

the OCE finding that women-owned businesses are less likely to win contracts. As a result, SBA found that it possessed sufficient data to determine that WOSBs are underrepresented in these 21 industries. SBA also believed that this decision fulfills the intent of the Small Business Act, which demonstrates the intent that the designations of eligible industries be based on at least five years of data. The full OCE study is available on SBA's website at [www.sba.gov/wosb](http://www.sba.gov/wosb).

#### D. Solicitation of Public Comments

As both the RAND and OCE studies indicate, there is no single solution to determine underrepresentation, with each study methodology choice having its own benefits and shortcomings. As discussed above, the previous studies made choices regarding certain measures. Through this request, SBA seeks input from stakeholders on the areas below.

1. For the past two studies SBA has looked at the value of contracts as part of determining the utilization ratio. One issue raised by this approach is that this may be reflecting very few contracts awards (meaning awards to a few companies) which may not be representative of the actual competitive balance in the industry. SBA is seeking input on whether a hybrid approach should be used accounting for both value of contracts and number of contracts in a given industry. SBA is also considering using higher level NAICS (meaning fewer digits) for low volume industries.

2. SBA is also seeking input on how best to define women-owned businesses that are ready, willing, and able. Past studies have used SAM registration as a measure for ready, willing, and able. However, it may be that there are women-owned firms that are ready, willing, and able to perform government contracts that are not registered in SAM. Another option would be to look at women-owned small businesses in the US generally rather than limiting it to *sam.gov* registered businesses. SBA would like public comment input if it should continue to use the ready, willing, and able that was used in the previous studies, use general women-owned businesses in the US, or is there another method that SBA should consider.

Another issue with the ready, willing, and able determination is the possible overestimate of the number of WOSBs in a given NAICS because of the ability of firms to self-select NAICS in *sam.gov* without regard for capability. It may be possible to perform a sensitivity analysis to try to identify if there is a

problem with overestimates and to correct the analysis accordingly. SBA would like public input on whether this possible overestimate is a problem, and, if so, is SBA's proposed solution useful.

3. SBA is seeking comments on the appropriate thresholds for underrepresented versus substantially underrepresented. Currently, the threshold for underrepresented is <1 and the threshold for substantially underrepresented is <.5. Another factor SBA would like the public to consider is what should the thresholds be if they are changed? In addition, SBA is also considering utilizing different thresholds for low-volume NAICS. Should it be the same for all industries?

4. The past two studies have each had issues with low-volume industries. This occurs when there are either low-dollar value or low volume of contracts in a given industry. The result is that minor changes in either category can have extreme effects on the outcome. SBA is considering the use of power analysis calculations to determine which industries have a sufficient number of firms to detect a small effect size for the difference between the use of WOSBs and that of other businesses. SBA is also considering determining the level of industry concentration using a Normalized Herfindahl Index. In addition, SBA may also consider measuring disparity metrics independently by fiscal year and using pooled data over multiple years. This could reduce the number of low-volume NAICS, but could be considered less reliable if there is significant variance in disparity metrics over time. SBA would like public input on whether it should make changes to the treatment of low-volume NAICS and whether or not the proposed methods are a good way to taking into account low-volume NAICS.

#### Barbara Carson,

*Deputy Associate Administrator, Office of Government Contracting and Business Development.*

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BILLING CODE 8026-03-P

### TENNESSEE VALLEY AUTHORITY

#### Meeting of the Regional Energy Resource Council

**AGENCY:** Tennessee Valley Authority (TVA).

**ACTION:** Notice of meeting.

**SUMMARY:** The TVA Regional Energy Resource Council (RERC) will hold a virtual meeting on Wednesday, October 14, 2020, regarding regional energy related issues in the Tennessee Valley.

**DATES:** The meeting will be held on Wednesday, October 14, 2020, from 9:30 a.m. to 12:00 p.m. EDT, followed by a 1 hour lunch break and reconvene at 12:55 p.m. EDT. The afternoon session will end no later than 3:30 p.m. EDT.

**ADDRESSES:** The meeting is virtual and open to the public. Public members must preregister at the following link: <https://bit.ly/RercOct14>. Anyone needing special accommodations should let the contact below know at least a week in advance.

