the public an opportunity to review this preliminary plan to establish the Aviation Workforce Development Grant Programs.

Financial Review

The FAA will perform an assessment of risk posed by the applicant prior to issuing awards. The assessment includes evaluating previous Federal grant experiences, financial stability, and potential for conflicts of interest. The applicant will be asked to submit a copy of its most recent Cognizant Auditing Agency Report and remedies to all findings. Any potential applicants with previous disbarments or suspensions will be disqualified.

Unique Identifier or System of Award

The applicant is required to: (i) Be registered in *www.SAM.gov* before submitting its application; (ii) provide a valid unique entity identifier in its application; and (iii) continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding agency.

The Federal awarding agency may not make a Federal award to an applicant until the applicant has complied with all applicable unique identifier and SAM requirements. If an applicant has not fully complied with the requirements by the time of the Federal awarding agency is ready to make a Federal award, the Federal awarding agency may determine that the applicant is not sufficiently prepared or is not qualified to receive a Federal award.

Degree of Federal Involvement

The FAA may conduct site visits of applicant institutions and facilities to observe curriculum delivery, and review relevant materials including books, records, activity plans, relevant documents, accounting procedures, processes, and related activities and resources. The FAA will require semi-annual progress reports and final reports.

Federal Assistance Program Law

The FAA will adhere to all Guidelines for Federal Assistance Programs outlined in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. To review the 2 CFR 200, please visit: *https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl*.

Note: This is not a request for proposals or offers.

FOR FURTHER INFORMATION: Please visit our website at: *www.faa.gov/go/awd* or *https://www.faa.gov/about/office_org/headquarters_offices/ang/grants/awd/*.

Issued in Washington DC, on September 2, 2020.

Patricia A Watts,

Grants Officer, Aviation Workforce Development Grant Programs, NextGen Grants Management Branch (ANG–A19).

[FR Doc. 2020–19812 Filed 9–4–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway in California

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Notice of limitation on claims for judicial review of actions by the California Department of Transportation (Caltrans).

SUMMARY: The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans that are final. The actions relate to a proposed permanent restoration project, on State Route 70, in the County of Plumas, State of California. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA, on behalf of Caltrans, 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 February 5, 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 applies.

FOR FURTHER INFORMATION CONTACT: For Caltrans: Emiliano Pro, Branch Chief, Caltrans Office of Environmental Management, California Department of Transportation-District 2, 1031 Butte Street, Redding, CA 96001 Office Hours: 7:00 a.m.–3:30 p.m., Pacific Standard Time, telephone (530) 225–3174 or email *emiliano.pro@dot.ca.gov.* For FHWA, contact David Tedrick at (916) 498–5024 or email *david.tedrick@dot.gov.*

SUPPLEMENTARY INFORMATION: Effective July 1, 2007, The FHWA assigned, and the Caltrans assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that Caltrans has 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 California:

Permanent restoration project to repair storm-related damage to SR 70 at multiple locations (from post mile 0.00 to 29.9) in Plumas County. Project will partially grout rock slope protection, construct a tie back retaining wall, and replace numerous culverts to permanently restore and replace the storm-damaged highway protective features to prevent route closure and future damage to the state highway. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Assessment (EA) approved on June 19, 2020, in the FHWA Finding of No Significant Impact (FONSI) issued on June 19, 2020, and in other documents in the FHWA project records (Federal Project reference number 02 1800 0119). The EA, FONSI and other project records are available by contacting Caltrans at the addresses provided above. The Caltrans EA and FONSI can be viewed and downloaded from the project website at *https://ceqanet.opr.ca.gov/2020039005/3,* or viewed at public libraries in the project area.

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. Council on Environmental Quality Regulations
2. National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 *et seq.*
3. Federal-Aid Highway Act of 1970, 23 U.S.C I 09
4. MAP–21, the Moving Ahead for Progress in the 21st Century Act (Pub. L. 112–141)
5. Clean Air Act Amendments of 1990 (CAAA)
6. Clean Water Act of 1977 and 1987

7. Federal Water Pollution Control Act of 1972 (see Clean Water Act of 1977 & 1987)
8. Federal Land Policy and Management Act of 1976 (Paleontological Resources)
9. Noise Control Act of 1972
10. Safe Drinking Water Act of 1944, as amended
11. Endangered Species Act of 1973
12. Executive Order 11990, Protection of Wetlands
13. Executive Order 13112, Invasive Species
14. Executive Order 13186, Migratory Birds
15. Fish and Wildlife Coordination Act of 1934, as amended
16. Migratory Bird Treaty Act
17. Wildflowers, Surface Transportation and Uniform Relocation Act of 1987 Section 130
18. Executive Order 11988, Floodplain Management
19. Department of Transportation (DOT) Executive Order 5650.2—Floodplain Management and Protection (April 23, 1979)
20. Title VI of the Civil Rights Act of 1964, as amended
21. Executive Order 12898, Federal Actions to Address Environmental Justice and Low Income Populations

(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: September 1, 2020.

Rodney Whitfield,

Director, Financial Services, Federal Highway Administration, California Division.

[FR Doc. 2020–19799 Filed 9–4–20; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2020–0111]

Agency Information Collection Activities; Revision of an Approved Information Collection: Renewal of Practices of Household Goods Brokers

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), U.S. Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the information collection request (ICR) renewal described below to the Office of Management and Budget (OMB) for its review and approval and invites the public to comment. FMCSA requests OMB's renewed approval to the ICR titled ''Practices of Household Brokers'' to keep compliance with 49 CFR part 371. This renewal updates wage related costs that have changed since the last approval and revises the previous information collection total respondent hourly and cost burden methodology to be consistent with best practices. This ICR renewal is necessary to support the requirements of subpart B of 49 CFR part 371 and FMCSA's responsibility to ensure consumer protection in the transportation of household goods (HHG).

DATES: We must receive your comments on or before November 9, 2020.

ADDRESSES: You may submit comments identified by Federal Docket Management System (FDMS) Docket Number FMCSA–2020–0111 using any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251
- *Mail:* Docket Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001 between 9 a.m. and 5 p.m. Eastern Time, Monday through Friday, except Federal holidays.