**FOR FURTHER INFORMATION CONTACT:** Cathy Coffey, [ccoffey@tva.gov](mailto:ccoffey@tva.gov) or 865/632-4494.

**SUPPLEMENTARY INFORMATION:** The RERC was established to advise TVA on its energy resource activities and the priorities among competing objectives and values. Notice of this meeting is given under the Federal Advisory Committee Act (FACA), 5 U.S.C. App.2.

The meeting agenda includes the following:

1. Welcome and Introductions
2. TVA Updates
3. Presentations Regarding TVA Electric Vehicle Strategy
4. Public Comments
5. Council Discussion

The RERC will hear views of citizens by providing a public comment session running from 1:00 p.m.–1:30 p.m. EDT, that day. Persons wishing to speak must register at [ccoffey@tva.gov](mailto:ccoffey@tva.gov) by 5:00 p.m. EDT, on Tuesday, October 13, 2020, and will be called on during the public comment period for up to two minutes to share their views. Written comments are also invited and may be mailed to the Regional Energy Resource Council, Tennessee Valley Authority, 400 West Summit Hill Drive, WT 9D, Knoxville, Tennessee 37902.

Dated: September 25, 2020.

#### Joseph J. Hoagland,

*Vice President, Innovation and Research, Tennessee Valley Authority.*

[FR Doc. 2020-21747 Filed 9-30-20; 8:45 am]

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### OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number USTR-2020-0035]

#### 2020 Review of Notorious Markets for Counterfeiting and Piracy: Comment Request

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Request for comments.

**SUMMARY:** The Office of the United States Trade Representative (USTR)

requests comments that identify online and physical markets to be considered for inclusion in the 2020 Review of Notorious Markets for Counterfeiting and Piracy (Notorious Markets List). The Notorious Markets List identifies examples of online and physical markets that reportedly engage in and facilitate substantial copyright piracy or trademark counterfeiting. The issue focus for the 2020 Notorious Markets List will examine the use of e-commerce platforms and other third-party intermediaries to facilitate the importation of counterfeit and pirated goods into the United States.

**DATES:** November 8, 2020 at 11:59 p.m. ET: Deadline for submission of written comments. November 22, 2020 at 11:59 p.m. ET: Deadline for submission of rebuttal comments and other information USTR should consider during the review.

**ADDRESSES:** You should submit written comments through the Federal eRulemaking Portal: <http://www.regulations.gov> (*Regulations.gov*). Follow the instructions for submitting comments in section III below. For alternatives to online submissions, please contact Jacob Ewerdt at [NotoriousMarkets@ustr.eop.gov](mailto:NotoriousMarkets@ustr.eop.gov) or (202) 395-4510 before transmitting a comment and in advance of the relevant deadline.

**FOR FURTHER INFORMATION CONTACT:** Jacob Ewerdt, Director for Innovation and Intellectual Property, at [NotoriousMarkets@ustr.eop.gov](mailto:NotoriousMarkets@ustr.eop.gov) or (202) 395-4510. You can find information about the Special 301 Review, including the Notorious Markets List, at [www.ustr.gov](http://www.ustr.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The United States is concerned with trademark counterfeiting and copyright piracy on a commercial scale because these illicit activities cause significant financial losses for right holders, legitimate businesses, and governments. In addition, they undermine critical U.S. comparative advantages in innovation and creativity to the detriment of American workers, and can pose significant risks to consumer health and safety and privacy and security. Conducted under the auspices of the Special 301 program and the authority of the U.S. Trade Representative to address practices that have significant adverse impact on the value of U.S. innovation, the Notorious Markets List identifies examples of online and physical markets that reportedly engage in and facilitate substantial copyright piracy or

trademark counterfeiting that infringe on U.S. intellectual property (IP).

Beginning in 2006, USTR identified notorious markets in the annual Special 301 Report. In 2010, USTR announced that it would publish the Notorious Markets List as an Out-of-Cycle Review, separate from the annual Special 301 Report. USTR published the first Notorious Markets List in February 2011. USTR develops the annual Notorious Markets List based upon public comments solicited through the **Federal Register** and in consultation with Federal agencies that serve on the Special 301 Subcommittee of the Trade Policy Staff Committee.

The United States encourages owners and operators of markets reportedly involved in piracy or counterfeiting to adopt business models that rely on the licensed distribution of legitimate content and products and to work with right holders and enforcement officials to address infringement. USTR also encourages foreign government authorities to intensify their efforts to investigate reports of piracy and counterfeiting in such markets, and to pursue appropriate enforcement actions. The Notorious Markets List does not purport to reflect findings of legal violations, nor does it reflect the U.S. Government's analysis of the general IP protection and enforcement climate in the country or countries concerned. For an analysis of the IP climate in particular countries, please refer to the annual Special 301 Report, published each spring no later than 30 days after USTR submits the National Trade Estimate to Congress.

##### II. Public Comments

USTR invites written comments concerning examples of online and physical markets that reportedly engage in and facilitate substantial copyright piracy or trademark counterfeiting that infringe on U.S. intellectual property. USTR also invites written comments for the Notorious Markets List 'issue focus' that highlights an issue related to the facilitation of substantial trademark counterfeiting or copyright piracy. The issue focus for the 2020 Notorious Markets List will examine the use of e-commerce platforms and other third-party intermediaries to facilitate the importation of counterfeit and pirated goods into the United States. The rapid growth of e-commerce platforms has helped fuel the growth of counterfeit and pirated goods into a half trillion-dollar industry. This illicit trade has an enormous impact on the American economy by eroding the competitiveness of American workers, manufacturers and innovation.

To facilitate the review, written comments should be as detailed as possible. Comments must clearly identify the market and the reasons why the commenter believes that the market should be included in the Notorious Markets List. Commenters should include the following information, as applicable:

##### *For physical markets:*

- The market's name and location, e.g., common name, street address, neighborhood, shopping district, city, etc., and the identity of the principal owners/operators.

##### *For online markets:*

- The domain name(s) past and present, available registration information, and name(s) and location(s) of the hosting provider(s) and operator(s).
- Information on the volume of internet traffic associated with the website, including number of visitors and page views, average time spent on the site, estimate of the number of infringing goods offered, sold, or traded and number of infringing files streamed, shared, seeded, leached, downloaded, uploaded, or otherwise distributed or reproduced, and global or country popularity rating (e.g., Alexa rank).
- Revenue sources such as sales, subscriptions, donations, upload incentives, or advertising and the methods by which that revenue is collected.

##### *For physical and online markets:*

- Whether the market is owned, operated, or otherwise affiliated with a government entity.
- Types of counterfeit or pirated products or services sold, traded, distributed, or otherwise made available at that market.
- Volume of counterfeit or pirated goods or services or other indicia of a market's scale, reach, or relative significance in a given geographic area or with respect to a category of goods or services.
- Estimates of economic harm to right holders resulting from the piracy or counterfeiting and a description of the methodology used to calculate the harm.
- Whether the volume of counterfeit or pirated goods or estimates of harm has increased or decreased from previous years, and an approximate calculation of that increase or decrease for each year.
- Whether the infringing goods or services sold, traded, distributed, or made available pose a risk to public health or safety.
- Any known contractual, civil, administrative, or criminal enforcement activity against the market and the outcome of that enforcement activity.

- Additional actions taken by right holders against the market such as takedown notices, requests to sites to remove URLs or infringing content, cease and desist letters, warning letters to landlords and requests to enforce the terms of their leases, requests to providers to enforce their terms of service or terms of use, and the outcome of these actions.
- Additional actions taken by the market owners or operators to remove, limit, or discourage the availability of counterfeit or pirated goods or services, including policies to prevent or remove access to such goods or services, or to disable seller or user accounts, the effectiveness of market policies and guidelines in addressing counterfeiting and piracy, and the level of cooperation with right holders and law enforcement.
- Any other additional information relevant to the review.