Instructions: All submissions must include the agency name and docket number. For detailed instructions on submitting comments and additional information on the exemption process, see the Public Participation heading below. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* and follow the online instructions for accessing the dockets, or go to the street address listed above.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

Public Participation: The Federal eRulemaking Portal is available 24 hours each day, 365 days each year. You can obtain electronic submission and retrieval help and guidelines under the ''help'' section of the Federal eRulemaking Portal website. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard, or print the acknowledgement page that appears after submitting comments online. Comments received after the comment closing date will be included in the docket and will be considered to the extent practicable.

FOR FURTHER INFORMATION CONTACT: Monique Riddick, Commercial Enforcement and Investigations Division, U.S. Department of Transportation, Federal Motor Carrier Safety Administration, West Building 6th Floor MC–ECC, 1200 New Jersey Avenue SE, Washington, DC 20590–0001. Telephone: 202–366–8045; email *monique.riddick@dot.gov.*

SUPPLEMENTARY INFORMATION:

Background: As a result of Title IV, Subtitle B of the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA–LU) (Pub. L. 109–59) and a petition for rulemaking from the American Moving and Storage Association (AMSA), FMCSA amended then-existing regulations for brokers in a final rule titled, ''Brokers of Household Goods Transportation by Motor Vehicles,'' (75 FR 72987, Nov. 29, 2010), amending 49 CFR part 371 by providing additional consumer protection responsibilities for brokers of HHG.

Section 4212 of SAFETEA–LU, directs the DOT Secretary to require HHG brokers to provide shippers with information throughout the various stages of their interactions with shippers. The following phases summarize the information collection required by the HHG broker at the various contractual stages by 49 CFR 371.

I. First Phase: ''Prospecting''

When a HHG shipper is looking to procure a HHG broker's services, the broker must collect the following information and display it on its websites and solicitation materials:

- Its physical address (371.107a);
- Its U.S. DOT license numbers (371.107b);
- A statement indicating it will not transport the shipper's goods but will only arrange for goods to be transported by a registered motor carrier (371.107c);

• If the broker chooses to publish rates on its website or solicitation materials, the broker must also publish a statement that the rates are based on a motor carrier's publicly available rates (371.107d);

• If broker chooses to publish a list of motor carriers it works with, the list must be a list only of carriers with which brokers have agreements (371.107e); and

• Brokers must publish information regarding their cancellation policies, including information on deposits and refunds (371.117a).

For the exact text of regulations see section 12 part I of this document.

II. Second Phase: ''Contact''

When an HHG shipper makes a reasonable request seeking additional information about broker services, the HHG broker must collect the following information and distribute it to the HHG shipper:

• A list of carriers it has agreements with (371.109a); and

• A statement indicating the broker is not a carrier and that the broker is only arranging transportation of shipper's goods (371.109b).

For the exact text of regulations see Section 12 Part II.

III. Third Phase: ''Estimate''

When an HHG shipper requests an estimate, the broker must collect the following information and provide it to the shipper:

• FMCSA's published information material: (1) ''*Ready to Move? Tips for a Successful Interstate Move*'' and (2) ''*Your Rights and Responsibilities When You Move (2013 Update)*'' (371.111a1, 2, & 3);

• A written estimate based on a physical survey of household items (371.113a) and published carrier rates (371.113b); and

• If applicable, a ''Waiver'' receipt showing shipper waived their right to a physical survey of their household items (371.113b).

The broker must obtain a signed document showing that FMCSA's published information material was received by the shipper (371.111c). For the exact text of regulations see section 12 part III.

IV. Fourth Phase: ''Agreement''

Should the shipper find the estimate(s) and broker services reasonable and wish to book the broker's services, the two parties must enter into an agreement. At this point it is standard practice for shippers to pay a deposit or full payment. Before a deposit is collected the broker must collect the following information and distribute it to the HHG shipper:

• An agreement document with required specifications as laid out by regulation 371.115; and

• An agreement document which highlights the broker's and/or motor carrier's refund policy for cancelation of agreements (371.117a).

For the exact text of regulations see section 12 part IV.

V. Fifth Phase: ''Delivery''

After the broker confirms delivery of the household goods by the carrier, the broker must collect the following information and distribute it to the HHG shipper:

• A receipt with transaction data, including cancelation details if the agreement was canceled as laid out by 49 CFR 371.3.

The complete collection of information required by the referenced final rule assists shippers in their business dealings with interstate HHG brokers. The information collected is used by prospective shippers to make informed decisions about contracts, services ordered, executed, and settled. The HHG broker is often the primary contact for individual shippers and in the best position to educate shippers and prepare them for a successful move. The information collection is intended to combat deceptive business practices; the information helps enforcement personnel better protect consumers by verifying that shippers are receiving information as required by regulations.

FMCSA revises the total annual burden to 153,758 hours. This is an increase of 83,673 annual burden hours from the currently approved 70,085 burden estimate. The increase is due to the following:

1(a) the previous information collections did not include the broker's time to complete physical surveys of shippers household goods, and 1(b) the time to prepare a written estimate based off a physical survey as required by 49 CFR 371.113(a).

(2) The previous iteration did not account for the hours brokers spend to complete a waiver, if applicable, as required by 49 CFR 371.113(c)(1), (c)(2), & (c)(3).

(3) The previous iteration did not clarify a frequency formula used to calculate the number of times brokers collect and submit information to shippers.

(4) FMCSA's records for household goods brokers increased from 543 brokers to 652 brokers.

For this renewal, FMCSA updated the methodology to reflect best practices, which resulted in the annual burden increase.

Title: Practices of Household Goods Brokers.

OMB Control Number: 2126–0048.

Type of Request: Renewal of currently approved collection.

Respondents: Brokers of Household Goods.

Estimated Number of Respondents: 5,216 [Phase I (652); + Phase II: (652 + 652); + Phase III (652 + 652 +652); + Phase IV (652); + Phase V (652) = 600,492].

Estimated Number of Responses: 600,492 responses [Phase I (3,260); + Phase II: (3,260 + 200,816); + Phase III (3,260 + 125,836 + 63,244); + Phase IV (100, 408); + Phase V (100, 408) = 600,492].

Estimated Time per Response: 0.26 hours or 15.37 minutes [total burden hours (153,758) divided by total number of responses (600,492).

Expiration Date: January 31, 2021.

Frequency of Response: On occasion.

Estimated Total Annual Burden: 153,758 hours.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the performance of FMCSA's functions; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize or include your comments in the request for OMB's clearance of this information collection.

Issued under the authority of 49 CFR 1.87.

Kenneth Riddle,

Acting Associate Administrator, Office of Research and Registration.

[FR Doc. 2020–19807 Filed 9–4–20; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2012–0032]

Commercial Driver's License Standards: Application for Exemption; Daimler Trucks North America, LLC (Daimler)

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of application for exemption; request for comments.

SUMMARY: FMCSA announces that Daimler Trucks North America, LLC (Daimler) has requested an exemption from the commercial driver's license (CDL) requirement for nine of its commercial motor vehicle (CMV) drivers. Daimler also requested an exemption from the requirement to register CDL holders in the Drug and Alcohol Clearinghouse (DAC) for the same drivers. All nine drivers hold a valid German commercial license and will be test driving Daimler vehicles on U.S. roads to better understand product requirements in ''real world'' environments, and verify results. Daimler believes that the requirements for a German commercial license ensure that the same level of safety is met or exceeded as if these drivers had a U.S. CDL. FMCSA requests public comments on Daimler's application for exemption.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA–2012–0032 using any of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Send comments to Docket Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Deliver comments to Docket Operations, West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m. E.T., Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Docket Operations.
- *Fax:* (202) 493–2251.

Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to *www.regulations.gov,* including any personal information included in a comment. Please see the *Privacy Act* heading below.

Docket: For access to the docket to read background documents or comments, go to *www.regulations.gov* at any time or visit Docket Operations in Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Docket Operations.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Mr. Richard Clemente, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; (202) 366–4225, *MCPSD@dot.gov.* If you have questions on viewing or submitting material to the docket, contact Docket Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2012–0032), indicate the specific section of this document to which the comment applies, and provide a reason for suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to *www.regulations.gov* and put the docket number, ''FMCSA–2012–0032'' in the ''Keyword'' box, and click ''Search.'' When the new screen appears, click on ''Comment Now!'' button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *www.regulations.gov* and insert the docket number, ''FMCSA–2012–0032'' in the ''Keyword'' box and click ''Search.'' Next, click ''Open Docket Folder'' button and choose the document listed to review. If you do not have access to the internet, you may view the docket online by visiting Docket Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Docket Operations.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain parts of the Federal Motor Carrier Safety Regulations. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews the safety analyses and the public comments, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reason for the grant or denial, and, if granted, the specific person or class of persons receiving the exemption, and the regulatory provision or provisions from which exemption is granted. The notice must also specify the effective period of the exemption (up to 5 years), and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

III. Background

The CDL requirements for drivers operating CMVs in interstate or intrastate commerce are set forth in 49 CFR part 383. The nine Daimler drivers, however, are citizens of Germany, and therefore cannot apply for a CDL in any of the States. The rules in 49 CFR part 382, subpart G require motor carriers to register all employees subject to controlled substance and alcohol testing, including CDL holders, in the DAC. The DAC does not have the capability to register German commercial license holders. Daimler therefore requests both a CDL and a DAC exemption for the following nine drivers who are also development engineers: Manfred Wilhelm Guggolz,

Thorsten Sascha Kugel, Steffen Keppeler, Lars Nock, Jorg Wolfgang Spielvogel, Frank-Michael Kircher, Jochen Hans Horwath, Dominik Cammerer, and Carsten Schewe. A copy of Daimler's application for exemption is included in the docket for this notice.

IV. Request for Comments

In accordance with 49 U.S.C. 31315(b)(6), FMCSA requests public comment from all interested persons on Daimler's exemption application. All comments received before the close of business on the comment closing date indicated at the beginning of this notice will be considered and will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2020–19808 Filed 9–4–20; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2000–7257, Notice No. 89]

Railroad Safety Advisory Committee; Notice of Meeting

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of public meeting.

SUMMARY: FRA announces the sixtieth meeting of the Railroad Safety Advisory Committee (RSAC), a Federal Advisory Committee that develops railroad safety regulations through a consensus process.

DATES: The RSAC meeting is scheduled for Thursday, October 1, 2020. The meeting will commence at 9:30 a.m. and will adjourn by 11:30 a.m. (all times Eastern Daylight Time). Requests to attend the meeting must be received by September 24, 2020. Requests for accommodations because of a disability must be received by September 21, 2020. Requests to submit written materials to be reviewed during the meeting must be received no later than September 24, 2020.

ADDRESSES: The RSAC meeting will be held telephonically. Telephonic attendance information will be provided upon registration with either of the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section. Copies of the meeting minutes, along with general information about the committee, are available on the RSAC internet website at *https://rsac.fra.dot.gov/* .

FOR FURTHER INFORMATION CONTACT: Kenton Kilgore, RSAC Designated Federal Officer/RSAC Coordinator, FRA Office of Railroad Safety, (202) 493–6286 or *kenton.kilgore@dot.gov;* or Larry Woolverton, Executive Officer, FRA Office of Railroad Safety, (202) 493–6212 or *larry.woolverton@dot.gov.* Any committee-related request should be sent to the persons listed in this section.

SUPPLEMENTARY INFORMATION: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), FRA is giving notice of a meeting of the RSAC. The RSAC is composed of 40 voting representatives from 29 member organizations, representing various rail industry perspectives. The diversity of the Committee ensures the requisite range of views and expertise necessary to discharge its responsibilities.

Public Participation: The meeting will open to the public and attendance may be limited due to telephonic meeting constraints. To register, please send an email to either of the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section. The meeting is accessible to individuals with disabilities. The U.S. Department of Transportation and the Federal Railroad Administration are committed to providing equal access to this meeting for all participants. If you need alternative formats or services because of a disability, please contact either of the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section by the deadline listed in the **DATES** section. Any member of the public may submit a written statement to the committee at any time. If a member of the public wants the submitted written materials to be considered by the committee during the meeting, the submission must be received before the deadline listed in the **DATES** section.

Agenda Summary: The RSAC meeting topics will include updates on recent activity by RSAC Working Groups for: Passenger Safety, Track Standards, Tourist and Historic Railroads, and Part 225 Accident Reporting. The detailed agenda will be posted on the RSAC internet website at least one week in advance of the meeting.

Issued in Washington, DC.

Quintin Kendall,

Deputy Administrator.

[FR Doc. 2020–19737 Filed 9–4–20; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2019–0202]

Pipeline Safety: Request for Special Permit; Columbia Gas Transmission, LLC

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA); DOT.

ACTION: Notice.

SUMMARY: PHMSA is publishing this notice to solicit public comments on a request for special permit received from the Columbia Gas Transmission, LLC (TCO). The special permit request is seeking relief from compliance with certain requirements in the Federal pipeline safety regulations. At the conclusion of the 30-day comment period, PHMSA will review the comments received from this notice as part of its evaluation to grant or deny the special permit request.

DATES: Submit any comments regarding this special permit request by October 8, 2020.

ADDRESSES: Comments should reference the docket number for this specific special permit request and may be submitted in the following ways:

- *E-Gov Website: http://www.Regulations.gov.* This site allows the public to enter comments on any **Federal Register** notice issued by any agency.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management System: 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:* Docket Management System: 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 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

Instructions: You should identify the docket number for the special permit request you are commenting on at the beginning of your comments. If you submit your comments by mail, please submit two (2) copies. To receive

confirmation that PHMSA has received your comments, please include a self-addressed stamped postcard. Internet users may submit comments at *http://www.Regulations.gov*.

Note: There is a privacy statement published on *http://www.Regulations.gov*. Comments, including any personal information provided, are posted without changes or edits to *http://www.Regulations.gov*.

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 notice 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 notice, it is important that you clearly designate the submitted comments as CBI. Pursuant to 49 Code of Federal Regulations (CFR) 190.343, you may ask PHMSA to give confidential treatment to information you give to the agency by taking the following steps: (1) Mark each page of the original document submission containing CBI as ''Confidential''; (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information you are submitting is CBI. Unless you are notified otherwise, PHMSA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this notice. Submissions containing CBI should be sent to: Kay McIver, DOT, PHMSA–PHP–80, 1200 New Jersey Avenue SE, Washington, DC 20590–0001. Any commentary PHMSA receives that is not specifically designated as CBI will be placed in the public docket for this matter.

FOR FURTHER INFORMATION CONTACT:

General: Ms. Kay McIver by telephone at 202–366–0113, or by email at *kay.mciver@dot.gov*.

Technical: Mr. Steve Nanney by telephone at 713–272–2855, or by email at *steve.nanney@dot.gov*.

SUPPLEMENTARY INFORMATION: PHMSA received a special permit request from TCO seeking a waiver from the requirements of 49 CFR 192.611: Change in class location: Confirmation or revision of maximum allowable operating pressure, and § 192.619: Maximum allowable operating pressure: Steel or plastic pipelines. This special permit is being requested in lieu of pipe replacement or pressure reduction for four (4) special permit segments totaling 2.046 miles of the 30-inch diameter TCO Montgomery County (MC) Pipeline. The proposed special permit segments are located in Montgomery County, Maryland. The pipeline class locations in the special permit segments have changed from a Class 1 to Class 3 location. The TCO MC Pipeline special permit segments are not contiguous and are comprised of 30-inch diameter pipe with existing maximum allowable operating pressures of 898 pounds per square inch gauge (psig). The installation of the special permit segments occurred in 1962.

The special permit request, proposed special permit with conditions, and Draft Environmental Assessment (DEA) for the TCO MC Pipeline are available for review and public comment in Docket No. PHMSA–2019–0202. We invite interested persons to review and submit comments on the special permit request, proposed special permit with conditions, and DEA in the docket. Please include any comments on potential safety and environmental impacts that may result if the special permit is granted. Comments may include relevant data.

Before issuing a decision on the special permit request, PHMSA will evaluate all comments received on or before the comment closing date. Comments received after the closing date will be evaluated, if it is possible to do so without incurring additional expense or delay. PHMSA will consider each relevant comment it receives in making its decision to grant or deny this special permit request.

Alan K. Mayberry,

Associate Administrator for Pipeline Safety.

[FR Doc. 2020–19794 Filed 9–4–20; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2016–0136]

Pipeline Safety: Meeting of the Gas Pipeline Safety Advisory Committee

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA); DOT.

ACTION: Notice of advisory committee meeting.

SUMMARY: This notice announces a virtual public meeting of the Technical Pipeline Safety Standards Committee, also known as the Gas Pipeline Advisory Committee (GPAC), to discuss the Gas Pipeline Regulatory Reform notice of proposed rulemaking (NPRM).

DATES: PHMSA will hold a virtual public meeting on October 7, 2020. GPAC will meet from 10:30 a.m. to 6:00 p.m. ET on Wednesday, October 7, 2020. Members of the public who want to attend are asked to register no later than September 30, 2020. PHMSA requests that individuals who require disability accommodations notify Tewabe Asebe by September 30, 2020.

ADDRESSES: The meeting will be held virtually. The agenda and any additional information, including information on how to participate in the meeting, will be published on the meeting website at *https://primis.phmsa.dot.gov/meetings/MtgHome.mtg?mtg=151*. Presentations will be available on the meeting website and on the E-Gov website, *https://www.regulations.gov/,* under docket number PHMSA–2016–0136 no later than 30 days following the meetings. You may submit comments, identified by Docket No. PHMSA–2016–0136, by any of the following methods:

- *E-Gov Web: https://www.regulations.gov.* This site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building: Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building: Room W12–140, Washington, DC 20590–0001, between 9:00 a.m. and 5:00 p.m. ET Monday through Friday, except federal holidays.
- *Instructions:* Identify Docket No. PHMSA–2016–0136 at the beginning of your comments. If you submit your comments by mail, submit two copies. Internet users may submit comments at *https://www.regulations.gov.* If you would like confirmation that PHMSA received your comments, please include a self-addressed stamped postcard that is labeled ''Comments on PHMSA–2016–0136.'' The docket clerk will date stamp the postcard prior to returning it to you via the U.S. mail.
- *Note:* All comments received will be posted without edits to *https://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading for more information. Anyone can use the site to search all comments by the name of the submitting individual or, if the

comment was submitted on behalf of an association, business, labor union, etc., the name of the signing individual. Therefore, please review the complete U.S. Department of Transportation Privacy Act Statement in the **Federal Register** (65 FR 19477) or the Privacy Notice at *https://www.regulations.gov* before submitting comments.

• *Privacy Act Statement:* In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. The DOT posts these comments without edit, including any personal information the commenter provides, to *https://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.dot.gov/privacy.*

• *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 (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments in response to this notice 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 notice, it is important that you clearly designate the submitted comments as CBI. Pursuant to 49 CFR 190.343, you may ask PHMSA to provide confidential treatment to information you give to the agency by taking the following steps: (1) Mark each page of the original document submission containing CBI as ''Confidential;'' (2) send PHMSA a copy of the original document with the CBI deleted along with the original, unaltered document; and (3) explain why the information you are submitting is CBI. Unless you are notified otherwise, PHMSA will treat such marked submissions as confidential under the Freedom of Information Act and they will not be placed in the public docket of this notice. Submissions containing CBI should be sent to Tewabe Asebe, DOT, PHMSA, 1200 New Jersey Avenue SE, PHP–30, Washington, DC 20590–0001. Any commentary PHMSA receives that is not specifically designated as CBI will be placed in the public docket.

• *Docket:* For access to the docket or to read background documents or comments, go to *https://www.regulations.gov.* Follow the online instructions for accessing the dockets. Alternatively, this information is available by visiting the DOT at 1200 New Jersey Avenue SE, West Building: Room W12–140, Washington, DC 20590–0001, between 9:00 a.m. and 5:00 p.m. ET Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: Tewabe Asebe, Transportation Specialist, Office of Pipeline Safety, by phone at 202–366–5523 or by email at *tewabe.asebe@dot.gov.*

SUPPLEMENTARY INFORMATION:

I. Meeting Agenda

GPAC will meet to discuss the Gas Pipeline Regulatory Reform NPRM that PHMSA published in the **Federal Register** on June 9, 2020; (85 FR 35240). GPAC will review the NPRM and its associated regulatory analysis. PHMSA will post additional details on the meeting website in advance of the meeting.

In the NPRM, PHMSA proposes revisions to the federal pipeline safety regulations to ease regulatory burdens on the construction, maintenance, and operation of gas transmission, distribution, and gathering pipeline systems. The proposed amendments include petitions for rulemaking, regulatory relief actions identified by internal agency review, and public comments submitted in response to two DOT infrastructure and regulatory reform notices: Transportation Infrastructure: Notice of Review of Policy, Guidance, and Regulation (82 FR 26734; June 8, 2017) and Notification of Regulatory Review (82 FR 45750; October 2, 2017). The NPRM proposes to provide flexibility in the inspection requirements for farm taps, allow remote monitoring for rectifier stations, adjust the monetary damage threshold for reporting incidents for inflation, revise the inspection interval for monitoring atmospheric corrosion on gas distribution service pipelines, and repeal distribution integrity management program requirements for master meter operators and submission requirements for mechanical fitting failure reports. The NPRM also proposes to update the design standard for polyethylene pipe, raise the maximum diameter limit for polyethylene pipe, revise test requirements for pressure vessels, update welder requalification requirements to provide scheduling flexibility, and extend the allowance for pretested short segments of pipe and fabricated units to pipelines operating at a hoop stress of less than 30 percent of the specified minimum yield strength and more than 100 pounds per square inch.

II. Background

GPAC is a statutorily mandated advisory committee that provides PHMSA and the Secretary of Transportation with recommendations on proposed standards for the transportation of natural gas or hazardous liquids by pipeline. GPAC was established in accordance with 49 U.S.C. 60115 and the Federal Advisory Committee Act, as amended (5 U.S.C. App. 2), to review PHMSA's regulatory initiatives and determine their technical feasibility, reasonableness, cost-effectiveness, and practicability. GPAC consists of 15 members, with membership evenly divided among federal and state governments, regulated industry, and the general public.

III. Public Participation

The meeting will be open to the public. Members of the public who wish to attend must register on the meeting website and include their names and affiliations. PHMSA will provide members of the public with opportunities to make a statement during the course of these meetings. Additionally, PHMSA will record the meetings and post a record to the public docket. PHMSA is committed to providing all participants with equal access to these meetings. If you need disability accommodations, please contact Tewabe Asebe by phone at 202–366–5523 or by email at *tewabe.asebe@dot.gov.*

PHMSA is not always able to publish a notice in the **Federal Register** quickly enough to provide timely notice regarding last minute issues that impact a previously announced advisory committee meeting. Therefore, individuals should check the meeting website or contact Tewabe Asebe regarding any possible changes.

Issued in Washington, DC, on September 1, 2020, under authority delegated in 49 CFR 1.97.

Alan K. Mayberry,

Associate Administrator for Pipeline Safety.

[FR Doc. 2020–19801 Filed 9–4–20; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2019–0237]

Pipeline Safety: Request for Special Permit; Great Lakes Gas Transmission Company

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA); DOT.

ACTION: Notice.

SUMMARY: PHMSA is publishing this notice to solicit public comments on a

request for special permit received from the Great Lakes Gas Transmission Company (GLGT). The special permit request is seeking relief from compliance with certain requirements in the Federal pipeline safety regulations. At the conclusion of the 30-day comment period, PHMSA will review the comments received from this notice as part of its evaluation to grant or deny the special permit request.

DATES: Submit any comments regarding this special permit request by October 8, 2020.

ADDRESSES: Comments should reference the docket number for this special permit request and may be submitted in the following ways:

- *E-Gov Website: http://www.Regulations.gov.* This site allows the public to enter comments on any **Federal Register** notice issued by any agency.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management System: 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:* Docket Management System: 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 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

Instructions: You should identify the docket number for the special permit request you are commenting on at the beginning of your comments. If you submit your comments by mail, please submit two (2) copies. To receive confirmation that PHMSA has received your comments, please include a self-addressed stamped postcard. Internet users may submit comments at *http://www.Regulations.gov.*

Note: There is a privacy statement published on *http://www.Regulations.gov.* Comments, including any personal information provided, are posted without changes or edits to *http://www.Regulations.gov.*

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 notice 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 notice, it is important that you clearly designate the submitted comments as CBI. Pursuant to 49 Code of Federal Regulations (CFR) 190.343, you may ask PHMSA to give confidential treatment to information you give to the agency by taking the following steps: (1) Mark each page of the original document submission containing CBI as ''Confidential''; (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information you are submitting is CBI. Unless you are notified otherwise, PHMSA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this notice. Submissions containing CBI should be sent to Kay McIver, DOT, PHMSA–PHP–80, 1200 New Jersey Avenue SE, Washington, DC 20590–0001. Any commentary PHMSA receives that is not specifically designated as CBI will be placed in the public docket for this matter.

FOR FURTHER INFORMATION CONTACT:

General: Ms. Kay McIver by telephone at 202–366–0113, or by email at *kay.mciver@dot.gov.*

Technical: Mr. Steve Nanney by telephone at 713–272–2855, or by email at *steve.nanney@dot.gov.*

SUPPLEMENTARY INFORMATION: PHMSA received a special permit request from GLGT, a subsidiary of TC Energy, seeking a waiver from the requirements of 49 CFR 192.611: Change in class location: Confirmation or revision of maximum allowable operating pressure, and 49 CFR 192.619: Maximum allowable operating pressure: Steel or plastic pipelines. The Class 1 to Class 3 location changes occurred in April 2018. This special permit is being requested in lieu of pipe replacement or pressure reduction for seven (7) special permit segments totaling 14,783 feet in length of 36-inch diameter pipe on the GLGT Mainline 100, Mainline 200, and Mainline 300 Pipelines located in Beltrami County, Minnesota and northwest of the City of Bemidji, Minnesota. The proposed special permit will allow operation of the original Class 1 pipe in the Class 3 locations.

The GLGT Mainline 100, Mainline 200, and Mainline 300 Pipelines were installed between 1968 to 1998, and the proposed special permit segments have a maximum allowable operating pressure of 974 pounds per square inch gauge.

The special permit request, proposed special permit with conditions, and Draft Environmental Assessment (DEA) for the GLGT Mainline 100, Mainline 200, and Mainline 300 Pipelines are available for review and public comments in Docket No. PHMSA–2019–0237. We invite interested persons to review and submit comments on the special permit request and DEA in the docket. Please include any comments on potential safety and environmental impacts that may result if the special permit is granted. Comments may include relevant data.

Before issuing a decision on the special permit request, PHMSA will evaluate all comments received on or before the comments closing date. Comments received after the closing date will be evaluated, if it is possible to do so without incurring additional expense or delay. PHMSA will consider each relevant comment it receives in making its decision to grant or deny this special permit request.

Alan K. Mayberry,

Associate Administrator for Pipeline Safety.

[FR Doc. 2020–19792 Filed 9–4–20; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No. DOT–OST–2018–0190]

Aviation Consumer Protection Advisory Committee Matters

AGENCY: Office of the Secretary (OST), Department of Transportation (DOT).

ACTION: Notice of public meeting.

SUMMARY: The U.S. Department of Transportation (Department) announces a public meeting of the Aviation Consumer Protection Advisory Committee (ACPAC) on September 24, 2020. Three topics will be discussed at that meeting—(1) the report of the National In-Flight Sexual Misconduct Task Force (Task Force), an ACPAC subcommittee; (2) transparency of airline ancillary service fees; and (3) involuntary changes to travel itineraries.

DATES: The meeting will be held from 9:30 a.m.–4:00 p.m., Eastern Daylight Time on September 24, 2020.

ADDRESSES: The meeting will be open to the public and held virtually. Virtual attendance information will be provided upon registration. A detailed agenda will be available on the ACPAC website at *https://www.transportation.gov/airconsumer/ACPAC* at least one week before the meeting, along with copies of the meeting minutes after the meeting.

FOR FURTHER INFORMATION CONTACT: To register and attend this virtual meeting, please contact the Department by email at *ACPAC@dot.gov.* Attendance is open

to the public subject to any technical and/or capacity limitations. For further information, contact Stuart Hindman, Senior Attorney, by email at *Stuart.Hindman@dot.gov* or 202–366–9342.

SUPPLEMENTARY INFORMATION:

I. Background

On November 23, 2018, the Department announced the reformation of the Aviation Consumer Protection Advisory Committee, formerly known as the Advisory Committee on Aviation Consumer Protection, as a Federal advisory committee. The FAA Reauthorization Act of 2018 (2018 FAA Act), signed by President Trump on October 5, 2018, extended the authorization for the ACPAC from September 30, 2018, to September 30, 2023. The Department appointed new members to the ACPAC, and established the Task Force as an ACPAC subcommittee.

The Committee held a public meeting on April 4, 2019. During that meeting, the Committee discussed: (1) The establishment of the Task Force (including the tasks to be carried out by the Task Force); (2) transparency of airline ancillary service fees; and (3) involuntary changes to travel itineraries.

On March 16, 2020, the Task Force submitted a report to the ACPAC on awareness, training, reporting, and data collection regarding incidents of sexual misconduct by passengers onboard commercial aircraft. That report is available for public review on the ACPAC's docket, DOT–OST–2018–0190.

Moreover, earlier this year, the Secretary appointed Christopher Carr, Attorney General of Georgia, as the State or local government representative and Chair of the Committee, to replace the outgoing State and local government representative and Chair, Pete Rahn.

II. Agenda

During the meeting the Committee will discuss and deliberate on the report of the Task Force, as well as the information and recommendations made to the Committee at the previous public meeting on the topics of the transparency of airline ancillary service fees and involuntary changes to itineraries.

III. Public Participation

The meeting will be open to the public and attendance may be limited due to virtual meeting constraints. To register, please send an email to the Department as set forth in the **FOR FURTHER INFORMATION CONTACT** section. The Department 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 interpreter or other ancillary aids, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Members of the public may also present written comments at any time. The docket number referenced above (DOT–OST–2018–0190) has been established for committee documents including any written comments that may be filed. At the discretion of the Chairperson, after completion of the planned agenda, individual members of the public may provide oral comments time permitting. Any oral comments presented must be limited to the objectives of the committee and will be limited to five (5) minutes per person. Individual members of the public who wish to present oral comments must notify the Department of Transportation contact noted above via email that they wish to attend and present oral comments no later than Thursday, September 17, 2020.

Speakers are requested to submit a written copy of their prepared remarks for inclusion in the meeting records and for circulation to ACPAC members by September 21, 2020. All prepared remarks submitted on time will be accepted and considered as part of the meeting's record.

IV. Viewing Documents

You may view documents mentioned in this notice at *https://www.regulations.gov.* After entering the docket number (DOT–OST–2018–0190), click the link to ''Open Docket Folder'' and choose the document to review.

Issued in Washington, DC, this day of August 25, 2020.

Steven G. Bradbury,

General Counsel.

[FR Doc. 2020–19161 Filed 9–4–20; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service (IRS), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning Entry of Taxable Fuel.

DATES: Written comments should be received on or before November 9, 2020 to be assured of consideration.

ADDRESSES: Direct all written comments to Kinna Brewington, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Martha R. Brinson, at (202) 317–5753, or at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at *Martha.R.Brinson@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Entry of Taxable Fuel.

OMB Number: 1545–1897.

Regulation Project Number: TD 9346.

Abstract: The regulation imposes joint and several liabilities on the importer of record for the tax imposed on the entry of taxable fuel into the U.S. and revises definition of ''enterer''.

Current Actions: There are no changes being made to this regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals, business or other for-profit organizations, not-for-profit institutions, and Federal, state, local or tribal governments.

Estimated Number of Respondents: 1,125.

Estimated Time per Respondent: 1.25 hours.

Estimated Total Annual Burden Hours: 1,406.25.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. Comments will be of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the

agency, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 1, 2020.

Martha R. Brinson,

Tax Analyst.

[FR Doc. 2020–19727 Filed 9–4–20; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for New Technologies in Retirement Plans

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning new technologies in retirement plans.

DATES: Written comments should be received on or before November 9, 2020 to be assured of consideration.

ADDRESSES: Direct all written comments to Kinna Brewington, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to Kerry Dennis, at (202) 317–5751 or Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet, at *Kerry.Dennis@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: New Technologies in Retirement Plans.

OMB Number: 1545–1632.

Regulation Project Number: TD 8873/Notice 2020–42.

Abstract: Treasury Decision 8873 contains amendments to the regulations governing certain notices and consents required in connection with distributions from retirement plans. Specifically, these regulations set forth applicable standards for the transmission of those notices and consents through electronic media and modify the timing requirements for providing certain distribution-related notices. The regulations provide guidance to plan sponsors and administrators by interpreting the notice and consent requirements in the context of the electronic administration of retirement plans. The regulations affect retirement plan sponsors, administrators, and participants.

On March 13, 2020, the President of the United States issued an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act in response to the ongoing Coronavirus Disease 2019 (COVID–19) pandemic, beginning March 1, 2020 (COVID–19 Emergency). In response to this unprecedented public health emergency, and the related social distancing that has been implemented, Notice 2020–42 provides temporary relief from the physical presence requirement in § 1.401(a)–21(d)(6) of the Income Tax Regulations for participant elections required to be witnessed by a plan representative or a notary public, such as a spousal consent required under § 417 of the Internal Revenue Code (the Code). While this temporary relief, which covers the period from January 1, 2020, through December 31, 2020, is intended to facilitate the use of coronavirus-related distributions and plan loans to qualified individuals, as permitted by section 2202 of the Coronavirus Aid, Relief, and Economic Security Act, Public Law 116–136, 134 Stat. 281 (2020) (CARES Act), the temporary relief applies to any participant election that requires the signature of the individual making the election to be witnessed in the physical presence of a plan representative or notary.

Current Actions: There are no changes being made to the regulations at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 455,625.

Estimated Number of Responses: 11,700,000.

Estimated Time per Response: 2 minutes.

Estimated Total Annual Burden Hours: 477,563.

The following paragraph applies to all the collections of information covered by this notice.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained if their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the 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 collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (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; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: August 31, 2020.

Chakinna B. Clemons,

Supervisory Tax Analyst.

[FR Doc. 2020–19720 Filed 9–4–20; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 15227

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service (IRS), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning Application for an Identity Protection Personal Identification Number.

DATES: Written comments should be received on or before November 9, 2020 to be assured of consideration.

ADDRESSES: Direct all written comments to Kinna Brewington, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Martha R. Brinson, at (202) 317–5753, or at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at *Martha.R.Brinson@irs.gov.*

SUPPLEMENTARY INFORMATION: *Title:* Application for an Identity Protection Personal Identification Number.

OMB Number: 1545–.

Form Number: 15227.

Abstract: In order to assist certain qualifying persons to request an IP PIN via paper instead of the established online process, they are provided Form 15227 if they would like to request an IP PIN to protect their tax account.

Current Actions: This is a new form.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 25,000.

Estimated Time per Respondent: 15 mins.

Estimated Total Annual Burden Hours: 6,250.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. Comments will be of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 1, 2020.

Martha R. Brinson,

Tax Analyst.

[FR Doc. 2020–19728 Filed 9–4–20; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8946

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service (IRS), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning the PTIN Supplemental Application For Foreign Persons Without a Social Security Number.

DATES: Written comments should be received on or before November 9, 2020 to be assured of consideration.

ADDRESSES: Direct all written comments to Paul Adams, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Sara Covington, (737) 800–6149 or Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington DC 20224, or through the internet, at *Sara.L.Covington@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: PTIN Supplemental Application For Foreign Persons Without a Social Security Number.

OMB Number: 1545–2189.

Form Number: 8946.

Abstract: Form 8946 is used by foreign persons without a social security number (SSN) who want to prepare tax returns for compensation. Foreign persons who are tax return preparers must obtain a preparer tax identification number (PTIN) to prepare tax returns for compensation. Generally, the IRS requires an individual to provide an SSN to get a PTIN. Because foreign persons cannot get an SSN, they must file Form 8946 to establish their identity and status as a foreign person.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profit organizations.

Estimated Number of Respondents: 4,466.

Estimated Time per Respondent: 5.27 hrs.

Estimated Total Annual Burden Hours: 23,536.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the 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 collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (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; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: August 31, 2020.

Sara L. Covington,

Tax Analyst.

[FR Doc. 2020–19710 Filed 9–4–20; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

Geriatric and Gerontology Advisory Committee; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App.2, that a meeting of the Geriatric

and Gerontology Advisory Committee will be held on Friday, September 25, 2020, from 1:00 p.m. to 5:00 p.m. (Eastern Daylight Time). This meeting will be virtual and open to the public.

The purpose of the Committee is to provide advice to the Secretary of VA and the Under Secretary for Health on all matters pertaining to geriatrics and gerontology. The Committee assesses the capability of VA health care facilities and programs to meet the medical, psychological, and social needs of older Veterans, and evaluates VA programs designated as Geriatric Research, Education, and Clinical Centers.

Although no time will be allocated for receiving oral presentations from the public, members of the public may submit written statements for review by the Committee to: Ms. Marianne Shaughnessy, CRNP, Ph.D., Designated Federal Officer, Veterans Health Administration by email at *Marianne.Shaughnessy@va.gov.* Comments will be accepted until close of business on September 18, 2020. In the communication, the writers must identify themselves and state the organization, association of person(s) they represent.

Any member of the public wishing to attend virtually or seeking additional information should email *Marianne.Shaughnessy@va.gov* or call 202–407–6798, no later than close of business on September 18, 2020 to provide their name, professional affiliation, email address and phone number. For any members of the public that wish to attend virtually, they may use the WebEx link at: *https://veteransaffairs.webex.com/webappng/sites/veteransaffairs/meeting/download/6313851f29994224aa2ab70262235d4e?siteurl=veteransaffairs&MTID=m2ab4022c4ec4fdd88cac04af5ac91a02* Meeting number (access code): 199 240 7859, Meeting password: VBqNGVZ?362 , or to join by phone: 1–404–397–1596.

Dated: September 1, 2020.

LaTonya L. Small,

Federal Advisory Committee Management Officer.

[FR Doc. 2020–19725 Filed 9–4–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0636]

Agency Information Collection Activity: Accelerated Payment Verification of Completion Letter

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before November 9, 2020.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0636'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Danny S. Green at (202) 421–1354.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: Public Law 107–103; Public Law 110–181; Section 3014A of title 38; Section 16131a of title 10; 38 CFR 21.7154(d)(1); Sections 16131a of title 10, United States Code.

Title: Accelerated Payment Verification of Completion Letter.

OMB Control Number: 2900–0636.

Type of Review: Revision of a currently approved collection.

Abstract: Claimants electing to receive an accelerated payment for educational assistance allowance must certify they received such payment and how the payment was used. The data collected is used to determine the claimant's entitlement to accelerated payment.

Affected Public: Individuals and Households.

Estimated Annual Burden: 1 hour.

Estimated Average Burden per Respondent: 5 minutes.

Frequency of Response: One Time.

Estimated Number of Respondents: 9.

By direction of the Secretary.

Danny S. Green,

VA PRA Clearance Officer, Office of Quality, Performance and Risk, Department of Veterans Affairs.

[FR Doc. 2020–19788 Filed 9–4–20; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0031]

Agency Information Collection Activity: Veteran/Servicemember's Supplemental Application for Assistance in Acquiring Specially Adapted Housing

AGENCY: Loan Guaranty Service, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Loan Guaranty Service, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before November 9, 2020.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *nancy.kessinger@va.gov* Please refer to ''OMB Control No. 2900–0031'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Danny S. Green, (202) 421–1354 or email *Danny.Green2@va.gov.* Please refer to ''OMB Control No. 2900–0031'' in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: Public Law 104–13; 44 U.S.C. 3501–3521.

Title: Veteran/Servicemember's Supplemental Application for Assistance in Acquiring Specially Adapted Housing, VA Form 26–4555c.

OMB Control Number: 2900–0031.

Type of Review: Extension of a currently approved collection.

Abstract: Title 38, U.S.C., chapter 21, authorizes a VA program of grants for specially adapted housing for disabled veterans or servicemembers. Section 2101(a) of this chapter specifically outlines those determinations that must be made by VA before such grant is approved for a particular veteran or servicemember. VA Form 26–4555c is used to collect information that is necessary for VA to meet the requirements of 38 U.S.C. 2101(a). Also, see 38 CFR 36.4402(a), 36–4404(a), and 36.4405.

Affected Public: Individuals and households.

Estimated Annual Burden: 350 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 1,400.

By direction of the Secretary.

Danny S. Green,

VA PRA Clearance Officer, Office of Quality, Performance and Risk, Department of Veterans Affairs.

[FR Doc. 2020–19789 Filed 9–4–20; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 85 Tuesday,

No. 174 September 8, 2020

Part II

The President

Memorandum of September 2, 2020—Providing an Order of Succession Within the General Services Administration

Federal Register
Vol. 85, No. 174
Tuesday, September 8, 2020

Presidential Documents

Title 3—

The President

Memorandum of September 2, 2020

Providing an Order of Succession Within the General Services Administration

Memorandum for the Administrator of General Services

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Vacancies Reform Act of 1998, as amended, 5 U.S.C. 3345 *et seq.* (the ''Act''), it is hereby ordered that:

Section 1. *Order of Succession.* Subject to the provisions of section 2 of this memorandum and to the limitations set forth in the Act, the following officials of the General Services Administration, in the order listed, shall act as and perform the functions and duties of the office of the Administrator of General Services (Administrator), during any period in which both the Administrator and Deputy Administrator have died, resigned, or otherwise become unable to perform the functions and duties of the office of Administrator:

(a) Chief of Staff;

(b) General Counsel;

(c) Commissioner, Public Buildings Service;

(d) Commissioner, Federal Acquisition Service;

(e) Deputy Commissioner, Public Buildings Service;

(f) Deputy Commissioner, Federal Acquisition Service;

(g) Chief Financial Officer;

(h) Regional Administrator, Greater Southwest Region (Region 7); and

(i) Regional Administrator, Great Lakes Region (Region 5).

Sec. 2. *Exceptions.* (a) No individual who is serving in an office listed in section 1 of this memorandum in an acting capacity, by virtue of so serving, shall act as Administrator pursuant to this memorandum.

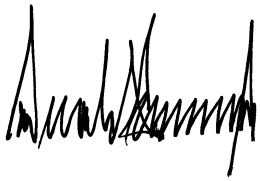
(b) No individual listed in section 1 of this memorandum shall act as Administrator unless that individual is otherwise eligible to so serve under the Act.

(c) Notwithstanding the provisions of this memorandum, the President retains discretion, to the extent permitted by law, to depart from this memorandum in designating an acting Administrator.

Sec. 3. *Revocation.* The Presidential Memorandum of September 20, 2013 (Designation of Officers of the General Services Administration to Act as Administrator of General Services), is hereby revoked.

Sec. 4. *General Provision.* This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

Sec. 5. *Publication.* You are hereby authorized and directed to publish this memorandum in the *Federal Register*.



THE WHITE HOUSE,
Washington, September 2, 2020

[FR Doc. 2020–19963
Filed 9–4–20; 11:15 am]
Billing code 6820–34–P

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