### III. Submission Instructions

All submissions must be in English and sent electronically via *Regulations.gov*. To submit comments, locate the docket (folder) by entering the docket number USTR–2020–0035 in the ‘Enter Keyword or IP’ window at the *Regulations.gov* homepage and click ‘search.’ The site will provide a search-results page listing all documents associated with this docket. Locate the reference to this notice by selecting ‘notice under ‘document type’ on the left side of the search-results page, and click on the link entitled ‘comment now!’ You should provide comments in an attached document, and name the file according to the following protocol, as appropriate: Commenter Name or Organization\_2020 Notorious Markets. Please include the following information in the ‘type comment’ field: 2020 Review of Notorious Markets for Counterfeiting and Piracy. USTR prefers submissions in Microsoft Word (.docx) or Adobe Acrobat (.pdf) format. If the submission is in another file format, please indicate the name of the software application in the ‘type comment’ field. For further information on using *Regulations.gov*, please select ‘how to use Regulations.gov’ on the bottom of any page.

Please do not attach separate cover letters to electronic submissions. Instead, include any information that might appear in a cover letter in the comments themselves. Similarly, to the extent possible, please include any exhibits, annexes, or other attachments in the same file as the comment itself, rather than submitting them as separate files.

For any comment submitted electronically that contains business

confidential information (BCI), the file name of the business confidential version should begin with the characters ‘BCI’. Any page containing BCI must be clearly marked “BUSINESS CONFIDENTIAL” on the top of that page and the submission should clearly indicate, via brackets, highlighting, or other means, the specific information that is business confidential. A filer requesting business confidential treatment must certify that the information is business confidential and that they would not customarily release it to the public. Additionally, the submitter should type ‘Business Confidential 2020 Review of Notorious Markets for Counterfeiting and Piracy’ in the ‘comment’ field.

Filers of comments containing BCI also must submit a public version of their comments. The file name of the public version should begin with the character ‘P’. The non-business confidential version will be placed in the docket at *Regulations.gov* and be available for public inspection.

As noted, USTR strongly urges submitters to file comments through *Regulations.gov*. You must make any alternative arrangements in advance of the relevant deadline and before transmitting a comment by contacting Jacob Ewerdt at *Notorious Markets@ustr.eop.gov* or (202) 395–4510 before transmitting a comment and in advance of the relevant deadline.

USTR will post comments in the docket for public inspection, except properly designated BCI. You can view comments on *Regulations.gov* by entering docket number USTR–2020–0035 in the search field on the home page.

#### Daniel Lee,

*Assistant U.S. Trade Representative for Innovation and Intellectual Property (Acting), Office of the United States Trade Representative.*

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**BILLING CODE 3290–F0–P**

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Burlington International Airport, South Burlington VT; FAA Approval of Noise Compatibility Program

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice.

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**SUMMARY:** The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by the City of

Burlington, Vermont under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 and FAA regulations. These findings are made in recognition of the description of federal and non-federal responsibilities in Senate Report No. 96–52 (1980). On August 27, 2020, the Airports Division Manager approved the Burlington International Airport noise compatibility program. All of the proposed program elements were approved.

**DATES:** The date of the FAA’s approval of the Burlington International Airport noise compatibility program is August 27, 2020.

**FOR FURTHER INFORMATION CONTACT:** Richard Doucette, Federal Aviation Administration, New England Region, Airports Division, 1200 District Avenue, Burlington, Massachusetts 01803, Telephone (781) 238–7613, Email: *richard.doucette@faa.gov*.

Documents reflecting this FAA action may be obtained from the same individual. The Noise Compatibility Plan and supporting information can also be found at *www.btvsound.com*.

**SUPPLEMENTARY INFORMATION:** This notice announces that the FAA has given its overall approval to the Burlington International Airport noise compatibility program, effective August 27, 2020.

Under Section 104 (a) of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter the Act), an airport operator who has previously submitted a noise exposure map may submit to the FAA a noise compatibility program which sets forth the measures taken or proposed by the airport operator for the reduction of existing non-compatible land uses and prevention of additional non-compatible land uses within the area covered by the noise exposure maps.

The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with 14 CFR part 150 is a local program, not a federal program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA’s approval or disapproval of the Part 150 program recommendations is measured according to the standards expressed in Part 150 and the Act, and is limited to the following determinations: