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Presidential Documents

Title 3—

The President

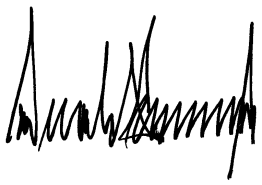
Memorandum of November 7, 2020

Delegation of Authority Under Section 506(a)(1) of the Foreign Assistance Act of 1961, as Amended

Memorandum for the Secretary of State

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby delegate to the Secretary of State the authority under section 506(a)(1) of the Foreign Assistance Act of 1961, as amended (Public Law 87–195), to direct the drawdown of up to $18 million in defense articles and services of the Department of Defense, and military education and training, to provide assistance to the Philippines to support counterterrorism operations, and to make the determinations required under such section to direct such a drawdown.

You are authorized and directed to publish this memorandum in the *Federal Register*.



THE WHITE HOUSE,
Washington, November 7, 2020

[FR Doc. 2020–25860
Filed 11–19–20; 8:45 am]
Billing code 4710–10–P

Rules and Regulations

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FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 324

RIN 3064–AF66

Regulatory Capital Rule: Changes to Applicability Thresholds for Regulatory Capital and Liquidity Requirements; Correction

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Correcting amendment.

SUMMARY: The Federal Deposit Insurance Corporation (FDIC) published an interagency final rule in the **Federal Register** on November 1, 2019, that revises the criteria for determining the applicability of regulatory capital and liquidity requirements for large U.S. banking organizations and the U.S. intermediate holding companies of certain foreign banking organizations. This final rule aligns the applicability of the enhanced supplementary leverage ratio for purposes of the prompt corrective action provisions in the FDIC's capital rule to its intended scope.

DATES: *Effective Date:* November 20, 2020.

FOR FURTHER INFORMATION CONTACT: Michael Phillips, Counsel, *mphillips@fdic.gov,* (202) 898–3581; Catherine Wood, Counsel, *cawood@fdic.gov,* (202) 898–3788; Francis Kuo, Counsel, *fkuo@fdic.gov,* (202) 898–6654; Supervision and Legislation Branch, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429. For the hearing impaired only, Telecommunication Device for the Deaf (TDD), (800) 925–4618.

SUPPLEMENTARY INFORMATION: The Federal Deposit Insurance Corporation, along with the Office of the Comptroller of the Currency and the Board of Governors of the Federal Reserve System (collectively, the agencies) published a final rule in the **Federal Register** on November 1, 2019, that revises the criteria for determining the applicability of regulatory capital and liquidity requirements for large U.S. banking organizations and the U.S. intermediate holding companies of certain foreign banking organizations (tailoring rule).[1] Under the tailoring rule, the supplementary leverage ratio of 3 percent applies to certain banking organizations and their subsidiaries, while global systemically important banking organizations (GSIBs) and their subsidiaries are subject to the enhanced supplementary leverage ratio. Under the agencies' prompt corrective action (PCA) provisions of the capital rule, depository institution subsidiaries of GSIBs must maintain a supplementary leverage ratio of 6 percent or greater for purposes of the ''well capitalized'' PCA category.[2]

In promulgating the tailoring rule, the agencies stated in the preamble that the enhanced supplementary leverage ratio is a Category I capital standard, which is applicable only to U.S. GSIBs and their depository institution subsidiaries. Specifically, the preamble to the tailoring final rule provides that the final rule maintains the capital requirements applicable to U.S. GSIBs and their depository institution subsidiaries. These requirements generally reflect agreements reached by the BCBS. U.S. GSIBs and their depository institution subsidiaries must calculate risk-based capital ratios using both the advanced approaches and the standardized approach and are subject to the U.S. leverage ratio. As stated in the preamble, such banking organizations are also subject to the requirement to recognize elements of AOCI in regulatory capital; the requirement to expand the capital conservation buffer by the amount of the countercyclical capital buffer, if applicable; and enhanced supplementary leverage ratio standards.[3] In addition, U.S. GSIBs are subject to the GSIB surcharge. Application of these Category I capital requirements will continue to strengthen the capital positions of U.S. GSIBs and reduce risks to financial stability.

In promulgating the tailoring rule, the agencies, however, inadvertently omitted amending the PCA provisions of the capital rule to reflect the tailoring rule, including the well capitalized PCA category. This PCA provision currently states that beginning on January 1, 2018 and thereafter, an FDIC-supervised institution that is a subsidiary of a covered BHC will be deemed to be well capitalized if the FDIC-supervised institution satisfies 12 CFR 324.403(b)(1)(i)(A) through (E) and has a supplementary leverage ratio of 6.0 percent or greater. For purposes of 12 CFR 324.403(b)(1)(ii), a covered BHC means a U.S. top-tier bank holding company with more than $700 billion in total assets as reported on the company's most recent Consolidated Financial Statement for Bank Holding Companies (Form FR Y–9C) or more than $10 trillion in assets under custody as reported on the company's most recent Banking Organization Systemic Risk Report (Form FR Y–15).[4]

This final rule aligns the applicability of the enhanced supplementary leverage ratio to its intended scope covering only global systemically important banking organizations and their subsidiaries as described in the preamble to the tailoring rule. Specifically, this final rule revises § 324.403(b)(1)(ii) by removing the definition of covered BHC and provides that an FDIC-supervised institution that is a subsidiary of a global systemically important bank holding company as defined in 12 CFR 217.402 will be considered well-capitalized for purposes of the PCA provisions of the capital rule if it satisfies certain capital requirements and has a supplementary leverage ratio of 6.0 percent or greater.

A. Administrative Procedure Act

The FDIC is issuing this final rule without prior notice, the opportunity for public comment, and the 30-day delayed effective date ordinarily prescribed by the Administrative Procedure Act (APA).[5] Pursuant to section 553(b)(B) of the APA, general notice and the opportunity for public comment are not required with respect to a rulemaking when an ''agency for good cause finds (and incorporates the

[1] Regulatory Capital Rule: Changes to Applicability Thresholds for Regulatory Capital and Liquidity Requirements, 84 FR 59230 (Nov. 1, 2020).

[2] See 12 CFR part 324, subpart H.

[3] 84 FR 59230, 59277.

[4] 12 CFR 324.403(b)(1)(ii).

[5] 5 U.S.C. 553.

finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.''[6]

The FDIC finds that the public interest is best served by implementing this final rule as of the date of **Federal Register** publication. This final rule's technical correction will correct the applicability of the enhanced supplementary leverage ratio to remove any potential confusion about the regulatory capital requirements applicable to the largest insured depository institutions so that such institutions can focus their attention on the continued intermediation of credit. For purposes of the well capitalized PCA category, this final rule aligns the applicability of the enhanced supplementary leverage ratio to its intended scope covering only global systemically important banking organizations and their subsidiaries as described in the preamble to the tailoring rule. The FDIC finds that there is good cause consistent with the public interest to issue this final rule without notice and comment.

Additionally, the APA requires a 30-day delayed effective date, except for (1) substantive rules which grant or recognize an exemption or relieve a restriction; (2) interpretative rules and statements of policy; or (3) as otherwise provided by the agency for good cause.[7] Because the final rule relieves a restriction, the final rule is also exempt from the APA's delayed effective date requirement.[8] Additionally, the FDIC finds good cause to publish the final rule correction with an immediate effective date for the same reasons set forth above under the discussion of section 553(b)(B) of the APA.

B. Congressional Review Act

For purposes of Congressional Review Act, the Office of Management and Budget (OMB) makes a determination as to whether a final rule constitutes a ''major'' rule.[9] If a rule is deemed a ''major rule'' by the OMB, the Congressional Review Act generally provides that the rule may not take effect until at least 60 days following its publication.[10]

The Congressional Review Act defines a ''major rule'' as any rule that the Administrator of the Office of Information and Regulatory Affairs of the OMB finds has resulted in or is likely to result in (A) an annual effect on the economy of $100,000,000 or more; (B) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or (C) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.[11]

The delayed effective date required by the Congressional Review Act does not apply to any rule for which an agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rule issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.[12]

For the same reasons set forth above, the FDIC adopts this final rule without the delayed effective date generally prescribed under the Congressional Review Act. Given the importance of aligning the PCA provisions of the capital rule to the tailoring rule, the FDIC believes that delaying the effective date of this final rule would be contrary to the public interest. As required by the Congressional Review Act, the FDIC will submit the final rule and other appropriate reports to Congress and the Government Accountability Office for review.

C. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521) (PRA) states that no agency may conduct or sponsor, nor is the respondent required to respond to, an information collection unless it displays a currently valid OMB control number. This final rule correction does not contain any information collection requirements therefore the FDIC will make no submissions to OMB in connection with this final rule.

D. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA)[13] requires an agency to consider whether the rules it proposes will have a significant economic impact on a substantial number of small entities.[14] The RFA applies only to rules for which an agency publishes a general notice of proposed rulemaking pursuant to 5 U.S.C. 553(b). As discussed previously, consistent with section 553(b)(B) of the APA, the FDIC has determined general notice and opportunity for public comment is impracticable and contrary to the public's interest, and therefore good cause exists to not issue a notice of proposed rulemaking. Accordingly, the FDIC has concluded that the RFA's requirements relating to initial and final regulatory flexibility analysis do not apply to this final rule.

E. Riegle Community Development and Regulatory Improvement Act of 1994

Pursuant to section 302(a) of the Riegle Community Development and Regulatory Improvement Act (RCDRIA),[15] in determining the effective date and administrative compliance requirements for new regulations that impose additional reporting, disclosure, or other requirements on insured depository institutions (IDIs), each Federal banking agency must consider, consistent with the principle of safety and soundness and the public interest, any administrative burdens that such regulations would place on depository institutions, including small depository institutions, and customers of depository institutions, as well as the benefits of such regulations. In addition, section 302(b) of RCDRIA requires new regulations and amendments to regulations that impose additional reporting, disclosures, or other new requirements on IDIs generally to take effect on the first day of a calendar quarter that begins on or after the date on which the regulations are published in final form, with certain exceptions, including for good cause.[16]

As stated above, this final rule's technical correction will correct the applicability of the enhanced supplementary leverage ratio to remove any potential confusion about the regulatory capital requirements applicable to the largest insured depository institutions so that such institutions can focus their attention on the continued intermediation of credit. In addition, for purposes of the well capitalized PCA category, this final rule aligns the applicability of the enhanced supplementary leverage ratio to its intended scope covering only global systemically important banking organizations and their subsidiaries as described in the preamble to the tailoring rule. As such, this final rule does not impose any additional reporting, disclosures, or other new requirements on IDIs. Therefore, the FDIC finds that the requirements of

[6] 5 U.S.C. 553(b)(B).

[7] 5 U.S.C. 553(d).

[8] 5 U.S.C. 553(d)(1).

[9] 5 U.S.C. 801 *et seq.*

[10] 5 U.S.C. 801(a)(3).

[11] 5 U.S.C. 804(2).

[12] 5 U.S.C. 808.

[13] 5 U.S.C. 601 *et seq.*

[14] Under regulations issued by the Small Business Administration, a small entity includes a depository institution, bank holding company, or savings and loan holding company with total assets of $600 million or less and trust companies with total assets of $41.5 million or less. *See* 13 CFR 121.201.

[15] 12 U.S.C. 4802(a).

[16] 12 U.S.C. 4802.

RCDRIA do not apply and this final rule will be published with an immediate effective date.

F. Plain Language

Section 722 of the Gramm-Leach-Bliley Act [17] requires the Federal banking agencies to use ''plain language'' in all proposed and final rules published after January 1, 2000. In light of this requirement, the FDIC has sought to present the final rule in a simple and straightforward manner.

List of Subjects in 12 CFR Part 324

Administrative practice and procedure, Banks, Banking, Capital, Capital adequacy, Reporting and recordkeeping requirements, Risk, Savings associations.

12 CFR Chapter III

Authority and Issuance

For the reasons set forth in the preamble, the FDIC corrects chapter III of title 12 of the Code of Federal Regulations by making the following correcting amendment:

PART 324—CAPITAL ADEQUACY OF FDIC-SUPERVISED INSTITUTIONS

■ 1. The authority citation for part 324 continues to read as follows:

Authority: 12 U.S.C. 1815(a), 1815(b), 1816, 1818(a), 1818(b), 1818(c), 1818(t), 1819(Tenth), 1828(c), 1828(d), 1828(i), 1828(n), 1828(o), 1831o, 1835, 3907, 3909, 4808; 5371; 5412; Pub. L. 102–233, 105 Stat. 1761, 1789, 1790 (12 U.S.C. 1831n note); Pub. L. 102–242, 105 Stat. 2236, 2355, as amended by Pub. L. 103–325, 108 Stat. 2160, 2233 (12 U.S.C. 1828 note); Pub. L. 102–242, 105 Stat. 2236, 2386, as amended by Pub. L. 102–550, 106 Stat. 3672, 4089 (12 U.S.C. 1828 note); Pub. L. 111–203, 124 Stat. 1376, 1887 (15 U.S.C. 78o–7 note), Pub. L. 115–174; section 4014, Pub. L. 116–136, 134 Stat. 281 (15 U.S.C. 9052).

■ 2. Section 324.403 is amended by revising paragraph (b)(1)(ii) to read as follows:

§ 324.403 Capital measures and capital category definitions.

* * * * *

(b) * * *

(1) * * *

(ii) An FDIC-supervised institution that is a subsidiary of a global systemically important bank holding company will be deemed to be well capitalized if the FDIC-supervised institution satisfies paragraphs (b)(1)(i)(A) through (E) of this section and has a supplementary leverage ratio of 6.0 percent or greater. For purposes of this paragraph (b)(1)(ii), global systemically important bank holding company has the same meaning as in 12 CFR 217.402.

* * * * *

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on November 4, 2020.

James P. Sheesley,

Assistant Executive Secretary.

[FR Doc. 2020–24900 Filed 11–19–20; 8:45 am]

BILLING CODE 6714–01–P

[17] Pub. L. 106–102, sec. 722, 113 Stat. 1338, 1471 (1999), 12 U.S.C. 4809.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

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

RIN 2120–AA66

Amendment of Class E Airspace; Charlevoix, MI

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 Charlevoix Municipal Airport, Charlevoix, MI. This action is the result of an airspace review caused by the decommissioning of the Charlevoix non-directional beacon (NDB). The geographic coordinates of the airport are also being updated to coincide with the FAA's aeronautical database.

DATES: Effective 0901 UTC, February 25, 2021. 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 Charlevoix Municipal Airport, Charlevoix, MI, to support instrument flight rule operations at this airport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (85 FR 55395; September 8, 2020) for Docket No. FAA–2020–0803 to amend the Class E airspace extending upward from 700 feet above the surface at Charlevoix Municipal Airport, Charlevoix, MI. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. One comment was received; however, the comment did not pertain to the proposed action so no response is provided.

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 Charlevoix Municipal Airport, Charlevoix, MI; and updates 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.

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 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 November 16, 2020.

Martin A. Skinner,

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

[FR Doc. 2020–25549 Filed 11–19–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No.: FAA–2019–0200]

Operators of Boeing Company Model 737–8 and Boeing Company Model 737–9 Airplanes: Rescission of Emergency Order of Prohibition

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

ACTION: Notification of Rescission of Emergency Order of Prohibition.

SUMMARY: The Emergency Order of Prohibition issued March 13, 2019, which restricted the operation of Boeing Company Model 737–8 and Boeing Company Model 737–9 airplanes, is rescinded, with effect as described in the rescission.

DATES: The Rescission of the Emergency Order of Prohibition is effective November 18, 2020 as to any Boeing Company Model 737–8 and 737–9 airplanes that hereafter receive FAA airworthiness certificates and export certificates of airworthiness, and any foreign-registered Boeing Company Model 737–8 and 737–9 airplanes operating in U.S. airspace. The Rescission of the Emergency Order of Prohibition is effective upon publication in the **Federal Register** of Airworthiness Directive 2020–24–02 as to all U.S.-registered Boeing Company Model 737–8 and 737–9 airplanes.

FOR FURTHER INFORMATION CONTACT: Ian Won, Federal Aviation Administration, Aircraft Certification Service, Seattle ACO Branch, 2200 South 216th Street, Des Moines, WA 98198 (Email: *9-FAA-SACO-AD-Inquiry@faa.gov;* Tel: 206–231–3500).

SUPPLEMENTARY INFORMATION: The full text of the Rescission of the Emergency Order of Prohibition issued November 18, 2020 is set forth below:

Rescission of Emergency Order of Prohibition

The Federal Aviation Administration (FAA) Emergency Order of Prohibition issued March 13, 2019, applicable to Boeing Company Model 737–8 and Boeing Company Model 737–9 airplanes, is rescinded with effect as described below. This rescission enables operation of Boeing Company Model 737–8 and Boeing Company Model 737–9 airplanes only upon satisfaction of applicable requirements for return to service.

Background

When the Administrator determines that an emergency exists related to safety in air commerce and requires immediate action, the Administrator may issue immediately effective orders to meet the emergency. *See* 49 U.S.C. 46105(c). On March 13, 2019, upon receiving information indicating the possibility of a shared cause for accidents involving Boeing Model 737–8 airplanes operated by Lion Air (Flight 610) on October 29, 2018 and Ethiopian Airlines (Flight 302) on March 10, 2019, the FAA determined that an emergency existed and issued an Emergency Order of Prohibition that restricted the operation of Boeing Company Model 737–8 and Boeing Company Model 737–9 airplanes. *See* 84 FR 9705. Following issuance of such an order, the FAA is to begin a proceeding immediately about the emergency and give preference, when practicable, to the proceeding. *See* 49 U.S.C. 46105(c).

Basis for Rescission

The FAA determined that the Lion Air and Ethiopian Airlines accidents involved a common cause, identified an unsafe condition that existed in the product and was likely to exist or

develop in other products of the same type design, and began proceedings to address the unsafe condition. On August 6, 2020, the FAA issued a notice of proposed rulemaking (NPRM) proposing an Airworthiness Directive that would apply to U.S.-registered Boeing Company Model 737–8 and Boeing Company Model 737–9 airplanes and would require owners and operators to complete certain corrective action necessary to address the unsafe condition. *See* 85 FR 47698. On November 18, 2020, after considering public comments on the NPRM, the FAA issued Airworthiness Directive 2020–24–02 as a final rule that requires certain corrective action to address the unsafe condition before further flight and conforms the aircraft to the amended Model 737–8 and 737–9 type designs that FAA approved on November 17, 2020. The Airworthiness Directive will become effective upon its publication in the **Federal Register**.

Together, the Airworthiness Directive and the design approval address the unsafe condition as to the existing U.S.-registered fleet of Boeing Company Model 737–8 and 737–9 airplanes and as to any Model 737–8 and 737–9 airplanes for which The Boeing Company hereafter seeks airworthiness certificates and export certificates of airworthiness. It is now practicable for the FAA to give preference to the proceedings that the FAA began in response to the emergency.

First, the Emergency Order of Prohibition is no longer necessary as to any Boeing Company Model 737–8 and 737–9 airplanes that hereafter receive original FAA airworthiness certificates and export certificates of airworthiness based on the amended type designs.

Second, for any Boeing Company Model 737–8 and 737–9 airplanes not falling into that first category, the Emergency Order of Prohibition is unnecessary as to foreign-registered airplanes operating in U.S. airspace. With respect to foreign-registered Boeing Company Model 737–8 and 737–9 airplanes, the FAA will apply Article 33 and Annex 8 of the Convention on International Civil Aviation (the Chicago Convention) to take appropriate action to restrict access to U.S. airspace and address any non-compliance with U.S. laws where the foreign civil aviation authority of the state of registry does not require conformance with the newly amended type design or an alternative that achieves at least an equivalent level of safety.

Finally, upon the publication of Airworthiness Directive 2020–24–02 in the **Federal Register**, the legal force of that Airworthiness Directive will supersede any need to apply the Emergency Order of Prohibition as to the existing U.S.-registered fleet of Boeing Company Model 737–8 and 737–9 airplanes that the FAA previously certificated. With respect to those airplanes, Airworthiness Directive 2020–24–02 requires corrective action before further flight.

Importantly, in the scenarios identified above, before returning Boeing Company Model 737–8 and 737–9 airplanes to service, operators must also meet all other applicable requirements, such as completing new training for pilots and conducting maintenance activity.

Rescission

For the foregoing reasons, the March 13, 2019 Emergency Order of Prohibition is rescinded as follows:

(1) Effective immediately as to any Boeing Company Model 737–8 and 737–9 airplanes that hereafter receive FAA airworthiness certificates and export certificates of airworthiness;

(2) Effective immediately as to any foreign-registered Boeing Company Model 737–8 and 737–9 airplanes operating in U.S. airspace; and

(3) Effective upon publication in the **Federal Register** of Airworthiness Directive 2020–24–02 as to all U.S.-registered Boeing Company Model 737–8 and 737–9 airplanes.

Rescission Contact Official

Direct any questions concerning this rescission, to Ian Won, Federal Aviation Administration, Aircraft Certification Service, Seattle ACO Branch, 2200 South 216th Street, Des Moines, WA 98198 (Email: *9/FAA/SACO/AD-Inquiry@faa.gov;* Tel: 206–231–3500).

Issued in Washington, DC, on November 18, 2020.

Steve Dickson,

Administrator.

[FR Doc. 2020–25864 Filed 11–18–20; 4:15 pm]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2020–0128]

RIN 1625–AA08

Special Local Regulation: Fort Lauderdale Air Show; Atlantic Ocean, Fort Lauderdale, FL

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary special local regulation (SLR) in the Atlantic Ocean east of Fort Lauderdale, Florida in connection with the Ft Lauderdale Air Show. The Ft Lauderdale Air Show is listed as typically occurring annually over one weekend in May. This year, however, the sponsor changed the event's date to the weekend of November 20, 2020. The SLR extends north of the Port Everglades Inlet approximately six miles and is necessary to ensure the safety of the public, spectators, participating vessels, and marine environment during aerobatic maneuvers by low-flying airplanes and high-speed surface demonstrations during the Fort Lauderdale Air Show. This SLR prohibits persons and non-participant vessels from entering, transiting, anchoring in, or remaining within the regulated area unless authorized by the Captain of the Port (COTP) Miami or a designated representative.

DATES: This rule is effective from 10 a.m. to 5 p.m. daily from November 20, 2020, through November 22, 2020.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2020–0128 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, contact Omar Beceiro, Sector Miami Waterways Management Division, U.S. Coast Guard by telephone at 305–535–4317 or by email at *Omar.Beceiro@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a

notice of proposed rulemaking (NPRM) with respect to this rule since this event has previously undergone the NPRM process and is listed as a recurring event in 33 CFR 100.702, on Line 3 of Table 1 to § 100.702. In addition, the sponsor notified the Coast Guard of the event with insufficient time to prepare and publish an NPRM. Immediate action is needed to respond to the potential safety hazards associated with aerobatic and high-speed surface demonstrations associated with the Fort Lauderdale Air Show. It is impracticable to publish an NPRM because we must establish this safety zone by November 20, 2020.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable because immediate action is needed to respond to the potential safety hazards associated with aerobatic and high-speed surface demonstrations associated with the Fort Lauderdale Air Show.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The COTP Miami has determined potential hazards associated with aerobatic and high-speed surface demonstrations from November 20, 2020, through November 22, 2020, will be a safety concern for anyone within the regulated area. This rule is needed to protect spectators, vessels, and the marine environment in the navigable waters within the SLR.

IV. Discussion of the Rule

This rule establishes a temporary SLR in connection with the Ft Lauderdale Air Show from 10 a.m. to 5 p.m. daily from November 20, 2020 through November 22, 2020. The Ft Lauderdale Air Show is listed in 33 CFR 100.702, on Line 3 of Table 1 to § 100.702 as typically occurring annually over one weekend in May. This year; however, the sponsor changed the event's date to the weekend of November 20, 2020. The SLR extends north of the Port Everglades Inlet approximately six miles and is necessary to ensure the safety of the public, spectators, participating vessels, and marine environment during aerobatic maneuvers by low-flying airplanes and high-speed surface demonstrations during the Fort Lauderdale Air Show. Non-participant vessels are prohibited from entering, transiting, anchoring in, or remaining within the regulated area without obtaining permission from the COTP Miami or a designated representative.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This rule has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB), and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

This regulatory action determination is based on the size, location, duration, and scope of the SLR. The SLR will affect a small designated area of the Atlantic Ocean over a period of three days during the month of November, making it limited in size, location and duration. Vessel traffic will be able to safely transit around the regulated area and vessels may seek permission to enter the zone, making it limited in scope. Moreover, the Coast Guard will notify the public of the regulated area through an entry in the Local Notice to Mariners and Broadcast Notice to Mariners on VHF–FM marine channel 16. In addition, the rule would allow.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the regulated area may be small entities, for the reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has 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. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In

particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–1, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a SLR lasting seven hours per day over three days that will prohibit persons and vessels from entering or transiting the regulated area during the air show. In April 2018, the Coast Guard prepared a Supplemental Environmental Assessment to assess the effects of the Ft Lauderdale Air show on the human environment resulting in a finding of no significant impact. The Supplemental Environmental Assessment and Finding of No Significant Impact (FONSI) are available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

List of Subjects in 33 CFR Part 100

Marine safety; Navigation (water); Waterways; Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 46 U.S.C. 70041; 33 CFR 1.05–1.

■ 2. Add § 100.T07–0128 to read as follows:

§ 100.T07–0128 Special Local Regulation; Fort Lauderdale Air Show; Atlantic Ocean, Fort Lauderdale, FL.

(a) *Regulated area.* The regulations in this section apply to the following area on the Atlantic Ocean in Fort Lauderdale, FL: All waters of the Atlantic Ocean encompassed within an imaginary line connecting the following points: Starting at Point 1 in position 26°11′01″ N 080°05′42″ W; thence due east to Point 2 in position 26°11′01″ N 080°05′00″ W; thence south west to Point 3 in position 26°05′42″ N 080°05′35″ W; thence west to Point 4 in position 26°05′42″ N 080°06′17″ W; thence following the shoreline north back to the point of origin. These coordinates are based on North American Datum 1983.

(b) *Definition.* The term ''designated representative'' means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the COTP Miami in the enforcement of the regulated area.

(c) *Regulations.* (1) All non-participant vessels or persons are prohibited from entering, transiting, anchoring in, or remaining within the regulated area unless authorized by the COTP Miami or a designated representative.

(2) Persons and vessels desiring to enter, transit, anchor in, or remain within the regulated area may contact the COTP Miami by telephone at (305) 535–4472, or a designated representative via VHF–FM radio on channel 16 to request authorization. If authorization is granted, all persons and vessels receiving such authorization must comply with the instructions of the COTP Miami or a designated representative.

(d) *Enforcement period.* This rule is will be enforced from 10 a.m. to 5 p.m. daily from November 20, 2020, through November 22, 2020.

Dated: November 17, 2020.

J.F. Burdian,

Captain, U.S. Coast Guard, Captain of the Port Miami.

[FR Doc. 2020–25748 Filed 11–19–20; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2020–0418; FRL–10016–28–Region 9]

Air Quality Implementation Plan; California; Northern Sierra Air Quality Management District; Stationary Source Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is finalizing a revision to the Northern Sierra Air Quality Management District (NSAQMD or ''District'') portion of the California State Implementation Plan (SIP). In this action, we are approving a rule submitted by the NSAQMD that governs the issuance of permits for stationary sources, which focuses on the preconstruction review and permitting of major sources and major modifications under part D of title I of the Clean Air Act (CAA or ''the Act'').

DATES: This rule will be effective on December 21, 2020.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R09–OAR–2020–0418. 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 the disclosure of which 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. If you need assistance in a language other than English or if you are a person with disabilities who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Amber Batchelder, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105; by phone: (415) 947–4174, or by email to *batchelder.amber@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, the terms ''we,'' ''us,'' and ''our'' refer to the EPA.

Table of Contents

I. Proposed Action

On September 23, 2020 (85 FR 59729), the EPA proposed to approve the following rule into the California SIP.

TABLE 1—SUBMITTED RULE

District	Rule No.	Rule title	Adopted	Submitted [1]
NSAQMD	428	NSR Requirements for New and Modified Major Sources in Nonattainment Areas.	11/25/19	02/19/20

The EPA determined that the California SIP submittal listed above in Table 1 met the completeness criteria in 40 CFR part 51, appendix V. The EPA's signed notice of proposed rulemaking served as the EPA's formal completeness determination.

For areas designated nonattainment for one or more National Ambient Air Quality Standards (NAAQS), the applicable SIP must include preconstruction review and permitting requirements for new or modified major stationary sources of such nonattainment pollutant(s) under part D of title I of the Act, commonly referred to as Nonattainment New Source Review (NNSR). The rule listed in Table 1 contains the District's NNSR permit program applicable to new and modified major sources located in areas within the District that are designated nonattainment for any NAAQS for ozone or particulate matter equal to or less than 2.5 micrometers ($PM_{2.5}$). The rule also contains the District's requirements for the review of new major stationary sources or major modifications in a designated nonattainment area that may have an impact on visibility in any mandatory Class I Federal area in accordance with 40 CFR 51.307. We proposed to approve this rule into the California SIP because we determined that it complies with the relevant CAA requirements. Our proposed action contains more information on the rule and our evaluation.

II. Public Comments and EPA Responses

The EPA's proposed action provided a 30-day public comment period. During this period, no comments were submitted on our proposal.

III. EPA Action

No comments were submitted on our proposal. We continue to find that NSAQMD Rule 428 satisfies the relevant requirements for a CAA NNSR program for ozone and $PM_{2.5}$, as well as the associated visibility requirements for sources subject to review under such a program in accordance with 40 CFR 51.307. Therefore, as authorized in section 110(k)(3) and 301(a) of the Act, the EPA is finalizing approval of NSAQMD Rule 428. This action incorporates the submitted rule into the California SIP. In conjunction with the EPA's SIP approval of the District's visibility program for sources subject to the NNSR program, this action also revises the scope of the visibility Federal Implementation Plan (FIP) at 40 CFR 52.28 in California so that this FIP no longer applies to sources located in the NSAQMD that are subject to the District's visibility program.

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the rule listed in Table 1 of this preamble. The EPA has made, and will continue to make, these materials available electronically through *https://www.regulations.gov* and in hard copy at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

Additional information about these statutes and Executive orders can be found at *https://www.epa.gov/laws-regulations/laws-and-executive-orders.*

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 3, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible

[1] The submittal was transmitted to the EPA via a letter from the California Air Resources Board dated February 6, 2020.

methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

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 January 19, 2021. 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).)

List of Subjects in 40 CFR Part 52

Administrative practice and procedure, Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: November 4, 2020.

Deborah Jordan,

Acting Regional Administrator, Region IX.

For reasons set out in the preamble, EPA amends 50 CFR part 52 as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

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

Subpart F—California

■ 2. Section 52.220 is amended by adding paragraph (c)(546) to read as follows:

§ 52.220 Identification of plan-in part.

* * * * *

(c) * * *

(546) The following regulations were submitted on February 19, 2020 by the Governor's designee as an attachment to a letter dated February 6, 2020.

(i) *Incorporation by reference.*

(A) Northern Sierra Air Quality Management District.

(*1*) Rule 428, ''NSR Requirements for New and Modified Major Sources in Nonattainment Areas,'' adopted on November 25, 2019.

(*2*) [Reserved]

(B) [Reserved]

(ii) [Reserved]

* * * * *

■ 3. Section 52.281 is amended by revising paragraphs (d)(3) and (d)(4) and by adding paragraph (d)(5) to read as follows:

§ 52.281 Visibility protection.

* * * * *

(d) * * *

(3) Calaveras County air pollution control district,

(4) Mariposa County air pollution control district, and

(5) Northern Sierra air quality management district.

* * * * *

[FR Doc. 2020–24926 Filed 11–19–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[EPA–R04–RCRA–2020–0402; FRL–10016–11–Region 4]

South Carolina: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency is granting South Carolina final authorization for changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The Agency published a Proposed Rule on September 11, 2020 and provided for public comment. The Agency received one comment in support of authorizing the South Carolina program changes. This comment can be reviewed in the docket for this action under Docket ID No. EPA–R04–RCRA–2020–0402. No further opportunity for comment will be provided.

DATES: This final authorization is effective November 20, 2020.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R04–RCRA–2020–0402. All documents in the docket are listed on the *http://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 electronically through *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Leah Davis, RCRA Programs and Cleanup Branch, LCR Division, U.S. Environmental Protection Agency, Atlanta Federal Center, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960; telephone number: (404) 562–8562; email address: *davis.leah@epa.gov.*

SUPPLEMENTARY INFORMATION:

A. What changes to South Carolina's hazardous waste program is EPA authorizing with this action?

South Carolina submitted a complete program revision application, dated April 8, 2020, seeking authorization of changes to its hazardous waste program in accordance with 40 CFR 271.21. The EPA now makes a final decision that South Carolina's hazardous waste program revisions that are being authorized are equivalent to, consistent with, and no less stringent than the Federal program, and therefore satisfy all the requirements necessary to qualify for final authorization. For a list of State rules being authorized with this final authorization, please see the Proposed Rule published in the September 11, 2020 **Federal Register** at 85 FR 56200.

B. What is codification and is the EPA codifying South Carolina's hazardous waste program as authorized in this rule?

Codification is the process of placing citations and references to the State's statutes and regulations that comprise the State's authorized hazardous waste program into the Code of Federal Regulations. The EPA does this by adding those citations and references to the authorized State rules in 40 CFR part 272. The EPA is not codifying the authorization of South Carolina's revisions at this time. However, the EPA reserves the ability to amend 40 CFR part 272, subpart PP, for the authorization of South Carolina's program changes at a later date.

C. Statutory and Executive Order Reviews

This final authorization revises South Carolina's authorized hazardous waste management program pursuant to Section 3006 of RCRA and imposes no requirements other than those currently imposed by State law. For further information on how this authorization complies with applicable executive orders and statutory provisions, please see the Proposed Rule published in the September 11, 2020 **Federal Register** at 85 FR 56200. 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 document 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 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). This final action will be effective November 20, 2020.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

Authority: This action is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended, 42 U.S.C. 6912(a), 6926, and 6974(b).

Dated: November 2, 2020.

Mary Walker,

Regional Administrator, Region 4.

[FR Doc. 2020–24950 Filed 11–19–20; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 200623–0167; RTID 0648–XA626]

Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfer From MD to NC

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

ACTION: Notification; quota transfer.

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

DATES: Effective November 19, 2020, through December 31, 2020.

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

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

The final rule implementing Amendment 1 to the Bluefish Fishery Management Plan (FMP) published in the **Federal Register** on July 26, 2000 (65 FR 45844), and provided a mechanism for transferring bluefish quota from one state to another. Two or more states, under mutual agreement and with the concurrence of the NMFS Greater Atlantic Regional Administrator, can request approval to transfer or combine bluefish commercial quota under § 648.162(e)(1)(i) through (iii). The Regional Administrator must approve any such transfer based on the criteria in § 648.162(e). In evaluating requests to transfer a quota or combine quotas, the Regional Administrator shall consider whether: The transfer or combinations would preclude the overall annual quota from being fully harvested; the transfer addresses an unforeseen variation or contingency in the fishery; and the transfer is consistent with the objectives of the FMP and the Magnuson-Stevens Act.

Maryland is transferring 30,000 lb (13,608 kg) of bluefish commercial quota to North Carolina through mutual agreement of the states. This transfer was requested to ensure that North Carolina would not exceed its 2020 state quota. The revised bluefish quotas for 2020 are: Maryland, 53,054 lb (24,065 kg) and North Carolina, 1,001,058 lb (454,072 kg).

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 648.162(e)(1)(i) through (iii), which was issued pursuant to section 304(b), and is exempted from review under Executive Order 12866.

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

Dated: November 17, 2020.

Jennifer M. Wallace,

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

[FR Doc. 2020–25705 Filed 11–19–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 201105–0291]

RTID 0648–XY201

Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; Revised Final 2020 and 2021 Harvest Specifications for Groundfish

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

ACTION: Final rule; closures.

SUMMARY: NMFS publishes revisions to the final 2020 and 2021 harvest specifications for the 2021 groundfish fisheries of the Gulf of Alaska (GOA)

that are required by the final rule implementing Amendment 109 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP). This action is necessary to revise the 2021 seasons associated with the pollock fishery and revise the trawl catcher vessel sector's Pacific cod seasonal apportionments of the total allowable catch in the Western and Central Regulatory Areas of the GOA. The intended effect of this action is to conserve and manage the groundfish resources in the GOA in accordance with the FMP and the Magnuson-Stevens Fishery Conservation and Management Act.

DATES: The final 2020 and 2021 harvest specifications for 2021 and associated apportionment of reserves are effective at 0001 hours, Alaska local time (A.l.t.), January 1, 2020, until the effective date of the final 2021 and 2022 harvest specifications for GOA groundfish, which are anticipated to be published in the **Federal Register** in early 2021.

ADDRESSES: Electronic copies of the Final Alaska Groundfish Harvest Specifications Environmental Impact Statement (EIS), Record of Decision (ROD), the annual Supplementary Information Reports (SIRs) to the EIS, and the Initial Regulatory Flexibility Analysis (IRFA) prepared for the final 2020 and 2021 harvest specifications are available from *https://www.fisheries.noaa.gov/region/alaska.* The 2019 Stock Assessment and Fishery Evaluation (SAFE) report for the groundfish resources of the GOA, dated November 2019, and SAFE reports for previous years are available from the North Pacific Fishery Management Council (Council) at 1007 West 3rd Avenue, Suite 400, Anchorage, AK 99501, phone 907–271–2809, or from the Council's website at *https://www.npfmc.org.* Electronic copies of the Environmental Assessment (EA) and the Regulatory Impact Review and the National Environmental Policy Act (NEPA) Finding of No Significant Impact (FONSI) prepared for the final rule implementing Amendment 109 to the FMP may be obtained from *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Obren Davis, 907–586–7228.

SUPPLEMENTARY INFORMATION: Federal regulations at 50 CFR parts 679 and 680 implement the FMP and govern the groundfish fisheries in the GOA. The Council prepared the FMP, and NMFS approved it, under the Magnuson-Stevens Fishery Conservation and Management Act. General regulations governing U.S. fisheries also appear at 50 CFR part 600.

On June 25, 2020, NMFS published a final rule to implement Amendment 109 to the FMP and a regulatory amendment to the regulations governing pollock and Pacific cod fishing in the GOA (85 FR 38093, effective January 1, 2021). The final rule revised the pollock seasons in the GOA by modifying the seasonal apportionment of the annual pollock total allowable catch (TAC) in the Western Regulatory Area of the GOA (Western GOA) and Central Regulatory Area of the GOA (Central GOA). Additionally, the final rule revised the Pacific cod TAC seasonal allowances of the TAC to the trawl catcher vessel (CV) sector by increasing the A season allocation of the TAC and decreasing the B season allocation of the TAC in the Western GOA and Central GOA.

In order to effectively manage the GOA pollock and Pacific cod fisheries in the beginning of 2021, the final 2020 and 2021 harvest specifications (85 FR 13802, March 10, 2020) must be revised for 2021 to comport with the regulatory revisions contained in the final rule implementing Amendment 109 to the FMP (85 FR 38093, June 25, 2020). In addition, those regulatory revisions will be incorporated into the proposed 2021 and 2022 harvest specifications, which should be published in December 2020. The final 2021 and 2022 harvest specification should be published by March 2021.

Amendment 109 to the GOA FMP

The Council recommended a regulatory amendment for pollock fisheries in the GOA and Amendment 109 to the FMP for Pacific cod seasonal allowances to trawl CVs with an objective of improving the overall performance of these two fisheries. The Council acknowledged the challenges and management inefficiencies of a pollock fishery spread across four separate seasons. The Council also acknowledged the changes that have occurred in the trawl CV Pacific cod fishery in recent years, resulting in underharvest of B season Pacific cod TAC. Specifically, the Council examined the amount of uncaught Pacific cod TAC in all gear sectors during the B season in the Western GOA and Central GOA, options for changing pollock and Pacific cod seasonal allowances with the goal of improving efficiency in fishery management, and whether delaying the start of the pollock C season in the Western GOA and Central GOA from August 25 to September 1 might provide operational benefits to vessels and processors that also engage in salmon fisheries or groundfish fisheries outside of the GOA. A complete description of the purpose and background of Amendment 109 is in the proposed rule for that action (85 FR 11939, February 28, 2020), as well as the associated final rule (85 FR 38093, June 25, 2020).

The final rule implementing Amendment 109 (85 FR 38093, June 25, 2020) modified the seasonal allowances of the Pacific cod TAC apportioned to trawl CVs in the Western GOA and Central GOA, as well as revised the pollock seasons in those areas. The regulatory revisions associated with Amendment 109 revised the Pacific cod seasonal allowances to increase the trawl CV sector's A season TAC while proportionally decreasing the sector's B season TAC in the Western GOA and Central GOA (85 FR 38093, June 25, 2020). The final rule also implemented a regulatory amendment that combines the Western GOA and Central GOA trawl pollock fishery A and B seasons into a single season (now designated as the A season), and the C and D seasons into a single season (now designated as the B season), and by changing the annual start date of the redesignated pollock B season from August 25 to September 1. These changes for pollock and Pacific cod are applicable only to the Western GOA and Central GOA, which are comprised of NMFS statistical area 610 for the Western GOA and NMFS statistical areas 620 and 630 for the Central GOA (see Figure 3 to 50 CFR part 679).

Revisions to the Final 2020 and 2021 Harvest Specifications for 20201 for the Gulf of Alaska

Based on the approval of Amendment 109 and its implementing regulations at 50 CFR part 679 (effective January 1, 2021), NMFS is revising the final 2020 and 2021 harvest specifications for 2021 for pollock and Pacific cod in the GOA. With this final rule, NMFS revises Tables 4 and 6 in the final 2020 and 2021 harvest specifications for groundfish in the GOA (85 FR 13802, March 10, 2020) to be consistent with the final rule implementing Amendment 109. Tables 4 and 6 were originally published in the final 2020 and 2021 harvest specifications for the GOA and are available at the NMFS, Alaska Region website: *https://www.fisheries.noaa.gov/alaska/sustainable-fisheries/alaska-groundfish-harvest-specifications.* This final rule uses the same table numbers and titles that were used in the final 2020 and 2021 harvest specifications. However, the title of Table 4 is revised to remove the term ''Seasonal Biomass Distribution,'' and the reasons for this revision are addressed in the next section.

Revision to Table 4—Final 2021 Distribution of Pollock in the Western and Central Regulatory Areas of the Gulf of Alaska; Area Apportionments; and Seasonal Allowances of Annual TAC

Table 4 lists the final 2021 distribution of pollock TAC in the Western GOA and Central GOA, including area and seasonal apportionments. The table published in the final 2020 and 2021 harvest specifications reflects four seasonal allowances, consistent with the regulations in effect when the final 2020 and 2021 harvest specifications were published. Table 4 must be revised to reflect only two seasonal apportionments in accordance with regulatory changes made under Amendment 109. Pursuant to § 679.20(a)(5)(iv)(B) (as revised), the annual pollock TAC specified for the Western GOA and Central GOA is now apportioned into two seasonal allowances of 50 percent. As established by § 679.23(d)(2)(i) through (ii) (as revised), the A and B season allowances are available from January 20 through May 31 and September 1 through November 1, respectively. This is a change from 2020 and prior years, when there were four specified pollock seasons and a different start date for one of the seasons. This final action revises Table 4 to incorporate the correct seasonal apportionments for 2021 pollock in the Western GOA and Central GOA. Table 4 will no longer contain the seasonal apportionments (in percentages). Those percentages will continue to be available in the annual pollock stock assessment: The stock assessment will continue to use a four-season methodology to determine pollock distribution in the Western and Central Regulatory Areas of the GOA, and the pollock distribution over four seasons will then be summed and used to calculate seasonal apportionments for the two seasons (A and B seasons) set forth in the revised regulations.

TABLE 4—FINAL 2021 DISTRIBUTION OF POLLOCK IN THE WESTERN AND CENTRAL REGULATORY AREAS OF THE GULF OF ALASKA; AREA APPORTIONMENTS; AND SEASONAL ALLOWANCES OF ANNUAL TAC [1]

[Values are rounded to the nearest metric ton]

Season [2]	Shumigan (Area 610)	Chirikof (Area 620)	Kodiak (Area 630)	Total [3]
A (January 20–May 31)	1,067	42,260	8,354	51,682
B (September 1–November 1)	18,708	13,899	19,074	51,682
Annual Total	19,775	56,159	27,429	103,363

[1] Area apportionments and seasonal allowances may not total precisely due to rounding.

[2] As established by § 679.23(d)(2)(i) through (ii), the A and B season allowances are available from January 20 through May 31 and September 1 through November 1, respectively. The annual TAC for the Western and Central Regulatory Areas is divided into two seasonal allowances of 50 percent. The seasonal allowances are apportioned among Areas 610, 620, and 630 based on an abundance-based distribution methodology contained in the annual pollock stock assessment report. The amounts of pollock for processing by the inshore and offshore components are not shown in this table.

[3] The West Yakutat District and Southeast Outside District pollock TACs are not allocated by season and are not included in the total pollock TACs shown in this table.

Revision to Table 6—Final 2021 Seasonal Apportionments and Allocation of Pacific Cod Total Allowable Catch (TAC) Amounts in the GOA; Allocations in the Western GOA and Central GOA Sectors, and the Eastern GOA Inshore and Offshore Processing Components

Table 6 lists the seasonal allocations of the 2021 Pacific cod TAC in the Western GOA and Central GOA among gear and operational sectors. These allocations are made pursuant to § 679.20(a)(12)(i) (as revised). The table published in the final 2020 and 2021 harvest specifications incorporates seasonal apportionments for the trawl CV sector, among other sectors. Table 6 must be revised to incorporate the correct 2021 seasonal apportionments to trawl CVs between the A and B seasons in accordance with regulatory changes made under Amendment 109. The A season apportionment for trawl CVs increased to 31.54 percent and 25.29 percent in the Western GOA and Central GOA, respectively. The B season apportionment for trawl CVs decreased to 6.86 percent and 16.29 percent in the Western GOA and Central GOA, respectively. This final action revises in Table 6 the 2021 seasonal allowances of the trawl CV sector's annual TAC limit in the Western GOA and Central GOA to reflect the revised seasonal apportionments.

TABLE 6—FINAL 2021 SEASONAL APPORTIONMENTS AND ALLOCATION OF PACIFIC COD TAC AMOUNTS IN THE GOA; ALLOCATIONS IN THE WESTERN GOA AND CENTRAL GOA SECTORS, AND THE EASTERN GOA INSHORE AND OFFSHORE PROCESSING COMPONENTS

[Values are rounded to the nearest metric ton]

Regulatory area and sector	Annual allocation (mt)	A Season		B Season	
		Sector percentage of annual non-jig TAC	Seasonal allowances (mt)	Sector percentage of annual non-jig TAC	Seasonal allowances (mt)
Western GOA:					
Jig (3.5% of TAC)	73	N/A	44	N/A	29
Hook-and-line CV	28	0.70	14	0.70	14
Hook-and-line C/P	397	10.90	218	8.90	178
Trawl CV	769	31.54	632	6.86	137
Trawl C/P	48	0.90	18	1.50	30
Pot CV and Pot C/P	761	19.80	397	18.20	365

TABLE 6—FINAL 2021 SEASONAL APPORTIONMENTS AND ALLOCATION OF PACIFIC COD TAC AMOUNTS IN THE GOA; ALLOCATIONS IN THE WESTERN GOA AND CENTRAL GOA SECTORS, AND THE EASTERN GOA INSHORE AND OFFSHORE PROCESSING COMPONENTS—Continued

[Values are rounded to the nearest metric ton]

Regulatory area and sector	Annual allocation (mt)	A Season		B Season	
		Sector percentage of annual non-jig TAC	Seasonal allowances (mt)	Sector percentage of annual non-jig TAC	Seasonal allowances (mt)
Total	2,076	63.84	1,323	36.16	753
Central GOA:					
Jig (1.0% of TAC)	38	N/A	23	N/A	15
Hook-and-line <50 CV	550	9.32	351	5.29	199
Hook-and-line ≥50 CV	253	5.61	211	1.10	41
Hook-and-line C/P	192	4.11	155	1.00	38
Trawl CV [1]	1,567	25.29	953	16.29	614
Trawl C/P	158	2.00	75	2.19	83
Pot CV and Pot C/P	1,048	17.83	672	9.97	376
Total	3,806	64.16	2,440	35.84	1,366
Eastern GOA	549	Inshore (90% of Annual TAC) 494		Offshore (10% of Annual TAC) 55	

[1] Trawl catcher vessels participating in Rockfish Program cooperatives receive 3.81 percent, or 145 mt, of the annual Central GOA Pacific cod TAC (see Table 28c to 50 CFR part 679). This apportionment is deducted from the Trawl CV B season allowance (see Table 13. Final 2021 Apportionments of Rockfish Secondary Species in the Central GOA and Table 28c to 50 CFR part 679).

This final rule is necessary to ensure that appropriate seasonal allocations will be in effect for the beginning of the 2021 fishing year for those fishery participants affected by the pollock season changes and the trawl CV Pacific cod seasonal allocation changes that were established under Amendment 109 and its implementing regulations. These changes to the allocations also will be incorporated in future harvest specifications for the GOA groundfish fisheries.

Small Entity Compliance Guide

The following information is a plain language guide to assist small entities in complying with this final rule as required by the Small Business Regulatory Enforcement Fairness Act of 1996. This final rule is necessary to revise final 2020 and 2021 harvest specifications for 2021 pollock and Pacific cod in the GOA so that the allocations and seasons are consistent with new fishery allocations and seasons established under Amendment 109. This action affects all fishermen who participate in the pollock and Pacific cod fisheries in the GOA. The specific amounts of pollock and Pacific cod TAC apportionments and seasonal allocations are provided in tabular form to assist the reader. NMFS will announce closures of directed fishing in the **Federal Register** and in information bulletins released by the Alaska Region. Affected fishermen should keep themselves informed of such closures.

Classification

NMFS determined that these revisions to the final 2020 and 2021 harvest specifications for 2021 are consistent with the FMP and with the Magnuson-Stevens Fishery Conservation and Management Act and other applicable laws.

This action is authorized under 50 CFR 679.20 and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), the Assistant Administrator for Fisheries, NOAA (AA) finds good cause to waive prior notice and opportunity for public comment on this action as notice and comment is unnecessary and contrary to the public interest. Through this action, NOAA revises the final 2021 GOA harvest specifications to be consistent with the final rule implementing Amendment 109 to the FMP and to ensure that the 2021 pollock and trawl CV Pacific cod allocation and season changes implemented under Amendment 109 will be effective at the beginning of the 2021 fishing year. Prior notice and opportunity for public comment on this action is unnecessary because the revisions from this action merely update the 2021 GOA harvest specifications to reflect allocations and seasons implemented and required by Amendment 109, and which have already been subject to notice and comment. This action does not revise the final 2020 and 2021 GOA harvest specifications in any substantive manner not previously the subject of notice and comment during the development of Amendment 109.

In addition, it is important and necessary that the pollock and Pacific cod allocations revised under Amendment 109 are effective at the beginning of the 2021 fishing year, rather than waiting to implement Amendment 109's revisions in the final 2021 and 2022 GOA harvest specifications, which will not be effective until after the start of the 2021 fishing year. The pollock and Pacific cod fisheries in the Western and Central GOA are intensive, fast-paced fisheries. U.S. fishing vessels have demonstrated the capacity to catch the Pacific cod TAC allocations in these fisheries. Any delay in allocating the 2021 pollock and Pacific cod TACs under Amendment 109 would cause confusion to the industry and potential economic harm through unnecessary discards. Determining which fisheries may close is impossible because these fisheries are affected by several factors that cannot be predicted in advance, including fishing effort, weather, movement of fishery stocks, and market price. Furthermore, the closure of one fishery has a cascading effect on other fisheries by freeing up fishing vessels, allowing them to move from closed fisheries to open fisheries, increasing the fishing capacity in those open fisheries, and causing them to close at an accelerated pace. Accordingly, waiver of prior notice and opportunity for public comment and publication of this final rule is necessary to ensure that the allocations and limitations required under Amendment 109 will be effective at the beginning of the 2021 fishing year and to provide the regulated community

with timely, adequate, and accurate information necessary to allow the industry to plan for the 2021 fishing season, to conduct orderly and efficient fisheries, and to avoid potential disruption to the fishing fleet and processors.

NMFS prepared a Final EIS for the harvest strategy implemented by the annual harvest specifications and made it available to the public on January 12, 2007 (72 FR 1512). On February 13, 2007, NMFS issued the Record of Decision (ROD) for the Final EIS. In January 2020, NMFS prepared its annual Supplementary Information Report (SIR) for the 2020 and 2021 harvest specifications and determined that a supplemental EIS is not necessary to implement the 2020 and 2021 harvest specifications. Copies of the Final EIS, ROD, and annual SIRs for this action are available (see **ADDRESSES**). NMFS also prepared an EA and FONSI in conjunction with Amendment 109 to the GOA FMP (See **ADDRESSES**).

A final regulatory flexibility analysis (FRFA) was prepared to evaluate the impacts on small entities resulting from the alternative harvest strategies employed in establishing the final 2020 and 2021 harvest specifications, in accordance with Section 604 of the Regulatory Flexibility Act (RFA) (5 U.S.C. 604). The FRFA met the statutory requirements of the Regulatory Flexibility Act of 1980, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601–612). The FRFA was published with the harvest specifications final rule (85 FR 13802, March 10, 2020) and is not repeated here.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that Amendment 109 would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule (85 FR 11939, February 28, 2020) and is not repeated here. No comments were received regarding certification. As a result, a regulatory flexibility analysis was not required, and none was prepared, for Amendment 109.

Authority: 16 U.S.C. 773 *et seq.;* 16 U.S.C. 1540 (f), 1801 *et seq.;* 16 U.S.C. 3631 *et seq.;* Pub. L. 105–277; Pub. L. 106–31; Pub. L. 106–554; Pub. L. 108–199; Pub. L. 108–447; Pub. L. 109–241; Pub. L. 109–479.

Dated: November 6, 2020.

Samuel D. Rauch, III,

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

[FR Doc. 2020–25004 Filed 11–19–20; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 85, No. 225
Friday, November 20, 2020

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 21

[Docket No. FAA–2020–1086]

Airworthiness Criteria: Special Class Airworthiness Criteria for the Amazon Logistics, Inc. MK27

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: Notice of proposed airworthiness criteria.

SUMMARY: The FAA announces the availability of and requests comments on proposed airworthiness criteria for the Amazon Logistics, Inc. Model MK27 unmanned aircraft system (UAS). This document proposes airworthiness criteria the FAA finds to be appropriate and applicable for the UAS design.

DATES: Send comments on or before December 21, 2020.

ADDRESSES: Send comments identified by docket number FAA–2020–1086 using any of the following methods:

□ *Federal eRegulations Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.

□ *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

□ *Hand Delivery of Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m., and 5 p.m., Monday through Friday, except Federal holidays.

□ *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: The FAA will post all comments it receives, without change, to *http://regulations.gov,* including any personal information the commenter provides. Using the search function of the docket website, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478), as well as at *http://DocketsInfo.dot.gov.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m., and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Hieu Nguyen, AIR–692, Federal Aviation Administration, Policy and Innovation Division, Small Airplane Standards Branch, Aircraft Certification Service, 901 Locust, Room 301, Kansas City, MO 64106, telephone (816) 329–4123, facsimile (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites interested people to take part in the development of these airworthiness criteria by sending written comments, data, or views. The most helpful comments reference a specific portion of the airworthiness criteria, explain the reason for any recommended change, and include supporting data. Comments on operational, pilot certification, and maintenance requirements would address issues that are beyond the scope of this document.

Except for Confidential Business Information as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will file in the docket all comments received, as well as a report summarizing each substantive public contact with FAA personnel concerning these proposed airworthiness criteria. Before acting on this proposal, the FAA will consider all comments received on or before the closing date for comments. The FAA will consider comments filed late if it is possible to do so without incurring delay. The FAA may change these airworthiness criteria based on received comments.

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 notice, 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 notice. Submissions containing CBI should be sent to the individual listed under **FOR FURTHER INFORMATION CONTACT**. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this notice.

Background

Amazon Logistics, Inc., (Amazon) applied to the FAA on October 13, 2017, for a special class type certificate under Title 14, Code of Federal Regulations (14 CFR) 21.17(b) for the Model MK27 UAS.

The Model MK27 consists of an unmanned aircraft (UA) and its associated elements that include communication links and the components that control the UA. The Model MK27 UA has a maximum gross takeoff weight of 89 pounds. It is approximately 78 inches in width, 65 inches in length, and 46 inches in height. The Model MK27 UA is battery powered using electric motors for vertical takeoff, landing, and forward flight. The UAS operations would rely on high levels of automation and may include multiple UA operated by a single pilot, up to a ratio of 20 UA to 1 pilot. Amazon anticipates operators will use the Model MK27 for delivering packages. The proposed concept of operations for the Model MK27 identifies a maximum operating altitude of 400 feet above ground level, a maximum cruise speed of 60 knots, operations beyond visual line of sight of the pilot, and operations over human beings. Amazon has not requested type

certification for flight into known icing for the Model MK27.

Discussion

The FAA establishes airworthiness criteria to ensure the safe operation of aircraft in accordance with 49 U.S.C. 44701(a) and 44704. UAS are type certificated by the FAA as special class aircraft for which airworthiness standards have not been established by regulation. Under the provisions of 14 CFR 21.17(b), the airworthiness standards for special class aircraft are those the FAA finds to be appropriate and applicable to the specific type design.

The applicant has proposed a design with constraints upon its operations and an unusual design characteristic: The pilot is remotely located. The FAA developed existing airworthiness standards to establish an appropriate level of safety for each product and its intended use. The FAA's existing airworthiness standards did not envision aircraft with no pilot in the cockpit and the technologies associated with that capability.

The FAA has reviewed the proposed design and assessed the potential risk to the National Airspace System. The FAA considered the size of the proposed aircraft, its maximum airspeed and altitude, and operational limitations to address the number of unmanned aircraft per operator and to address operations in which the aircraft would operate beyond the visual line of sight of the pilot. These factors allowed the FAA to assess the potential risk the aircraft could pose to other aircraft and to human beings on the ground. Using these parameters, the FAA developed airworthiness criteria to address those potential risks to ensure the aircraft remains reliable, controllable, safe, and airworthy.

The proposed criteria focus on mitigating hazards by establishing safety outcomes that must be achieved, rather than by establishing prescriptive requirements that must be met. This is in contrast to many current airworthiness standards, used to certificate traditional aircraft systems, which prescribe specific indicators and instruments for a pilot in a cockpit that would be inappropriate for UAS. The FAA finds that the proposed criteria are appropriate and applicable for the UAS design, based on the intended operational concepts for the UAS as identified by the applicant.

The FAA selected the particular airworthiness criteria proposed by this notice for the following reasons:

General: In order to determine appropriate and applicable airworthiness standards for UAS as a special class of aircraft, the FAA determined that the applicant must provide information describing the characteristics and capabilities of the UAS and how it will be used.

UAS.001 Concept of Operations: To assist the FAA in identifying and analyzing the risks and impacts associated with integrating the proposed UAS design into the National Airspace System, the applicant would be required to submit a Concept of Operations (CONOPS). The proposed criteria would require the applicant's CONOPS to identify the intended operational concepts for the UAS and describe the UAS and its operation. The information in the CONOPS would determine parameters and extent of testing, as well as operating limitations that will be placed in the UAS Flight Manual.

Design and Construction: The FAA selected the design and construction criteria in this section to address airworthiness requirements where the flight testing demonstration alone may not be sufficient to demonstrate an appropriate level of safety.

UAS.100 Control Station: The control station, which is located separately from the UA, is a unique feature to UAS. As a result, no regulatory airworthiness standards exist that directly apply to this part of the system. The FAA based some of the proposed criteria on existing regulations that address the information that must be provided to a pilot in the cockpit of a manned aircraft, and modified them as appropriate to this UAS. Thus, to address the risks associated with loss of control of the UAS, the applicant would be required to design the control station to provide the pilot with the information necessary for continued safe flight and operation. The proposed criteria contain the specific minimum types of information the FAA finds are necessary for this requirement; however, the applicant must determine whether additional parameters are necessary.

UAS.110 Software: Software for manned aircraft is certified under the regulations applicable to systems, equipment, and installations (*e.g.,* §§ 23.2510, 25.1309, 27.1309, or 29.1309). There are two regulations that specifically prescribe airworthiness standards for software: Engine airworthiness standards (§ 33.28) and propeller airworthiness standards (§ 35.23). The proposed UAS software criteria was based on these regulations and tailored for the risks posed by UAS software.

UAS.115 Cyber Security: The location of the pilot separate from the UA requires a continuous wireless connection (command and control link) with the UA for the pilot to monitor and control it. Because the purpose of this link is to control the aircraft, this makes the UAS susceptible to cyber security threats in a unique way.

The current regulations for the certification of systems, equipment, and installations (*e.g.,* §§ 23.2510, 25.1309, 27.1309, and 29.1309) do not adequately address potential security vulnerabilities that could be exploited by unauthorized access to aircraft systems, data buses, and services. For manned aircraft, the FAA therefore issues special conditions for particular designs with network security vulnerabilities.

To address the risks to the UAS associated with intentional unauthorized electronic interactions, the applicant would be required to design the UAS's systems and networks to protect against intentional unauthorized electronic interactions and mitigate potential adverse effects. The FAA based the language for the proposed criteria on recommendations in the final report dated August 22, 2016, from the Aircraft System Information Security/Protection (ASISP) working group, under the FAA's Aviation Rulemaking Advisory Committee. Although the recommendations pertained to manned aircraft, the FAA has reviewed the report and determined the recommendations are also appropriate for UAS. The wireless connections used by UAS make these aircraft susceptible to the same cyber security risks, and therefore require similar criteria, as manned aircraft.

UAS.120 Contingency Planning: The location of the pilot and the controls for the UAS, separate from the UA, is a unique feature to UAS. As a result, no regulatory airworthiness standards exist that directly apply to this feature of the system.

To address the risks associated with loss of communication between the pilot and the UA, and thus the pilot's inability to control the UA, the proposed criteria would require that the UAS be designed to automatically execute a predetermined action. Because the pilot needs to be aware of the particular predetermined action the UA will take when there is a loss of communication between the pilot and the UA, the proposed criteria would require that the applicant identify the predetermined action in the UAS Flight Manual. The proposed criteria would also include requirements for preventing takeoff when quality of service is inadequate.

UAS.125 Lightning: Because of the size and physical limitations of this UAS, it would be unlikely that this UAS would incorporate traditional lightning protection features. To address the risks that would result from a lightning strike, the proposed criteria would require an operating limitation in the UAS Flight Manual that prohibits flight into weather conditions conducive to lightning. The proposed criteria would also allow design characteristics to protect the UAS from lightning as an alternative to the prohibition.

UAS.130 Adverse Weather Conditions: Because of the size and physical limitations of this UAS, adverse weather such as rain, snow, and icing pose a greater hazard to the UAS than to manned aircraft. For the same reason, it would be unlikely that this UAS would incorporate traditional protection features from icing. The FAA based the proposed criteria on the icing requirements in 14 CFR 23.2165(b) and (c), and applied them to all of these adverse weather conditions. The proposed criteria would allow design characteristics to protect the UAS from adverse weather conditions. As an alternative, the proposed criteria would require an operating limitation in the UAS Flight Manual that prohibits flight into known adverse weather conditions, and either also prevent inadvertent flight into adverse weather or provide a means to detect and to avoid or exit adverse weather conditions.

UAS.135 Critical Parts: The proposed criteria for critical parts are substantively the same as that in § 27.602, with changes to reflect UAS terminology and failure condition.

Operating Limitations and Information: Similar to manned aircraft, the FAA determined that the UAS applicant must provide airworthiness instructions, operating limitations, and flight and performance information necessary for the safe operation and continued operational safety of the UAS.

UAS.200 Flight Manual: The proposed criteria for the UAS Flight Manual are substantively the same as that in § 23.2620, with minor changes to reflect UAS terminology.

UAS.205 Instructions for Continued Airworthiness: The proposed criteria for the Instructions for Continued Airworthiness (ICA) are substantively the same as that in § 23.1529, with minor changes to reflect UAS terminology.

Testing: Traditional certification methodologies for manned aircraft are based on design requirements verified at the component level by inspection, analysis, demonstration, or test. Due to the difference in size and complexity, the FAA determined testing methodologies that demonstrate reliability at the aircraft (UAS) level, in addition to the design and construction criteria identified in this proposal, will achieve the same safety objective. The proposed testing criteria in sections UAS.300 through UAS.320 utilize these methodologies.

UAS.300 Durability and Reliability: The FAA intends the proposed testing criteria in this section to cover key design aspects and prevent unsafe features at an appropriate level tailored for this UAS. The proposed durability and reliability testing would require the applicant to demonstrate safe flight of the UAS across the entire operational envelope and up to all operational limitations, for all phases of flight and all aircraft configurations. The UAS would only be certificated for operations within the limitations, and for flight over the maximum population density, as demonstrated by test. The proposed criteria would require that all flights during the testing be completed with no failures that result in a loss of flight, loss of control, loss of containment, or emergency landing outside of the operator's recovery zone.

For some aircraft design requirements imposed by existing airworthiness standards (*e.g.,* §§ 23.2135, 23.2600, 25.105, 25.125, 27.141, 27.173, 29.51, 29.177) the aircraft must not require exceptional piloting skill or alertness. These rules recognize that pilots have varying levels of ability and attention. In a similar manner, the proposed criteria would require that the durability and reliability flight testing be performed by a pilot with average skill and alertness.

Flight testing will be used to determine the aircraft's ability to withstand flight loads across the range of operating limits and the flight envelope. Because small UAS may be subjected to significant ground loads when handled, lifted, carried, loaded, maintained, and transported physically by hand, the proposed criteria would require that the aircraft used for testing endure the same worst-case ground loads as those the UAS will experience in operation after type certification.

UAS.305 Probable Failures: The FAA intends the proposed testing criteria to evaluate how the UAS functions after failures that are probable to occur. The applicant will test the UAS by inducing certain failures and demonstrating that the failure will not result in a loss of containment or control of the UA. The proposed criteria contain the minimum types of failures the FAA finds are probable; however, the applicant must determine the probable failures related to any other equipment that will be addressed for this requirement.

UAS.310 Capabilities and Functions: The proposed criteria for this section address the minimum capabilities and functions the FAA finds are necessary in the design of the UAS and would require the applicant to demonstrate these capabilities and functions by test. Due to the location of the pilot and the controls for UAS, separate from the UA, communication between the pilot and the UA is significant to the design. Thus, the proposed criteria would require the applicant to demonstrate the capability of the UAS to regain command and control after a loss. As with manned aircraft, the electrical system of the UAS must have a capacity sufficient for all anticipated loads; the proposed criteria would require the applicant to demonstrate this by test.

The proposed criteria contain functions that would allow the pilot to command the UA to deviate from its flight plan or from its pre-programmed flight path. For example, in the event the pilot needs to deconflict the airspace, the UA must be able to respond to pilot inputs that override any pre-programming.

In the event an applicant requests approval for certain features, such as geo-fencing or external cargo, the proposed criteria contain requirements to address the associated risks. The proposed criteria in this section would also require design of the UAS to safeguard against an unintended discontinuation of flight or release of cargo, whether by human action or malfunction.

UAS.315 Fatigue: The FAA intends the proposed criteria in this section to address the risks from reduced structural integrity and structural failure due to fatigue. The proposed criteria would require the applicant to establish an airframe life limit and demonstrate that loss of flight or loss of control due to structural failure will be avoided throughout the operational life of the UA. These proposed criteria would require the applicant to demonstrate this by test, while maintaining the UA in accordance with the ICA.

UAS.320 Verification of Limits: This section would evaluate structural safety and address the risks associated with inadequate structural design. While the proposed criteria in UAS.300 address testing to demonstrate that the UAS structure adequately supports expected loads throughout the flight and operational envelopes, the proposed criteria in this section would require an evaluation of the performance,

maneuverability, stability, and control of the UA with a factor of safety.

Proposed Airworthiness Criteria

The FAA proposes to establish the following airworthiness criteria for type certification of the Amazon Model MK27. The FAA proposes that compliance with the following would mitigate the risks associated with the proposed design and Concept of Operations appropriately and would provide an equivalent level of safety to existing rules:

General

UAS.001 Concept of Operations

The applicant must define and submit to the FAA a concept of operations (CONOPS) proposal describing the Unmanned Aircraft System (UAS) operation in the National Airspace System for which certification is requested. The CONOPS proposal must include, at a minimum, a description of the following information.

(a) The intended type of operations;

(b) Unmanned aircraft (UA) specifications;

(c) Meteorological conditions;

(d) Operators, pilots, and personnel responsibilities;

(e) Control station and support equipment;

(f) Command, control, and communication functions; and

(g) Operational parameters, such as population density, geographic operating boundaries, airspace classes, launch and recovery area, congestion of proposed operating area, communications with air traffic control, line of sight, and aircraft separation.

Design and Construction

UAS.100 Control Station

The control station must be designed to provide the pilot with all information required for continued safe flight and operation. This information includes, at a minimum, the following:

(a) Alerts, such as an alert following the loss of the command and control (C2) link and function.

(b) The status of all critical parameters for all energy storage systems.

(c) The status of all critical parameters for all propulsion systems.

(d) Flight and navigation information as appropriate, such as airspeed, heading, altitude, and location.

(e) C2 link signal strength, quality, or status.

UAS.110 Software

To minimize the existence of errors, the applicant must:

(a) Verify by test all software that may impact the safe operation of the UAS;

(b) Utilize a configuration management system that tracks, controls, and preserves changes made to software throughout the entire life cycle; and

(c) Implement a problem reporting system that captures and records defects and modifications to the software.

UAS.115 Cyber Security

(a) UAS equipment, systems, and networks, addressed separately and in relation to other systems, must be protected from intentional unauthorized electronic interactions that may result in an adverse effect on the security or airworthiness of the UAS. Protection must be ensured by showing that the security risks have been identified, assessed, and mitigated as necessary.

(b) When required by paragraph (a) of this section, procedures and instructions to ensure security protections are maintained must be included in the Instructions for Continued Airworthiness (ICA).

UAS.120 Contingency Planning

(a) The UAS must be designed so that, in the event of a loss of the C2 link, the UA will automatically and immediately execute a safe predetermined flight, loiter, landing, or termination.

(b) The applicant must establish the predetermined action in the event of a loss of the C2 link and include it in the UAS Flight Manual.

(c) The UAS Flight Manual must include the minimum performance requirements for the C2 data link defining when the C2 link is degraded to a level where remote active control of the UA is no longer ensured. Takeoff when the C2 link is degraded below the minimum link performance requirements must be prevented by design or prohibited by an operating limitation in the UAS Flight Manual.

UAS.125 Lightning

(a) Except as provided in paragraph (b) of this section, the UAS must have design characteristics that will protect the UAS from loss of flight or loss of control due to lightning.

(b) If the UAS has not been shown to protect against lightning, the UAS Flight Manual must include an operating limitation to prohibit flight into weather conditions conducive to lightning activity.

UAS.130 Adverse Weather Conditions

(a) For purposes of this section, ''adverse weather conditions'' means rain, snow, and icing.

(b) Except as provided in paragraph (c) of this section, the UAS must have design characteristics that will allow the UAS to operate within the adverse weather conditions specified in the CONOPS without loss of flight or loss of control.

(c) For adverse weather conditions for which the UAS is not approved to operate, the applicant must develop operating limitations to prohibit flight into known adverse weather conditions and either:

(1) Develop operating limitations to prevent inadvertent flight into adverse weather conditions; or

(2) Provide a means to detect any adverse weather conditions for which the UAS is not certificated to operate and show the UAS's ability to avoid or exit those conditions.

UAS.135 Critical Parts

(a) A critical part is a part, the failure of which could result in a loss of flight or unrecoverable loss of UAS control.

(b) If the type design includes critical parts, the applicant must establish a critical parts list. The applicant must develop and define mandatory maintenance instructions or life limits, or a combination of both, to prevent failures of critical parts. Each of these mandatory actions must be included in the Airworthiness Limitations Section of the ICA.

Operating Limitations and Information

UAS.200 Flight Manual

The applicant must provide a UAS Flight Manual with each UAS.

(a) The UAS Flight Manual must contain the following information:

(1) UAS operating limitations;

(2) UAS normal and emergency operating procedures;

(3) Performance information;

(4) Loading information; and

(5) Other information that is necessary for safe operation because of design, operating, or handling characteristics.

(b) Those portions of the UAS Flight Manual containing the information specified in paragraphs (a)(1) through (4) of this section must be approved by the FAA.

UAS.205 Instructions for Continued Airworthiness

The applicant must prepare ICA for the UAS in accordance with Appendix A to Part 23, as appropriate, that are acceptable to the FAA. The ICA may be incomplete at type certification if a program exists to ensure their completion prior to delivery of the first UAS or issuance of a standard airworthiness certificate, whichever occurs later.

Testing

UAS.300 Durability and Reliability

The UAS must be designed to be durable and reliable commensurate to the maximum population density specified in the operating limitations. The durability and reliability must be demonstrated by flight test in accordance with the requirements of this section and completed with no failures that result in a loss of flight, loss of control, loss of containment, or emergency landing outside the operator's recovery area.

(a) Once a UAS has begun testing to show compliance with this section, all flights for that UA must be included in the flight test report.

(b) Tests must include an evaluation of the entire flight envelope across all phases of operation and must address, at a minimum, the following:

(1) Flight distances;
(2) Flight durations;
(3) Route complexity;
(4) Weight;
(5) Center of gravity;
(6) Density altitude;
(7) Outside air temperature;
(8) Airspeed;
(9) Wind;
(10) Weather;
(11) Operation at night, if requested;
(12) Energy storage system capacity; and
(13) Aircraft to pilot ratio.

(c) Tests must include the most adverse combinations of the conditions and configurations in paragraph (b) of this section.

(d) Tests must show a distribution of the different flight profiles and routes representative of the type of operations identified in the CONOPS.

(e) Tests must be conducted in conditions consistent with the expected environmental conditions identified in the CONOPS, including electromagnetic interference (EMI) and High Intensity Radiated Fields (HIRF).

(f) Tests must not require exceptional piloting skill or alertness.

(g) Any UAS used for testing must be subject to the same worst-case ground handling, shipping, and transportation loads as those allowed in service.

(h) Any UAS used for testing must be maintained and operated in accordance with the ICA and UAS Flight Manual. No maintenance beyond the intervals established in the ICA will be allowed to show compliance with this section.

(i) If cargo operations or external-load operations are requested, tests must show, throughout the flight envelope and with the cargo or external-load at the most critical combinations of weight and center of gravity, that—

(1) the UA is safely controllable and maneuverable; and

(2) the cargo or external-load are retainable and transportable.

UAS.305 Probable Failures

The UAS must be designed such that a probable failure will not result in a loss of containment or control of the UA. This must be demonstrated by test.

(a) Probable failures related to the following equipment, at a minimum, must be addressed.

(1) Propulsion systems;
(2) C2 link;
(3) Global Positioning System (GPS);
(4) Critical flight control components with a single point of failure;
(5) Control station; and
(6) Any other equipment identified by the applicant.

(b) Any UAS used for testing must be operated in accordance with the UAS Flight Manual.

(c) Each test must occur at the critical phase and mode of flight, and at the highest aircraft-to-pilot ratio.

UAS.310 Capabilities and Functions

(a) All of the following required UAS capabilities and functions must be demonstrated by test:

(1) Capability to regain command and control of the UA after the C2 link has been lost.

(2) Capability of the electrical system to power all UA systems and payloads.

(3) Ability for the pilot to safely discontinue the flight.

(4) Ability for the pilot to dynamically re-route the UA.

(5) Ability to safely abort a takeoff.

(6) Ability to safely abort a landing and initiate a go-around.

(b) The following UAS capabilities and functions, if requested for approval, must be demonstrated by test:

(1) Continued flight after degradation of the propulsion system.

(2) Geo-fencing that contains the UA within a designated area, in all operating conditions.

(3) Positive transfer of the UA between control stations that ensures only one control station can control the UA at a time.

(4) Capability to release an external cargo load to prevent loss of control of the UA.

(5) Capability to detect and avoid other aircraft and obstacles.

(c) The UAS must be designed to safeguard against inadvertent discontinuation of the flight and inadvertent release of cargo or external-load.

UAS.315 Fatigue

The structure of the UA must be shown to be able to withstand the repeated loads expected during its service life without failure. A life limit for the airframe must be established, demonstrated by test, and included in the ICA.

UAS.320 Verification of Limits

The performance, maneuverability, stability, and control of the UA within the flight envelope described in the UAS Flight Manual must be demonstrated at a minimum of 5% over maximum gross weight with no loss of control or loss of flight.

Issued in Kansas City, Missouri, on November 16, 2020.

Patrick R. Mullen,

Manager, Small Airplane Standards Branch, Policy and Innovation Division, Aircraft Certification Service.

[FR Doc. 2020–25663 Filed 11–19–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 21

[Docket No. FAA–2020–1087]

Airworthiness Criteria: Special Class Airworthiness Criteria for the Wingcopter GmbH 198 US

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed airworthiness criteria.

SUMMARY: The FAA announces the availability of and requests comments on proposed airworthiness criteria for the Wingcopter GmbH Model 198 US unmanned aircraft system (UAS). This document proposes airworthiness criteria the FAA finds to be appropriate and applicable for the UAS design.

DATES: Send comments on or before December 21, 2020.

ADDRESSES: Send comments identified by docket number FAA–2020–1087 using any of the following methods:

☐ *Federal eRegulations Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.

☐ *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

☐ *Hand Delivery of Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9

a.m. and 5 p.m., Monday through Friday, except Federal holidays.

□ *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: The FAA will post all comments it receives, without change, to *http://regulations.gov,* including any personal information the commenter provides. Using the search function of the docket website, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478), as well as at *http://DocketsInfo.dot.gov.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Hieu Nguyen, AIR–692, Federal Aviation Administration, Policy and Innovation Division, Small Airplane Standards Branch, Aircraft Certification Service, 901 Locust, Room 301, Kansas City, MO 64106, telephone (816) 329–4123, facsimile (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites interested people to take part in the development of these airworthiness criteria by sending written comments, data, or views. The most helpful comments reference a specific portion of the airworthiness criteria, explain the reason for any recommended change, and include supporting data. Comments on operational, pilot certification, and maintenance requirements would address issues that are beyond the scope of this document.

Except for Confidential Business Information as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will file in the docket all comments received, as well as a report summarizing each substantive public contact with FAA personnel concerning these proposed airworthiness criteria. Before acting on this proposal, the FAA will consider all comments received on or before the closing date for comments. The FAA will consider comments filed late if it is possible to do so without incurring delay. The FAA may change these airworthiness criteria based on received comments.

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 notice, 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 notice. Submissions containing CBI should be sent to the individual listed under ''For Further Information Contact.'' Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this notice.

Background

Wingcopter GmbH (Wingcopter) applied to the FAA on March 17, 2020, for a special class type certificate under Title 14, Code of Federal Regulations (14 CFR) 21.17(b) for the Model 198 US UAS.

The Model 198 US consists of an unmanned aircraft (UA) and its associated elements that include communication links and the components that control the UA. The Model 198 US UA has a maximum gross takeoff weight of 53 pounds. It has a wingspan of approximately 78 inches, is approximately 60 inches in length, and 22 inches in height. The Model 198 US UA is battery powered using electric motors for vertical takeoff, landing, and forward flight. The UAS operations would rely on high levels of automation and may include multiple UA operated by a single pilot, up to a ratio of 20 UA to 1 pilot. Wingcopter anticipates operators will use the Model 198 US for delivering packages. The proposed concept of operations for the Model 198 US identifies a maximum operating altitude of 400 feet above ground level, a maximum cruise speed of 70 knots, operations beyond visual line of sight of the pilot, and operations over human beings. Wingcopter has not requested type certification for flight into known icing for the Model 198 US.

Discussion

The FAA establishes airworthiness criteria to ensure the safe operation of aircraft in accordance with 49 U.S.C. 44701(a) and 44704. UAS are type certificated by the FAA as special class aircraft for which airworthiness standards have not been established by regulation. Under the provisions of 14 CFR 21.17(b), the airworthiness standards for special class aircraft are those the FAA finds to be appropriate and applicable to the specific type design.

The applicant has proposed a design with constraints upon its operations and an unusual design characteristic: The pilot is remotely located. The FAA developed existing airworthiness standards to establish an appropriate level of safety for each product and its intended use. The FAA's existing airworthiness standards did not envision aircraft with no pilot in the cockpit and the technologies associated with that capability.

The FAA has reviewed the proposed design and assessed the potential risk to the National Airspace System. The FAA considered the size of the proposed aircraft, its maximum airspeed and altitude, and operational limitations to address the number of unmanned aircraft per operator and to address operations in which the aircraft would operate beyond the visual line of sight of the pilot. These factors allowed the FAA to assess the potential risk the aircraft could pose to other aircraft and to human beings on the ground. Using these parameters, the FAA developed airworthiness criteria to address those potential risks to ensure the aircraft remains reliable, controllable, safe, and airworthy.

The proposed criteria focus on mitigating hazards by establishing safety outcomes that must be achieved, rather than by establishing prescriptive requirements that must be met. This is in contrast to many current airworthiness standards, used to certificate traditional aircraft systems, which prescribe specific indicators and instruments for a pilot in a cockpit that would be inappropriate for UAS. The FAA finds that the proposed criteria are appropriate and applicable for the UAS design, based on the intended operational concepts for the UAS as identified by the applicant.

The FAA selected the particular airworthiness criteria proposed by this notice for the following reasons:

General: In order to determine appropriate and applicable airworthiness standards for UAS as a special class of aircraft, the FAA

determined that the applicant must provide information describing the characteristics and capabilities of the UAS and how it will be used.

UAS.001 Concept of Operations: To assist the FAA in identifying and analyzing the risks and impacts associated with integrating the proposed UAS design into the National Airspace System, the applicant would be required to submit a Concept of Operations (CONOPS). The proposed criteria would require the applicant's CONOPS to identify the intended operational concepts for the UAS and describe the UAS and its operation. The information in the CONOPS would determine parameters and extent of testing, as well as operating limitations that will be placed in the UAS Flight Manual.

Design and Construction: The FAA selected the design and construction criteria in this section to address airworthiness requirements where the flight testing demonstration alone may not be sufficient to demonstrate an appropriate level of safety.

UAS.100 Control Station: The control station, which is located separately from the UA, is a unique feature to UAS. As a result, no regulatory airworthiness standards exist that directly apply to this part of the system. The FAA based some of the proposed criteria on existing regulations that address the information that must be provided to a pilot in the cockpit of a manned aircraft, and modified them as appropriate to this UAS. Thus, to address the risks associated with loss of control of the UAS, the applicant would be required to design the control station to provide the pilot with the information necessary for continued safe flight and operation. The proposed criteria contain the specific minimum types of information the FAA finds are necessary for this requirement; however, the applicant must determine whether additional parameters are necessary.

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To address the risks associated with loss of communication between the pilot and the UA, and thus the pilot's inability to control the UA, the proposed criteria would require that the UAS be designed to automatically execute a predetermined action. Because the pilot needs to be aware of the particular predetermined action the UA will take when there is a loss of communication between the pilot and the UA, the proposed criteria would require that the applicant identify the predetermined action in the UAS Flight Manual. The proposed criteria would also include requirements for preventing takeoff when quality of service is inadequate.

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Testing: Traditional certification methodologies for manned aircraft are based on design requirements verified at the component level by inspection, analysis, demonstration, or test. Due to the difference in size and complexity, the FAA determined testing methodologies that demonstrate

reliability at the aircraft (UAS) level, in addition to the design and construction criteria identified in this proposal, will achieve the same safety objective. The proposed testing criteria in sections UAS.300 through UAS.320 utilize these methodologies.

UAS.300 Durability and Reliability: The FAA intends the proposed testing criteria in this section to cover key design aspects and prevent unsafe features at an appropriate level tailored for this UAS. The proposed durability and reliability testing would require the applicant to demonstrate safe flight of the UAS across the entire operational envelope and up to all operational limitations, for all phases of flight and all aircraft configurations. The UAS would only be certificated for operations within the limitations, and for flight over the maximum population density, as demonstrated by test. The proposed criteria would require that all flights during the testing be completed with no failures that result in a loss of flight, loss of control, loss of containment, or emergency landing outside of the operator's recovery zone.

For some aircraft design requirements imposed by existing airworthiness standards (*e.g.,* §§ 23.2135, 23.2600, 25.105, 25.125, 27.141, 27.173, 29.51, 29.177) the aircraft must not require exceptional piloting skill or alertness. These rules recognize that pilots have varying levels of ability and attention. In a similar manner, the proposed criteria would require that the durability and reliability flight testing be performed by a pilot with average skill and alertness.

Flight testing will be used to determine the aircraft's ability to withstand flight loads across the range of operating limits and the flight envelope. Because small UAS may be subjected to significant ground loads when handled, lifted, carried, loaded, maintained, and transported physically by hand, the proposed criteria would require that the aircraft used for testing endure the same worst-case ground loads as those the UAS will experience in operation after type certification.

UAS.305 Probable Failures: The FAA intends the proposed testing criteria to evaluate how the UAS functions after failures that are probable to occur. The applicant will test the UAS by inducing certain failures and demonstrating that the failure will not result in a loss of containment or control of the UA. The proposed criteria contain the minimum types of failures the FAA finds are probable; however, the applicant must determine the probable failures related to any other equipment that will be addressed for this requirement.

UAS.310 Capabilities and Functions: The proposed criteria for this section address the minimum capabilities and functions the FAA finds are necessary in the design of the UAS and would require the applicant to demonstrate these capabilities and functions by test. Due to the location of the pilot and the controls for UAS, separate from the UA, communication between the pilot and the UA is significant to the design. Thus, the proposed criteria would require the applicant to demonstrate the capability of the UAS to regain command and control after a loss. As with manned aircraft, the electrical system of the UAS must have a capacity sufficient for all anticipated loads; the proposed criteria would require the applicant to demonstrate this by test.

The proposed criteria contain functions that would allow the pilot to command the UA to deviate from its flight plan or from its pre-programmed flight path. For example, in the event the pilot needs to deconflict the airspace, the UA must be able to respond to pilot inputs that override any pre-programming.

In the event an applicant requests approval for certain features, such as geo-fencing or external cargo, the proposed criteria contain requirements to address the associated risks. The proposed criteria in this section would also require design of the UAS to safeguard against an unintended discontinuation of flight or release of cargo, whether by human action or malfunction.

UAS.315 Fatigue: The FAA intends the proposed criteria in this section to address the risks from reduced structural integrity and structural failure due to fatigue. The proposed criteria would require the applicant to establish an airframe life limit and demonstrate that loss of flight or loss of control due to structural failure will be avoided throughout the operational life of the UA. These proposed criteria would require the applicant to demonstrate this by test, while maintaining the UA in accordance with the ICA.

UAS.320 Verification of Limits: This section would evaluate structural safety and address the risks associated with inadequate structural design. While the proposed criteria in UAS.300 address testing to demonstrate that the UAS structure adequately supports expected loads throughout the flight and operational envelopes, the proposed criteria in this section would require an evaluation of the performance, maneuverability, stability, and control of the UA with a factor of safety.

Proposed Airworthiness Criteria

The FAA proposes to establish the following airworthiness criteria for type certification of the Wingcopter Model 198 US. The FAA proposes that compliance with the following would mitigate the risks associated with the proposed design and Concept of Operations appropriately and would provide an equivalent level of safety to existing rules:

General

UAS.00 Concept of Operations

The applicant must define and submit to the FAA a concept of operations (CONOPS) proposal describing the Unmanned Aircraft System (UAS) operation in the National Airspace System for which certification is requested. The CONOPS proposal must include, at a minimum, a description of the following information.

(a) The intended type of operations;

(b) Unmanned aircraft (UA) specifications;

(c) Meteorological conditions;

(d) Operators, pilots, and personnel responsibilities;

(e) Control station and support equipment;

(f) Command, control, and communication functions; and

(g) Operational parameters, such as population density, geographic operating boundaries, airspace classes, launch and recovery area, congestion of proposed operating area, communications with air traffic control, line of sight, and aircraft separation.

Design and Construction

UAS.100 Control Station

The control station must be designed to provide the pilot with all information required for continued safe flight and operation. This information includes, at a minimum, the following:

(a) Alerts, such as an alert following the loss of the command and control (C2) link and function.

(b) The status of all critical parameters for all energy storage systems.

(c) The status of all critical parameters for all propulsion systems.

(d) Flight and navigation information as appropriate, such as airspeed, heading, altitude, and location.

(e) C2 link signal strength, quality, or status.

UAS.110 Software

To minimize the existence of errors, the applicant must:

(a) Verify by test all software that may impact the safe operation of the UAS;

(b) Utilize a configuration management system that tracks,

controls, and preserves changes made to software throughout the entire life cycle; and

(c) Implement a problem reporting system that captures and records defects and modifications to the software.

UAS.115 Cyber Security

(a) UAS equipment, systems, and networks, addressed separately and in relation to other systems, must be protected from intentional unauthorized electronic interactions that may result in an adverse effect on the security or airworthiness of the UAS. Protection must be ensured by showing that the security risks have been identified, assessed, and mitigated as necessary.

(b) When required by paragraph (a) of this section, procedures and instructions to ensure security protections are maintained must be included in the Instructions for Continued Airworthiness (ICA).

UAS.120 Contingency Planning

(a) The UAS must be designed so that, in the event of a loss of the C2 link, the UA will automatically and immediately execute a safe predetermined flight, loiter, landing, or termination.

(b) The applicant must establish the predetermined action in the event of a loss of the C2 link and include it in the UAS Flight Manual.

(c) The UAS Flight Manual must include the minimum performance requirements for the C2 data link defining when the C2 link is degraded to a level where remote active control of the UA is no longer ensured. Takeoff when the C2 link is degraded below the minimum link performance requirements must be prevented by design or prohibited by an operating limitation in the UAS Flight Manual.

UAS.125 Lightning

(a) Except as provided in paragraph (b) of this section, the UAS must have design characteristics that will protect the UAS from loss of flight or loss of control due to lightning.

(b) If the UAS has not been shown to protect against lightning, the UAS Flight Manual must include an operating limitation to prohibit flight into weather conditions conducive to lightning activity.

UAS.130 Adverse Weather Conditions

(a) For purposes of this section, ''adverse weather conditions'' means rain, snow, and icing.

(b) Except as provided in paragraph (c) of this section, the UAS must have design characteristics that will allow the UAS to operate within the adverse weather conditions specified in the CONOPS without loss of flight or loss of control.

(c) For adverse weather conditions for which the UAS is not approved to operate, the applicant must develop operating limitations to prohibit flight into known adverse weather conditions and either:

(1) Develop operating limitations to prevent inadvertent flight into adverse weather conditions; or

(2) Provide a means to detect any adverse weather conditions for which the UAS is not certificated to operate and show the UAS's ability to avoid or exit those conditions.

UAS.135 Critical Parts

(a) A critical part is a part, the failure of which could result in a loss of flight or unrecoverable loss of UAS control.

(b) If the type design includes critical parts, the applicant must establish a critical parts list. The applicant must develop and define mandatory maintenance instructions or life limits, or a combination of both, to prevent failures of critical parts. Each of these mandatory actions must be included in the Airworthiness Limitations Section of the ICA.

Operating Limitations and Information

UAS.200 Flight Manual

The applicant must provide a UAS Flight Manual with each UAS.

(a) The UAS Flight Manual must contain the following information:

(1) UAS operating limitations;

(2) UAS normal and emergency operating procedures;

(3) Performance information;

(4) Loading information; and

(5) Other information that is necessary for safe operation because of design, operating, or handling characteristics.

(b) Those portions of the UAS Flight Manual containing the information specified in paragraphs (a)(1) through (4) of this section must be approved by the FAA.

UAS.205 Instructions for Continued Airworthiness

The applicant must prepare ICA for the UAS in accordance with Appendix A to Part 23, as appropriate, that are acceptable to the FAA. The ICA may be incomplete at type certification if a program exists to ensure their completion prior to delivery of the first UAS or issuance of a standard airworthiness certificate, whichever occurs later.

Testing

UAS.300 Durability and Reliability

The UAS must be designed to be durable and reliable commensurate to the maximum population density specified in the operating limitations. The durability and reliability must be demonstrated by flight test in accordance with the requirements of this section and completed with no failures that result in a loss of flight, loss of control, loss of containment, or emergency landing outside the operator's recovery area.

(a) Once a UAS has begun testing to show compliance with this section, all flights for that UA must be included in the flight test report.

(b) Tests must include an evaluation of the entire flight envelope across all phases of operation and must address, at a minimum, the following:

(1) Flight distances;

(2) Flight durations;

(3) Route complexity;

(4) Weight;

(5) Center of gravity;

(6) Density altitude;

(7) Outside air temperature;

(8) Airspeed;

(9) Wind;

(10) Weather;

(11) Operation at night, if requested;

(12) Energy storage system capacity; and

(13) Aircraft to pilot ratio.

(c) Tests must include the most adverse combinations of the conditions and configurations in paragraph (b) of this section.

(d) Tests must show a distribution of the different flight profiles and routes representative of the type of operations identified in the CONOPS.

(e) Tests must be conducted in conditions consistent with the expected environmental conditions identified in the CONOPS, including electromagnetic interference (EMI) and High Intensity Radiated Fields (HIRF).

(f) Tests must not require exceptional piloting skill or alertness.

(g) Any UAS used for testing must be subject to the same worst-case ground handling, shipping, and transportation loads as those allowed in service.

(h) Any UAS used for testing must be maintained and operated in accordance with the ICA and UAS Flight Manual. No maintenance beyond the intervals established in the ICA will be allowed to show compliance with this section.

(i) If cargo operations or external-load operations are requested, tests must show, throughout the flight envelope and with the cargo or external-load at the most critical combinations of weight and center of gravity, that—

(1) the UA is safely controllable and maneuverable; and

(2) the cargo or external-load are retainable and transportable.

UAS.305 Probable Failures

The UAS must be designed such that a probable failure will not result in a loss of containment or control of the UA. This must be demonstrated by test.

(a) Probable failures related to the following equipment, at a minimum, must be addressed.

(1) Propulsion systems;

(2) C2 link;

(3) Global Positioning System (GPS);

(4) Critical flight control components with a single point of failure;

(5) Control station; and

(6) Any other equipment identified by the applicant.

(b) Any UAS used for testing must be operated in accordance with the UAS Flight Manual.

(c) Each test must occur at the critical phase and mode of flight, and at the highest aircraft-to-pilot ratio.

UAS.310 Capabilities and Functions

(a) All of the following required UAS capabilities and functions must be demonstrated by test:

(1) Capability to regain command and control of the UA after the C2 link has been lost.

(2) Capability of the electrical system to power all UA systems and payloads.

(3) Ability for the pilot to safely discontinue the flight.

(4) Ability for the pilot to dynamically re-route the UA.

(5) Ability to safely abort a takeoff.

(6) Ability to safely abort a landing and initiate a go-around.

(b) The following UAS capabilities and functions, if requested for approval, must be demonstrated by test:

(1) Continued flight after degradation of the propulsion system.

(2) Geo-fencing that contains the UA within a designated area, in all operating conditions.

(3) Positive transfer of the UA between control stations that ensures only one control station can control the UA at a time.

(4) Capability to release an external cargo load to prevent loss of control of the UA.

(5) Capability to detect and avoid other aircraft and obstacles.

(c) The UAS must be designed to safeguard against inadvertent discontinuation of the flight and inadvertent release of cargo or external-load.

UAS.315 Fatigue

The structure of the UA must be shown to be able to withstand the repeated loads expected during its service life without failure. A life limit for the airframe must be established, demonstrated by test, and included in the ICA.

UAS.320 Verification of Limits

The performance, maneuverability, stability, and control of the UA within the flight envelope described in the UAS Flight Manual must be demonstrated at a minimum of 5% over maximum gross weight with no loss of control or loss of flight.

Issued in Kansas City, Missouri, on November 16, 2020.

Patrick R. Mullen,

Manager, Small Airplane Standards Branch, Policy and Innovation Division, Aircraft Certification Service.

[FR Doc. 2020–25670 Filed 11–19–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 21

[Docket No. FAA–2020–1092]

Airworthiness Criteria: Special Class Airworthiness Criteria for the Airobotics Inc. OPTIMUS 1–EX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed airworthiness criteria.

SUMMARY: The FAA announces the availability of and requests comments on proposed airworthiness criteria for the Airobotics Inc. Model OPTIMUS 1–EX unmanned aircraft system (UAS). This document proposes airworthiness criteria the FAA finds to be appropriate and applicable for the UAS design.

DATES: Send comments on or before December 21, 2020.

ADDRESSES: Send comments identified by docket number FAA–2020–1092 using any of the following methods:

☐ *Federal eRegulations Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.

☐ *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

☐ *Hand Delivery of Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m., and 5 p.m., Monday through Friday, except Federal holidays.

☐ *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: The FAA will post all comments it receives, without change, to *http://regulations.gov,* including any personal information the commenter provides. Using the search function of the docket website, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478), as well as at *http://DocketsInfo.dot.gov.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m., and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Hieu Nguyen, AIR–692, Federal Aviation Administration, Policy and Innovation Division, Small Airplane Standards Branch, Aircraft Certification Service, 901 Locust, Room 301, Kansas City, MO 64106, telephone (816) 329–4123, facsimile (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites interested people to take part in the development of these airworthiness criteria by sending written comments, data, or views. The most helpful comments reference a specific portion of the airworthiness criteria, explain the reason for any recommended change, and include supporting data. Comments on operational, pilot certification, and maintenance requirements would address issues that are beyond the scope of this document.

Except for Confidential Business Information as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will file in the docket all comments received, as well as a report summarizing each substantive public contact with FAA personnel concerning these proposed airworthiness criteria. Before acting on this proposal, the FAA will consider all comments received on or before the closing date for comments. The FAA will consider comments filed late if it is possible to do so without incurring delay. The FAA may change these airworthiness criteria based on received comments.

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 notice, 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 notice. Submissions containing CBI should be sent to the individual listed under **FOR FURTHER INFORMATION CONTACT**. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this notice.

Background

Airobotics Inc. (Airobotics) applied to the FAA on September 25, 2019, for a special class type certificate under Title 14, Code of Federal Regulations (14 CFR) 21.17(b) for the Model OPTIMUS 1–EX UAS.

The Model OPTIMUS 1–EX consists of an unmanned aircraft (UA) and its associated elements that include communication links and the components that control the UA. The Model OPTIMUS 1–EX UA has a maximum gross takeoff weight of 23 pounds. It is approximately 70 inches in width, 70 inches in length, and 13 inches in height. The Model OPTIMUS 1–EX UA is battery powered using electric motors for vertical takeoff, landing, and forward flight. The UAS operations would rely on high levels of automation and may include multiple UA operated by a single pilot, up to a ratio of 20 UA to 1 pilot. Airobotics anticipates operators will use the Model OPTIMUS 1–EX for surveying, mapping, inspection of critical infrastructure, and patrolling. The proposed concept of operations for the Model OPTIMUS 1–EX identifies a maximum operating altitude of 400 feet above ground level, a maximum cruise speed of 27 knots, operations beyond the visual line of sight of the pilot, and operations over human beings. Airobotics has not requested type certification for flight into known icing for the Model OPTIMUS 1–EX.

Discussion

The FAA establishes airworthiness criteria to ensure the safe operation of aircraft in accordance with 49 U.S.C. 44701(a) and 44704. UAS are type certificated by the FAA as special class aircraft for which airworthiness standards have not been established by regulation. Under the provisions of 14 CFR 21.17(b), the airworthiness standards for special class aircraft are those the FAA finds to be appropriate and applicable to the specific type design.

The applicant has proposed a design with constraints upon its operations and an unusual design characteristic: The pilot is remotely located. The FAA developed existing airworthiness standards to establish an appropriate level of safety for each product and its intended use. The FAA's existing airworthiness standards did not envision aircraft with no pilot in the cockpit and the technologies associated with that capability.

The FAA has reviewed the proposed design and assessed the potential risk to the National Airspace System. The FAA considered the size of the proposed aircraft, its maximum airspeed and altitude, and operational limitations to address the number of unmanned aircraft per operator and to address operations in which the aircraft would operate beyond the visual line of sight of the pilot. These factors allowed the FAA to assess the potential risk the aircraft could pose to other aircraft and to human beings on the ground. Using these parameters, the FAA developed airworthiness criteria to address those potential risks to ensure the aircraft remains reliable, controllable, safe, and airworthy.

The proposed criteria focus on mitigating hazards by establishing safety outcomes that must be achieved, rather than by establishing prescriptive requirements that must be met. This is in contrast to many current airworthiness standards, used to certificate traditional aircraft systems, which prescribe specific indicators and instruments for a pilot in a cockpit that would be inappropriate for UAS. The FAA finds that the proposed criteria are appropriate and applicable for the UAS design, based on the intended operational concepts for the UAS as identified by the applicant.

The FAA selected the particular airworthiness criteria proposed by this notice for the following reasons:

General: In order to determine appropriate and applicable airworthiness standards for UAS as a special class of aircraft, the FAA determined that the applicant must provide information describing the characteristics and capabilities of the UAS and how it will be used.

UAS.001 Concept of Operations: To assist the FAA in identifying and analyzing the risks and impacts associated with integrating the proposed UAS design into the National Airspace System, the applicant would be required to submit a Concept of Operations (CONOPS). The proposed criteria would require the applicant's CONOPS to identify the intended operational concepts for the UAS and describe the UAS and its operation. The information in the CONOPS would determine parameters and extent of testing, as well as operating limitations that will be placed in the UAS Flight Manual.

Design and Construction: The FAA selected the design and construction criteria in this section to address airworthiness requirements where the flight testing demonstration alone may not be sufficient to demonstrate an appropriate level of safety.

UAS.100 Control Station: The control station, which is located separately from the UA, is a unique feature to UAS. As a result, no regulatory airworthiness standards exist that directly apply to this part of the system. The FAA based some of the proposed criteria on existing regulations that address the information that must be provided to a pilot in the cockpit of a manned aircraft, and modified them as appropriate to this UAS. Thus, to address the risks associated with loss of control of the UAS, the applicant would be required to design the control station to provide the pilot with the information necessary for continued safe flight and operation. The proposed criteria contain the specific minimum types of information the FAA finds are necessary for this requirement; however, the applicant must determine whether additional parameters are necessary.

UAS.110 Software: Software for manned aircraft is certified under the regulations applicable to systems, equipment, and installations (*e.g.,* §§ 23.2510, 25.1309, 27. 1309, or 29.1309). There are two regulations that specifically prescribe airworthiness standards for software: Engine airworthiness standards (§ 33.28) and propeller airworthiness standards (§ 35.23). The proposed UAS software criteria was based on these regulations and tailored for the risks posed by UAS software.

UAS.115 Cyber Security: The location of the pilot separate from the UA requires a continuous wireless connection (command and control link) with the UA for the pilot to monitor and

control it. Because the purpose of this link is to control the aircraft, this makes the UAS susceptible to cyber security threats in a unique way.

The current regulations for the certification of systems, equipment, and installations (*e.g.,* §§ 23.2510, 25.1309, 27. 1309, and 29.1309) do not adequately address potential security vulnerabilities that could be exploited by unauthorized access to aircraft systems, data buses, and services. For manned aircraft, the FAA therefore issues special conditions for particular designs with network security vulnerabilities.

To address the risks to the UAS associated with intentional unauthorized electronic interactions, the applicant would be required to design the UAS's systems and networks to protect against intentional unauthorized electronic interactions and mitigate potential adverse effects. The FAA based the language for the proposed criteria on recommendations in the final report dated August 22, 2016, from the Aircraft System Information Security/Protection (ASISP) working group, under the FAA's Aviation Rulemaking Advisory Committee. Although the recommendations pertained to manned aircraft, the FAA has reviewed the report and determined the recommendations are also appropriate for UAS. The wireless connections used by UAS make these aircraft susceptible to the same cyber security risks, and therefore require similar criteria, as manned aircraft.

UAS.120 Contingency Planning: The location of the pilot and the controls for the UAS, separate from the UA, is a unique feature to UAS. As a result, no regulatory airworthiness standards exist that directly apply to this feature of the system.

To address the risks associated with loss of communication between the pilot and the UA, and thus the pilot's inability to control the UA, the proposed criteria would require that the UAS be designed to automatically execute a predetermined action. Because the pilot needs to be aware of the particular predetermined action the UA will take when there is a loss of communication between the pilot and the UA, the proposed criteria would require that the applicant identify the predetermined action in the UAS Flight Manual. The proposed criteria would also include requirements for preventing takeoff when quality of service is inadequate.

UAS.125 Lightning: Because of the size and physical limitations of this UAS, it would be unlikely that this UAS would incorporate traditional lightning protection features. To address the risks that would result from a lightning strike, the proposed criteria would require an operating limitation in the UAS Flight Manual that prohibits flight into weather conditions conducive to lightning. The proposed criteria would also allow design characteristics to protect the UAS from lightning as an alternative to the prohibition.

UAS.130 Adverse Weather Conditions: Because of the size and physical limitations of this UAS, adverse weather such as rain, snow, and icing pose a greater hazard to the UAS than to manned aircraft. For the same reason, it would be unlikely that this UAS would incorporate traditional protection features from icing. The FAA based the proposed criteria on the icing requirements in 14 CFR 23.2165(b) and (c), and applied them to all of these adverse weather conditions. The proposed criteria would allow design characteristics to protect the UAS from adverse weather conditions. As an alternative, the proposed criteria would require an operating limitation in the UAS Flight Manual that prohibits flight into known adverse weather conditions, and either also prevent inadvertent flight into adverse weather or provide a means to detect and to avoid or exit adverse weather conditions.

UAS.135 Critical Parts: The proposed criteria for critical parts are substantively the same as that in § 27.602, with changes to reflect UAS terminology and failure condition.

Operating Limitations and Information: Similar to manned aircraft, the FAA determined that the UAS applicant must provide airworthiness instructions, operating limitations, and flight and performance information necessary for the safe operation and continued operational safety of the UAS.

UAS.200 Flight Manual: The proposed criteria for the UAS Flight Manual are substantively the same as that in § 23.2620, with minor changes to reflect UAS terminology.

UAS.205 Instructions for Continued Airworthiness: The proposed criteria for the Instructions for Continued Airworthiness (ICA) are substantively the same as that in § 23.1529, with minor changes to reflect UAS terminology.

Testing: Traditional certification methodologies for manned aircraft are based on design requirements verified at the component level by inspection, analysis, demonstration, or test. Due to the difference in size and complexity, the FAA determined testing methodologies that demonstrate reliability at the aircraft (UAS) level, in addition to the design and construction criteria identified in this proposal, will achieve the same safety objective. The proposed testing criteria in sections UAS.300 through UAS.320 utilize these methodologies.

UAS.300 Durability and Reliability: The FAA intends the proposed testing criteria in this section to cover key design aspects and prevent unsafe features at an appropriate level tailored for this UAS. The proposed durability and reliability testing would require the applicant to demonstrate safe flight of the UAS across the entire operational envelope and up to all operational limitations, for all phases of flight and all aircraft configurations. The UAS would only be certificated for operations within the limitations, and for flight over the maximum population density, as demonstrated by test. The proposed criteria would require that all flights during the testing be completed with no failures that result in a loss of flight, loss of control, loss of containment, or emergency landing outside of the operator's recovery zone.

For some aircraft design requirements imposed by existing airworthiness standards (*e.g.,* §§ 23.2135, 23.2600, 25.105, 25.125, 27.141, 27.173, 29.51, 29.177) the aircraft must not require exceptional piloting skill or alertness. These rules recognize that pilots have varying levels of ability and attention. In a similar manner, the proposed criteria would require that the durability and reliability flight testing be performed by a pilot with average skill and alertness.

Flight testing will be used to determine the aircraft's ability to withstand flight loads across the range of operating limits and the flight envelope. Because small UAS may be subjected to significant ground loads when handled, lifted, carried, loaded, maintained, and transported physically by hand, the proposed criteria would require that the aircraft used for testing endure the same worst-case ground loads as those the UAS will experience in operation after type certification.

UAS.305 Probable Failures: The FAA intends the proposed testing criteria to evaluate how the UAS functions after failures that are probable to occur. The applicant will test the UAS by inducing certain failures and demonstrating that the failure will not result in a loss of containment or control of the UA. The proposed criteria contain the minimum types of failures the FAA finds are probable; however, the applicant must determine the probable failures related to any other equipment that will be addressed for this requirement.

UAS.310 Capabilities and Functions: The proposed criteria for this section address the minimum capabilities and functions the FAA finds are necessary in the design of the UAS and would require the applicant to demonstrate these capabilities and functions by test. Due to the location of the pilot and the controls for UAS, separate from the UA, communication between the pilot and the UA is significant to the design. Thus, the proposed criteria would require the applicant to demonstrate the capability of the UAS to regain command and control after a loss. As with manned aircraft, the electrical system of the UAS must have a capacity sufficient for all anticipated loads; the proposed criteria would require the applicant to demonstrate this by test.

The proposed criteria contain functions that would allow the pilot to command the UA to deviate from its flight plan or from its pre-programmed flight path. For example, in the event the pilot needs to deconflict the airspace, the UA must be able to respond to pilot inputs that override any pre-programming.

In the event an applicant requests approval for certain features, such as geo-fencing or external cargo, the proposed criteria contain requirements to address the associated risks. The proposed criteria in this section would also require design of the UAS to safeguard against an unintended discontinuation of flight or release of cargo, whether by human action or malfunction.

UAS.315 Fatigue: The FAA intends the proposed criteria in this section to address the risks from reduced structural integrity and structural failure due to fatigue. The proposed criteria would require the applicant to establish an airframe life limit and demonstrate that loss of flight or loss of control due to structural failure will be avoided throughout the operational life of the UA. These proposed criteria would require the applicant to demonstrate this by test, while maintaining the UA in accordance with the ICA.

UAS.320 Verification of Limits: This section would evaluate structural safety and address the risks associated with inadequate structural design. While the proposed criteria in UAS.300 address testing to demonstrate that the UAS structure adequately supports expected loads throughout the flight and operational envelopes, the proposed criteria in this section would require an evaluation of the performance, maneuverability, stability, and control of the UA with a factor of safety.

Proposed Airworthiness Criteria

The FAA proposes to establish the following airworthiness criteria for type certification of the Airobotics Model OPTIMUS 1–EX. The FAA proposes that compliance with the following would mitigate the risks associated with the proposed design and Concept of Operations appropriately and would provide an equivalent level of safety to existing rules:

General

UAS.001 Concept of Operations

The applicant must define and submit to the FAA a concept of operations (CONOPS) proposal describing the Unmanned Aircraft System (UAS) operation in the National Airspace System for which certification is requested. The CONOPS proposal must include, at a minimum, a description of the following information.

(a) The intended type of operations;

(b) Unmanned aircraft (UA) specifications;

(c) Meteorological conditions;

(d) Operators, pilots, and personnel responsibilities;

(e) Control station and support equipment;

(f) Command, control, and communication functions; and

(g) Operational parameters, such as population density, geographic operating boundaries, airspace classes, launch and recovery area, congestion of proposed operating area, communications with air traffic control, line of sight, and aircraft separation.

Design and Construction

UAS.100 Control Station

The control station must be designed to provide the pilot with all information required for continued safe flight and operation. This information includes, at a minimum, the following:

(a) Alerts, such as an alert following the loss of the command and control (C2) link and function.

(b) The status of all critical parameters for all energy storage systems.

(c) The status of all critical parameters for all propulsion systems.

(d) Flight and navigation information as appropriate, such as airspeed, heading, altitude, and location.

(e) C2 link signal strength, quality, or status.

UAS.110 Software

To minimize the existence of errors, the applicant must:

(a) Verify by test all software that may impact the safe operation of the UAS;

(b) Utilize a configuration management system that tracks, controls, and preserves changes made to software throughout the entire life cycle; and

(c) Implement a problem reporting system that captures and records defects and modifications to the software.

UAS.115 Cyber Security

(a) UAS equipment, systems, and networks, addressed separately and in relation to other systems, must be protected from intentional unauthorized electronic interactions that may result in an adverse effect on the security or airworthiness of the UAS. Protection must be ensured by showing that the security risks have been identified, assessed, and mitigated as necessary.

(b) When required by paragraph (a) of this section, procedures and instructions to ensure security protections are maintained must be included in the Instructions for Continued Airworthiness (ICA).

UAS.120 Contingency Planning

(a) The UAS must be designed so that, in the event of a loss of the C2 link, the UA will automatically and immediately execute a safe predetermined flight, loiter, landing, or termination.

(b) The applicant must establish the predetermined action in the event of a loss of the C2 link and include it in the UAS Flight Manual.

(c) The UAS Flight Manual must include the minimum performance requirements for the C2 data link defining when the C2 link is degraded to a level where remote active control of the UA is no longer ensured. Takeoff when the C2 link is degraded below the minimum link performance requirements must be prevented by design or prohibited by an operating limitation in the UAS Flight Manual.

UAS.125 Lightning

(a) Except as provided in paragraph (b) of this section, the UAS must have design characteristics that will protect the UAS from loss of flight or loss of control due to lightning.

(b) If the UAS has not been shown to protect against lightning, the UAS Flight Manual must include an operating limitation to prohibit flight into weather conditions conducive to lightning activity.

UAS.130 Adverse Weather Conditions

(a) For purposes of this section, ''adverse weather conditions'' means rain, snow, and icing.

(b) Except as provided in paragraph (c) of this section, the UAS must have design characteristics that will allow the UAS to operate within the adverse weather conditions specified in the

CONOPS without loss of flight or loss of control.

(c) For adverse weather conditions for which the UAS is not approved to operate, the applicant must develop operating limitations to prohibit flight into known adverse weather conditions and either:

(1) Develop operating limitations to prevent inadvertent flight into adverse weather conditions; or

(2) Provide a means to detect any adverse weather conditions for which the UAS is not certificated to operate and show the UAS's ability to avoid or exit those conditions.

UAS.135 Critical Parts

(a) A critical part is a part, the failure of which could result in a loss of flight or unrecoverable loss of UAS control.

(b) If the type design includes critical parts, the applicant must establish a critical parts list. The applicant must develop and define mandatory maintenance instructions or life limits, or a combination of both, to prevent failures of critical parts. Each of these mandatory actions must be included in the Airworthiness Limitations Section of the ICA.

Operating Limitations and Information

UAS.200 Flight Manual

The applicant must provide a UAS Flight Manual with each UAS.

(a) The UAS Flight Manual must contain the following information:

(1) UAS operating limitations;

(2) UAS normal and emergency operating procedures;

(3) Performance information;

(4) Loading information; and

(5) Other information that is necessary for safe operation because of design, operating, or handling characteristics.

(b) Those portions of the UAS Flight Manual containing the information specified in paragraphs (a)(1) through (4) of this section must be approved by the FAA.

UAS.205 Instructions for Continued Airworthiness

The applicant must prepare ICA for the UAS in accordance with Appendix A to Part 23, as appropriate, that are acceptable to the FAA. The ICA may be incomplete at type certification if a program exists to ensure their completion prior to delivery of the first UAS or issuance of a standard airworthiness certificate, whichever occurs later.

Testing

UAS.300 Durability and Reliability

The UAS must be designed to be durable and reliable commensurate to the maximum population density specified in the operating limitations. The durability and reliability must be demonstrated by flight test in accordance with the requirements of this section and completed with no failures that result in a loss of flight, loss of control, loss of containment, or emergency landing outside the operator's recovery area.

(a) Once a UAS has begun testing to show compliance with this section, all flights for that UA must be included in the flight test report.

(b) Tests must include an evaluation of the entire flight envelope across all phases of operation and must address, at a minimum, the following:

(1) Flight distances;

(2) Flight durations;

(3) Route complexity;

(4) Weight;

(5) Center of gravity;

(6) Density altitude;

(7) Outside air temperature;

(8) Airspeed;

(9) Wind;

(10) Weather;

(11) Operation at night, if requested;

(12) Energy storage system capacity; and

(13) Aircraft to pilot ratio.

(c) Tests must include the most adverse combinations of the conditions and configurations in paragraph (b) of this section.

(d) Tests must show a distribution of the different flight profiles and routes representative of the type of operations identified in the CONOPS.

(e) Tests must be conducted in conditions consistent with the expected environmental conditions identified in the CONOPS, including electromagnetic interference (EMI) and High Intensity Radiated Fields (HIRF).

(f) Tests must not require exceptional piloting skill or alertness.

(g) Any UAS used for testing must be subject to the same worst-case ground handling, shipping, and transportation loads as those allowed in service.

(h) Any UAS used for testing must be maintained and operated in accordance with the ICA and UAS Flight Manual. No maintenance beyond the intervals established in the ICA will be allowed to show compliance with this section.

(i) If cargo operations or external-load operations are requested, tests must show, throughout the flight envelope and with the cargo or external-load at the most critical combinations of weight and center of gravity, that—

(1) the UA is safely controllable and maneuverable; and

(2) the cargo or external-load are retainable and transportable.

UAS.305 Probable Failures

The UAS must be designed such that a probable failure will not result in a loss of containment or control of the UA. This must be demonstrated by test.

(a) Probable failures related to the following equipment, at a minimum, must be addressed.

(1) Propulsion systems;

(2) C2 link;

(3) Global Positioning System (GPS);

(4) Critical flight control components with a single point of failure;

(5) Control station; and

(6) Any other equipment identified by the applicant.

(b) Any UAS used for testing must be operated in accordance with the UAS Flight Manual.

(c) Each test must occur at the critical phase and mode of flight, and at the highest aircraft-to-pilot ratio.

UAS.310 Capabilities and Functions

(a) All of the following required UAS capabilities and functions must be demonstrated by test:

(1) Capability to regain command and control of the UA after the C2 link has been lost.

(2) Capability of the electrical system to power all UA systems and payloads.

(3) Ability for the pilot to safely discontinue the flight.

(4) Ability for the pilot to dynamically re-route the UA.

(5) Ability to safely abort a takeoff.

(6) Ability to safely abort a landing and initiate a go-around.

(b) The following UAS capabilities and functions, if requested for approval, must be demonstrated by test:

(1) Continued flight after degradation of the propulsion system.

(2) Geo-fencing that contains the UA within a designated area, in all operating conditions.

(3) Positive transfer of the UA between control stations that ensures only one control station can control the UA at a time.

(4) Capability to release an external cargo load to prevent loss of control of the UA.

(5) Capability to detect and avoid other aircraft and obstacles.

(c) The UAS must be designed to safeguard against inadvertent discontinuation of the flight and inadvertent release of cargo or external-load.

UAS.315 Fatigue

The structure of the UA must be shown to be able to withstand the repeated loads expected during its service life without failure. A life limit for the airframe must be established,

demonstrated by test, and included in the ICA.

UAS.320 Verification of Limits

The performance, maneuverability, stability, and control of the UA within the flight envelope described in the UAS Flight Manual must be demonstrated at a minimum of 5% over maximum gross weight with no loss of control or loss of flight.

Issued in Kansas City, Missouri, on November 16, 2020.

Patrick R. Mullen,

Manager, Small Airplane Standards Branch, Policy and Innovation Division, Aircraft Certification Service.

[FR Doc. 2020–25662 Filed 11–19–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2020–1084]

Airworthiness Criteria: Special Class Airworthiness Criteria for the Zipline International Inc. Zip UAS Sparrow

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed airworthiness criteria.

SUMMARY: The FAA announces the availability of and requests comments on proposed airworthiness criteria for the Zipline International Inc. Model Zip UAS Sparrow unmanned aircraft system (UAS). This document proposes airworthiness criteria the FAA finds to be appropriate and applicable for the UAS design.

DATES: Send comments on or before December 21, 2020.

ADDRESSES: Send comments identified by docket number FAA–2020–1084 using any of the following methods:

☐ *Federal eRegulations Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.

☐ *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

☐ *Hand Delivery of Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m., and 5 p.m., Monday through Friday, except Federal holidays.

☐ *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: The FAA will post all comments it receives, without change, to *http://regulations.gov,* including any personal information the commenter provides. Using the search function of the docket website, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478), as well as at *http://DocketsInfo.dot.gov.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC between 9 a.m., and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Hieu Nguyen, AIR–692, Federal Aviation Administration, Policy and Innovation Division, Small Airplane Standards Branch, Aircraft Certification Service, 901 Locust, Room 301, Kansas City, MO 64106, telephone (816) 329–4123, facsimile (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites interested people to take part in the development of these airworthiness criteria by sending written comments, data, or views. The most helpful comments reference a specific portion of the airworthiness criteria, explain the reason for any recommended change, and include supporting data. Comments on operational, pilot certification, and maintenance requirements would address issues that are beyond the scope of this document.

Except for Confidential Business Information as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will file in the docket all comments received, as well as a report summarizing each substantive public contact with FAA personnel concerning these proposed airworthiness criteria. Before acting on this proposal, the FAA will consider all comments received on or before the closing date for comments. The FAA will consider comments filed late if it is possible to do so without incurring delay. The FAA may change these airworthiness criteria based on received comments.

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 notice, 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 notice. Submissions containing CBI should be sent to the individual listed under ''For Further Information Contact.'' Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this notice.

Background

Zipline International Inc. (Zipline) applied to the FAA on March 25, 2019, for a special class type certificate under Title 14, Code of Federal Regulations (14 CFR) 21.17(b) for the Model Zip UAS.

The Model Zip consists of an unmanned aircraft (UA) and its associated elements that include communication links and the components that control the UA. The Model Zip UA has a maximum gross takeoff weight of 50 pounds. It has a wingspan of approximately 11 feet, is approximately 6 feet in length, and 2 feet in height. The Model Zip UA is battery powered using electric motors for takeoff, landing, and forward flight. The UAS operations would rely on high levels of automation and may include multiple UA operated by a single pilot, up to a ratio of 20 UA to 1 pilot. Zipline anticipates operators will use the Model Zip for transporting medical materials. The proposed concept of operations for the Model Zip identifies a maximum operating altitude of 400 feet above ground level, a maximum cruise speed of 56 knots, operations beyond visual line of sight of the pilot, and operations over human beings. Zipline has not requested type certification for flight into known icing for the Model Zip.

Discussion

The FAA establishes airworthiness criteria to ensure the safe operation of aircraft in accordance with 49 U.S.C.

44701(a) and 44704. UAS are type certificated by the FAA as special class aircraft for which airworthiness standards have not been established by regulation. Under the provisions of 14 CFR 21.17(b), the airworthiness standards for special class aircraft are those the FAA finds to be appropriate and applicable to the specific type design.

The applicant has proposed a design with constraints upon its operations and an unusual design characteristic: The pilot is remotely located. The FAA developed existing airworthiness standards to establish an appropriate level of safety for each product and its intended use. The FAA's existing airworthiness standards did not envision aircraft with no pilot in the cockpit and the technologies associated with that capability.

The FAA has reviewed the proposed design and assessed the potential risk to the National Airspace System. The FAA considered the size of the proposed aircraft, its maximum airspeed and altitude, and operational limitations to address the number of unmanned aircraft per operator and to address operations in which the aircraft would operate beyond the visual line of sight of the pilot. These factors allowed the FAA to assess the potential risk the aircraft could pose to other aircraft and to human beings on the ground. Using these parameters, the FAA developed airworthiness criteria to address those potential risks to ensure the aircraft remains reliable, controllable, safe, and airworthy.

The proposed criteria focus on mitigating hazards by establishing safety outcomes that must be achieved, rather than by establishing prescriptive requirements that must be met. This is in contrast to many current airworthiness standards, used to certificate traditional aircraft systems, which prescribe specific indicators and instruments for a pilot in a cockpit that would be inappropriate for UAS. The FAA finds that the proposed criteria are appropriate and applicable for the UAS design, based on the intended operational concepts for the UAS as identified by the applicant.

The FAA selected the particular airworthiness criteria proposed by this notice for the following reasons:

General: In order to determine appropriate and applicable airworthiness standards for UAS as a special class of aircraft, the FAA determined that the applicant must provide information describing the characteristics and capabilities of the UAS and how it will be used.

UAS.001 Concept of Operations: To assist the FAA in identifying and analyzing the risks and impacts associated with integrating the proposed UAS design into the National Airspace System, the applicant would be required to submit a Concept of Operations (CONOPS). The proposed criteria would require the applicant's CONOPS to identify the intended operational concepts for the UAS and describe the UAS and its operation. The information in the CONOPS would determine parameters and extent of testing, as well as operating limitations that will be placed in the UAS Flight Manual.

Design and Construction: The FAA selected the design and construction criteria in this section to address airworthiness requirements where the flight testing demonstration alone may not be sufficient to demonstrate an appropriate level of safety.

UAS.100 Control Station: The control station, which is located separately from the UA, is a unique feature to UAS. As a result, no regulatory airworthiness standards exist that directly apply to this part of the system. The FAA based some of the proposed criteria on existing regulations that address the information that must be provided to a pilot in the cockpit of a manned aircraft, and modified them as appropriate to this UAS. Thus, to address the risks associated with loss of control of the UAS, the applicant would be required to design the control station to provide the pilot with the information necessary for continued safe flight and operation. The proposed criteria contain the specific minimum types of information the FAA finds are necessary for this requirement; however, the applicant must determine whether additional parameters are necessary.

UAS.110 Software: Software for manned aircraft is certified under the regulations applicable to systems, equipment, and installations (*e.g.,* §§ 23.2510, 25.1309, 27.1309, or 29.1309). There are two regulations that specifically prescribe airworthiness standards for software: Engine airworthiness standards (§ 33.28) and propeller airworthiness standards (§ 35.23). The proposed UAS software criteria was based on these regulations and tailored for the risks posed by UAS software.

UAS.115 Cyber Security: The location of the pilot separate from the UA requires a continuous wireless connection (command and control link) with the UA for the pilot to monitor and control it. Because the purpose of this link is to control the aircraft, this makes the UAS susceptible to cyber security threats in a unique way.

The current regulations for the certification of systems, equipment, and installations (*e.g.,* §§ 23.2510, 25.1309, 27.1309, and 29.1309) do not adequately address potential security vulnerabilities that could be exploited by unauthorized access to aircraft systems, data buses, and services. For manned aircraft, the FAA therefore issues special conditions for particular designs with network security vulnerabilities.

To address the risks to the UAS associated with intentional unauthorized electronic interactions, the applicant would be required to design the UAS's systems and networks to protect against intentional unauthorized electronic interactions and mitigate potential adverse effects. The FAA based the language for the proposed criteria on recommendations in the final report dated August 22, 2016, from the Aircraft System Information Security/Protection (ASISP) working group, under the FAA's Aviation Rulemaking Advisory Committee. Although the recommendations pertained to manned aircraft, the FAA has reviewed the report and determined the recommendations are also appropriate for UAS. The wireless connections used by UAS make these aircraft susceptible to the same cyber security risks, and therefore require similar criteria, as manned aircraft.

UAS.120 Contingency Planning: The location of the pilot and the controls for the UAS, separate from the UA, is a unique feature to UAS. As a result, no regulatory airworthiness standards exist that directly apply to this feature of the system.

To address the risks associated with loss of communication between the pilot and the UA, and thus the pilot's inability to control the UA, the proposed criteria would require that the UAS be designed to automatically execute a predetermined action. Because the pilot needs to be aware of the particular predetermined action the UA will take when there is a loss of communication between the pilot and the UA, the proposed criteria would require that the applicant identify the predetermined action in the UAS Flight Manual. The proposed criteria would also include requirements for preventing takeoff when quality of service is inadequate.

UAS.125 Lightning: Because of the size and physical limitations of this UAS, it would be unlikely that this UAS would incorporate traditional lightning protection features. To address the risks that would result from a lightning strike, the proposed criteria would require an

operating limitation in the UAS Flight Manual that prohibits flight into weather conditions conducive to lightning. The proposed criteria would also allow design characteristics to protect the UAS from lightning as an alternative to the prohibition.

UAS.130 Adverse Weather Conditions: Because of the size and physical limitations of this UAS, adverse weather such as rain, snow, and icing pose a greater hazard to the UAS than to manned aircraft. For the same reason, it would be unlikely that this UAS would incorporate traditional protection features from icing. The FAA based the proposed criteria on the icing requirements in 14 CFR 23.2165(b) and (c), and applied them to all of these adverse weather conditions. The proposed criteria would allow design characteristics to protect the UAS from adverse weather conditions. As an alternative, the proposed criteria would require an operating limitation in the UAS Flight Manual that prohibits flight into known adverse weather conditions, and either also prevent inadvertent flight into adverse weather or provide a means to detect and to avoid or exit adverse weather conditions.

UAS.135 Critical Parts: The proposed criteria for critical parts are substantively the same as that in § 27.602, with changes to reflect UAS terminology and failure condition.

Operating Limitations and Information: Similar to manned aircraft, the FAA determined that the UAS applicant must provide airworthiness instructions, operating limitations, and flight and performance information necessary for the safe operation and continued operational safety of the UAS.

UAS.200 Flight Manual: The proposed criteria for the UAS Flight Manual are substantively the same as that in § 23.2620, with minor changes to reflect UAS terminology.

UAS.205 Instructions for Continued Airworthiness: The proposed criteria for the Instructions for Continued Airworthiness (ICA) are substantively the same as that in § 23.1529, with minor changes to reflect UAS terminology.

Testing: Traditional certification methodologies for manned aircraft are based on design requirements verified at the component level by inspection, analysis, demonstration, or test. Due to the difference in size and complexity, the FAA determined testing methodologies that demonstrate reliability at the aircraft (UAS) level, in addition to the design and construction criteria identified in this proposal, will achieve the same safety objective. The proposed testing criteria in sections UAS.300 through UAS.320 utilize these methodologies.

UAS.300 Durability and Reliability: The FAA intends the proposed testing criteria in this section to cover key design aspects and prevent unsafe features at an appropriate level tailored for this UAS. The proposed durability and reliability testing would require the applicant to demonstrate safe flight of the UAS across the entire operational envelope and up to all operational limitations, for all phases of flight and all aircraft configurations. The UAS would only be certificated for operations within the limitations, and for flight over the maximum population density, as demonstrated by test. The proposed criteria would require that all flights during the testing be completed with no failures that result in a loss of flight, loss of control, loss of containment, or emergency landing outside of the operator's recovery zone.

For some aircraft design requirements imposed by existing airworthiness standards (*e.g.,* §§ 23.2135, 23.2600, 25.105, 25.125, 27.141, 27.173, 29.51, 29.177) the aircraft must not require exceptional piloting skill or alertness. These rules recognize that pilots have varying levels of ability and attention. In a similar manner, the proposed criteria would require that the durability and reliability flight testing be performed by a pilot with average skill and alertness.

Flight testing will be used to determine the aircraft's ability to withstand flight loads across the range of operating limits and the flight envelope. Because small UAS may be subjected to significant ground loads when handled, lifted, carried, loaded, maintained, and transported physically by hand, the proposed criteria would require that the aircraft used for testing endure the same worst-case ground loads as those the UAS will experience in operation after type certification.

UAS.305 Probable Failures: The FAA intends the proposed testing criteria to evaluate how the UAS functions after failures that are probable to occur. The applicant will test the UAS by inducing certain failures and demonstrating that the failure will not result in a loss of containment or control of the UA. The proposed criteria contain the minimum types of failures the FAA finds are probable; however, the applicant must determine the probable failures related to any other equipment that will be addressed for this requirement.

UAS.310 Capabilities and Functions: The proposed criteria for this section address the minimum capabilities and functions the FAA finds are necessary in the design of the UAS and would require the applicant to demonstrate these capabilities and functions by test. Due to the location of the pilot and the controls for UAS, separate from the UA, communication between the pilot and the UA is significant to the design. Thus, the proposed criteria would require the applicant to demonstrate the capability of the UAS to regain command and control after a loss. As with manned aircraft, the electrical system of the UAS must have a capacity sufficient for all anticipated loads; the proposed criteria would require the applicant to demonstrate this by test.

The proposed criteria contain functions that would allow the pilot to command the UA to deviate from its flight plan or from its pre-programmed flight path. For example, in the event the pilot needs to deconflict the airspace, the UA must be able to respond to pilot inputs that override any pre-programming.

In the event an applicant requests approval for certain features, such as geo-fencing or external cargo, the proposed criteria contain requirements to address the associated risks. The proposed criteria in this section would also require design of the UAS to safeguard against an unintended discontinuation of flight or release of cargo, whether by human action or malfunction.

UAS.315 Fatigue: The FAA intends the proposed criteria in this section to address the risks from reduced structural integrity and structural failure due to fatigue. The proposed criteria would require the applicant to establish an airframe life limit and demonstrate that loss of flight or loss of control due to structural failure will be avoided throughout the operational life of the UA. These proposed criteria would require the applicant to demonstrate this by test, while maintaining the UA in accordance with the ICA.

UAS.320 Verification of Limits: This section would evaluate structural safety and address the risks associated with inadequate structural design. While the proposed criteria in UAS.300 address testing to demonstrate that the UAS structure adequately supports expected loads throughout the flight and operational envelopes, the proposed criteria in this section would require an evaluation of the performance, maneuverability, stability, and control of the UA with a factor of safety.

Proposed Airworthiness Criteria

The FAA proposes to establish the following airworthiness criteria for type certification of the Zipline Model Zip.

The FAA proposes that compliance with the following would mitigate the risks associated with the proposed design and Concept of Operations appropriately and would provide an equivalent level of safety to existing rules:

General

UAS.001 Concept of Operations

The applicant must define and submit to the FAA a concept of operations (CONOPS) proposal describing the Unmanned Aircraft System (UAS) operation in the National Airspace System for which certification is requested. The CONOPS proposal must include, at a minimum, a description of the following information.

(a) The intended type of operations;

(b) Unmanned aircraft (UA) specifications;

(c) Meteorological conditions;

(d) Operators, pilots, and personnel responsibilities;

(e) Control station and support equipment;

(f) Command, control, and communication functions; and

(g) Operational parameters, such as population density, geographic operating boundaries, airspace classes, launch and recovery area, congestion of proposed operating area, communications with air traffic control, line of sight, and aircraft separation.

Design and Construction

UAS.100 Control Station

The control station must be designed to provide the pilot with all information required for continued safe flight and operation. This information includes, at a minimum, the following:

(a) Alerts, such as an alert following the loss of the command and control (C2) link and function.

(b) The status of all critical parameters for all energy storage systems.

(c) The status of all critical parameters for all propulsion systems.

(d) Flight and navigation information as appropriate, such as airspeed, heading, altitude, and location.

(e) C2 link signal strength, quality, or status.

UAS.110 Software

To minimize the existence of errors, the applicant must:

(a) Verify by test all software that may impact the safe operation of the UAS;

(b) Utilize a configuration management system that tracks, controls, and preserves changes made to software throughout the entire life cycle; and

(c) Implement a problem reporting system that captures and records defects and modifications to the software.

UAS.115 Cyber Security

(a) UAS equipment, systems, and networks, addressed separately and in relation to other systems, must be protected from intentional unauthorized electronic interactions that may result in an adverse effect on the security or airworthiness of the UAS. Protection must be ensured by showing that the security risks have been identified, assessed, and mitigated as necessary.

(b) When required by paragraph (a) of this section, procedures and instructions to ensure security protections are maintained must be included in the Instructions for Continued Airworthiness (ICA).

UAS.120 Contingency Planning

(a) The UAS must be designed so that, in the event of a loss of the C2 link, the UA will automatically and immediately execute a safe predetermined flight, loiter, landing, or termination.

(b) The applicant must establish the predetermined action in the event of a loss of the C2 link and include it in the UAS Flight Manual.

(c) The UAS Flight Manual must include the minimum performance requirements for the C2 data link defining when the C2 link is degraded to a level where remote active control of the UA is no longer ensured. Takeoff when the C2 link is degraded below the minimum link performance requirements must be prevented by design or prohibited by an operating limitation in the UAS Flight Manual.

UAS.125 Lightning

(a) Except as provided in paragraph (b) of this section, the UAS must have design characteristics that will protect the UAS from loss of flight or loss of control due to lightning.

(b) If the UAS has not been shown to protect against lightning, the UAS Flight Manual must include an operating limitation to prohibit flight into weather conditions conducive to lightning activity.

UAS.130 Adverse Weather Conditions

(a) For purposes of this section, ''adverse weather conditions'' means rain, snow, and icing.

(b) Except as provided in paragraph (c) of this section, the UAS must have design characteristics that will allow the UAS to operate within the adverse weather conditions specified in the CONOPS without loss of flight or loss of control.

(c) For adverse weather conditions for which the UAS is not approved to operate, the applicant must develop operating limitations to prohibit flight into known adverse weather conditions and either:

(1) Develop operating limitations to prevent inadvertent flight into adverse weather conditions; or

(2) Provide a means to detect any adverse weather conditions for which the UAS is not certificated to operate and show the UAS's ability to avoid or exit those conditions.

UAS.135 Critical Parts

(a) A critical part is a part, the failure of which could result in a loss of flight or unrecoverable loss of UAS control.

(b) If the type design includes critical parts, the applicant must establish a critical parts list. The applicant must develop and define mandatory maintenance instructions or life limits, or a combination of both, to prevent failures of critical parts. Each of these mandatory actions must be included in the Airworthiness Limitations Section of the ICA.

Operating Limitations and Information

UAS.200 Flight Manual

The applicant must provide a UAS Flight Manual with each UAS.

(a) The UAS Flight Manual must contain the following information:

(1) UAS operating limitations;

(2) UAS normal and emergency operating procedures;

(3) Performance information;

(4) Loading information; and

(5) Other information that is necessary for safe operation because of design, operating, or handling characteristics.

(b) Those portions of the UAS Flight Manual containing the information specified in paragraphs (a)(1) through (4) of this section must be approved by the FAA.

UAS.205 Instructions for Continued Airworthiness

The applicant must prepare ICA for the UAS in accordance with Appendix A to Part 23, as appropriate, that are acceptable to the FAA. The ICA may be incomplete at type certification if a program exists to ensure their completion prior to delivery of the first UAS or issuance of a standard airworthiness certificate, whichever occurs later.

Testing

UAS.300 Durability and Reliability

The UAS must be designed to be durable and reliable commensurate to the maximum population density specified in the operating limitations. The durability and reliability must be demonstrated by flight test in accordance with the requirements of

this section and completed with no failures that result in a loss of flight, loss of control, loss of containment, or emergency landing outside the operator's recovery area.

(a) Once a UAS has begun testing to show compliance with this section, all flights for that UA must be included in the flight test report.

(b) Tests must include an evaluation of the entire flight envelope across all phases of operation and must address, at a minimum, the following:

(1) Flight distances;
(2) Flight durations;
(3) Route complexity;
(4) Weight;
(5) Center of gravity;
(6) Density altitude;
(7) Outside air temperature;
(8) Airspeed;
(9) Wind;
(10) Weather;
(11) Operation at night, if requested;
(12) Energy storage system capacity; and
(13) Aircraft to pilot ratio.

(c) Tests must include the most adverse combinations of the conditions and configurations in paragraph (b) of this section.

(d) Tests must show a distribution of the different flight profiles and routes representative of the type of operations identified in the CONOPS.

(e) Tests must be conducted in conditions consistent with the expected environmental conditions identified in the CONOPS, including electromagnetic interference (EMI) and High Intensity Radiated Fields (HIRF).

(f) Tests must not require exceptional piloting skill or alertness.

(g) Any UAS used for testing must be subject to the same worst-case ground handling, shipping, and transportation loads as those allowed in service.

(h) Any UAS used for testing must be maintained and operated in accordance with the ICA and UAS Flight Manual. No maintenance beyond the intervals established in the ICA will be allowed to show compliance with this section.

(i) If cargo operations or external-load operations are requested, tests must show, throughout the flight envelope and with the cargo or external-load at the most critical combinations of weight and center of gravity, that—

(1) the UA is safely controllable and maneuverable; and

(2) the cargo or external-load are retainable and transportable.

UAS.305 Probable Failures

The UAS must be designed such that a probable failure will not result in a loss of containment or control of the UA. This must be demonstrated by test.

(a) Probable failures related to the following equipment, at a minimum, must be addressed.

(1) Propulsion systems;
(2) C2 link;
(3) Global Positioning System (GPS);
(4) Critical flight control components with a single point of failure;
(5) Control station; and
(6) Any other equipment identified by the applicant.

(b) Any UAS used for testing must be operated in accordance with the UAS Flight Manual.

(c) Each test must occur at the critical phase and mode of flight, and at the highest aircraft-to-pilot ratio.

UAS.310 Capabilities and Functions

(a) All of the following required UAS capabilities and functions must be demonstrated by test:

(1) Capability to regain command and control of the UA after the C2 link has been lost.

(2) Capability of the electrical system to power all UA systems and payloads.

(3) Ability for the pilot to safely discontinue the flight.

(4) Ability for the pilot to dynamically re-route the UA.

(5) Ability to safely abort a takeoff.

(6) Ability to safely abort a landing and initiate a go-around.

(b) The following UAS capabilities and functions, if requested for approval, must be demonstrated by test:

(1) Continued flight after degradation of the propulsion system.

(2) Geo-fencing that contains the UA within a designated area, in all operating conditions.

(3) Positive transfer of the UA between control stations that ensures only one control station can control the UA at a time.

(4) Capability to release an external cargo load to prevent loss of control of the UA.

(5) Capability to detect and avoid other aircraft and obstacles.

(c) The UAS must be designed to safeguard against inadvertent discontinuation of the flight and inadvertent release of cargo or external-load.

UAS.315 Fatigue

The structure of the UA must be shown to be able to withstand the repeated loads expected during its service life without failure. A life limit for the airframe must be established, demonstrated by test, and included in the ICA.

UAS.320 Verification of Limits

The performance, maneuverability, stability, and control of the UA within the flight envelope described in the UAS Flight Manual must be demonstrated at a minimum of 5% over maximum gross weight with no loss of control or loss of flight.

Issued in Kansas City, Missouri, on November 16, 2020.

Patrick R. Mullen,

Manager, Small Airplane Standards Branch, Policy and Innovation Division, Aircraft Certification Service.

[FR Doc. 2020–25666 Filed 11–19–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 21

[Docket No. FAA–2020–1088]

Airworthiness Criteria: Special Class Airworthiness Criteria for the TELEGRID Technologies, Inc. DE2020

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: Notice of proposed airworthiness criteria.

SUMMARY: The FAA announces the availability of and requests comments on proposed airworthiness criteria for the TELEGRID Technologies, Inc. Model TELEGRID DE2020 unmanned aircraft system (UAS). This document proposes airworthiness criteria the FAA finds to be appropriate and applicable for the UAS design.

DATES: Send comments on or before December 21, 2020.

ADDRESSES: Send comments identified by docket number FAA–2020–1088 using any of the following methods:

☐ *Federal eRegulations Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.

☐ *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

☐ *Hand Delivery of Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m., and 5 p.m., Monday through Friday, except Federal holidays.

☐ *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: The FAA will post all comments it receives, without change, to *http://regulations.gov,* including any personal information the commenter

provides. Using the search function of the docket website, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478), as well as at *http://DocketsInfo.dot.gov.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m., and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Hieu Nguyen, AIR–692, Federal Aviation Administration, Policy and Innovation Division, Small Airplane Standards Branch, Aircraft Certification Service, 901 Locust, Room 301, Kansas City, MO 64106, telephone (816) 329–4123, facsimile (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites interested people to take part in the development of these airworthiness criteria by sending written comments, data, or views. The most helpful comments reference a specific portion of the airworthiness criteria, explain the reason for any recommended change, and include supporting data. Comments on operational, pilot certification, and maintenance requirements would address issues that are beyond the scope of this document.

Except for Confidential Business Information as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will file in the docket all comments received, as well as a report summarizing each substantive public contact with FAA personnel concerning these proposed airworthiness criteria. Before acting on this proposal, the FAA will consider all comments received on or before the closing date for comments. The FAA will consider comments filed late if it is possible to do so without incurring delay. The FAA may change these airworthiness criteria based on received comments.

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 notice, 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 notice. Submissions containing CBI should be sent to the individual listed under ''For Further Information Contact.'' Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this notice.

Background

TELEGRID Technologies, Inc., (TELEGRID) applied to the FAA on February 24, 2020, for a special class type certificate under Title 14, Code of Federal Regulations (14 CFR) 21.17(b) for the Model TELEGRID DE2020 UAS.

The Model TELEGRID DE2020 consists of an unmanned aircraft (UA) and its associated elements that include communication links and the components that control the UA. The Model TELEGRID DE2020 UA has a maximum gross takeoff weight of 24 pounds. It is approximately 39 inches in width, 39 inches in length, and 17 inches in height. The Model TELEGRID DE2020 UA is battery powered using electric motors for vertical takeoff, landing, and forward flight. The UAS operations would rely on high levels of automation and may include multiple UA operated by a single pilot, up to a ratio of 20 UA to 1 pilot. TELEGRID anticipates operators will use the Model TELEGRID DE2020 for delivering packages. The proposed concept of operations for the Model TELEGRID DE2020 identifies a maximum operating altitude of 400 feet above ground level, a maximum cruise speed of 22 knots (25 mph), operations beyond visual line of sight of the pilot, and operations over human beings. TELEGRID has not requested type certification for flight into known icing for the Model TELEGRID DE2020.

Discussion

The FAA establishes airworthiness criteria to ensure the safe operation of aircraft in accordance with 49 U.S.C. 44701(a) and 44704. UAS are type certificated by the FAA as special class aircraft for which airworthiness standards have not been established by regulation. Under the provisions of 14 CFR 21.17(b), the airworthiness standards for special class aircraft are those the FAA finds to be appropriate and applicable to the specific type design.

The applicant has proposed a design with constraints upon its operations and an unusual design characteristic: The pilot is remotely located. The FAA developed existing airworthiness standards to establish an appropriate level of safety for each product and its intended use. The FAA's existing airworthiness standards did not envision aircraft with no pilot in the cockpit and the technologies associated with that capability.

The FAA has reviewed the proposed design and assessed the potential risk to the National Airspace System. The FAA considered the size of the proposed aircraft, its maximum airspeed and altitude, and operational limitations to address the number of unmanned aircraft per operator and to address operations in which the aircraft would operate beyond the visual line of sight of the pilot. These factors allowed the FAA to assess the potential risk the aircraft could pose to other aircraft and to human beings on the ground. Using these parameters, the FAA developed airworthiness criteria to address those potential risks to ensure the aircraft remains reliable, controllable, safe, and airworthy.

The proposed criteria focus on mitigating hazards by establishing safety outcomes that must be achieved, rather than by establishing prescriptive requirements that must be met. This is in contrast to many current airworthiness standards, used to certificate traditional aircraft systems, which prescribe specific indicators and instruments for a pilot in a cockpit that would be inappropriate for UAS. The FAA finds that the proposed criteria are appropriate and applicable for the UAS design, based on the intended operational concepts for the UAS as identified by the applicant.

The FAA selected the particular airworthiness criteria proposed by this notice for the following reasons:

General: In order to determine appropriate and applicable airworthiness standards for UAS as a special class of aircraft, the FAA determined that the applicant must provide information describing the characteristics and capabilities of the UAS and how it will be used.

UAS.001 Concept of Operations: To assist the FAA in identifying and analyzing the risks and impacts

associated with integrating the proposed UAS design into the National Airspace System, the applicant would be required to submit a Concept of Operations (CONOPS). The proposed criteria would require the applicant's CONOPS to identify the intended operational concepts for the UAS and describe the UAS and its operation. The information in the CONOPS would determine parameters and extent of testing, as well as operating limitations that will be placed in the UAS Flight Manual.

Design and Construction: The FAA selected the design and construction criteria in this section to address airworthiness requirements where the flight testing demonstration alone may not be sufficient to demonstrate an appropriate level of safety.

UAS.100 Control Station: The control station, which is located separately from the UA, is a unique feature to UAS. As a result, no regulatory airworthiness standards exist that directly apply to this part of the system. The FAA based some of the proposed criteria on existing regulations that address the information that must be provided to a pilot in the cockpit of a manned aircraft, and modified them as appropriate to this UAS. Thus, to address the risks associated with loss of control of the UAS, the applicant would be required to design the control station to provide the pilot with the information necessary for continued safe flight and operation. The proposed criteria contain the specific minimum types of information the FAA finds are necessary for this requirement; however, the applicant must determine whether additional parameters are necessary.

UAS.110 Software: Software for manned aircraft is certified under the regulations applicable to systems, equipment, and installations (*e.g.,* §§ 23.2510, 25.1309, 27.1309, or 29.1309). There are two regulations that specifically prescribe airworthiness standards for software: Engine airworthiness standards (§ 33.28) and propeller airworthiness standards (§ 35.23). The proposed UAS software criteria was based on these regulations and tailored for the risks posed by UAS software.

UAS.115 Cyber Security: The location of the pilot separate from the UA requires a continuous wireless connection (command and control link) with the UA for the pilot to monitor and control it. Because the purpose of this link is to control the aircraft, this makes the UAS susceptible to cyber security threats in a unique way.

The current regulations for the certification of systems, equipment, and installations (*e.g.,* §§ 23.2510, 25.1309, 27.1309, and 29.1309) do not adequately address potential security vulnerabilities that could be exploited by unauthorized access to aircraft systems, data buses, and services. For manned aircraft, the FAA therefore issues special conditions for particular designs with network security vulnerabilities.

To address the risks to the UAS associated with intentional unauthorized electronic interactions, the applicant would be required to design the UAS's systems and networks to protect against intentional unauthorized electronic interactions and mitigate potential adverse effects. The FAA based the language for the proposed criteria on recommendations in the final report dated August 22, 2016, from the Aircraft System Information Security/Protection (ASISP) working group, under the FAA's Aviation Rulemaking Advisory Committee. Although the recommendations pertained to manned aircraft, the FAA has reviewed the report and determined the recommendations are also appropriate for UAS. The wireless connections used by UAS make these aircraft susceptible to the same cyber security risks, and therefore require similar criteria, as manned aircraft.

UAS.120 Contingency Planning: The location of the pilot and the controls for the UAS, separate from the UA, is a unique feature to UAS. As a result, no regulatory airworthiness standards exist that directly apply to this feature of the system.

To address the risks associated with loss of communication between the pilot and the UA, and thus the pilot's inability to control the UA, the proposed criteria would require that the UAS be designed to automatically execute a predetermined action. Because the pilot needs to be aware of the particular predetermined action the UA will take when there is a loss of communication between the pilot and the UA, the proposed criteria would require that the applicant identify the predetermined action in the UAS Flight Manual. The proposed criteria would also include requirements for preventing takeoff when quality of service is inadequate.

UAS.125 Lightning: Because of the size and physical limitations of this UAS, it would be unlikely that this UAS would incorporate traditional lightning protection features. To address the risks that would result from a lightning strike, the proposed criteria would require an operating limitation in the UAS Flight Manual that prohibits flight into weather conditions conducive to lightning. The proposed criteria would also allow design characteristics to protect the UAS from lightning as an alternative to the prohibition.

UAS.130 Adverse Weather Conditions: Because of the size and physical limitations of this UAS, adverse weather such as rain, snow, and icing pose a greater hazard to the UAS than to manned aircraft. For the same reason, it would be unlikely that this UAS would incorporate traditional protection features from icing. The FAA based the proposed criteria on the icing requirements in 14 CFR 23.2165(b) and (c), and applied them to all of these adverse weather conditions. The proposed criteria would allow design characteristics to protect the UAS from adverse weather conditions. As an alternative, the proposed criteria would require an operating limitation in the UAS Flight Manual that prohibits flight into known adverse weather conditions, and either also prevent inadvertent flight into adverse weather or provide a means to detect and to avoid or exit adverse weather conditions.

UAS.135 Critical Parts: The proposed criteria for critical parts are substantively the same as that in § 27.602, with changes to reflect UAS terminology and failure condition.

Operating Limitations and Information: Similar to manned aircraft, the FAA determined that the UAS applicant must provide airworthiness instructions, operating limitations, and flight and performance information necessary for the safe operation and continued operational safety of the UAS.

UAS.200 Flight Manual: The proposed criteria for the UAS Flight Manual are substantively the same as that in § 23.2620, with minor changes to reflect UAS terminology.

UAS.205 Instructions for Continued Airworthiness: The proposed criteria for the Instructions for Continued Airworthiness (ICA) are substantively the same as that in § 23.1529, with minor changes to reflect UAS terminology.

Testing: Traditional certification methodologies for manned aircraft are based on design requirements verified at the component level by inspection, analysis, demonstration, or test. Due to the difference in size and complexity, the FAA determined testing methodologies that demonstrate reliability at the aircraft (UAS) level, in addition to the design and construction criteria identified in this proposal, will achieve the same safety objective. The proposed testing criteria in sections UAS.300 through UAS.320 utilize these methodologies.

UAS.300 Durability and Reliability: The FAA intends the proposed testing criteria in this section to cover key design aspects and prevent unsafe features at an appropriate level tailored for this UAS. The proposed durability and reliability testing would require the applicant to demonstrate safe flight of the UAS across the entire operational envelope and up to all operational limitations, for all phases of flight and all aircraft configurations. The UAS would only be certificated for operations within the limitations, and for flight over the maximum population density, as demonstrated by test. The proposed criteria would require that all flights during the testing be completed with no failures that result in a loss of flight, loss of control, loss of containment, or emergency landing outside of the operator's recovery zone.

For some aircraft design requirements imposed by existing airworthiness standards (*e.g.,* §§ 23.2135, 23.2600, 25.105, 25.125, 27.141, 27.173, 29.51, 29.177) the aircraft must not require exceptional piloting skill or alertness. These rules recognize that pilots have varying levels of ability and attention. In a similar manner, the proposed criteria would require that the durability and reliability flight testing be performed by a pilot with average skill and alertness.

Flight testing will be used to determine the aircraft's ability to withstand flight loads across the range of operating limits and the flight envelope. Because small UAS may be subjected to significant ground loads when handled, lifted, carried, loaded, maintained, and transported physically by hand, the proposed criteria would require that the aircraft used for testing endure the same worst-case ground loads as those the UAS will experience in operation after type certification.

UAS.305 Probable Failures: The FAA intends the proposed testing criteria to evaluate how the UAS functions after failures that are probable to occur. The applicant will test the UAS by inducing certain failures and demonstrating that the failure will not result in a loss of containment or control of the UA. The proposed criteria contain the minimum types of failures the FAA finds are probable; however, the applicant must determine the probable failures related to any other equipment that will be addressed for this requirement.

UAS.310 Capabilities and Functions: The proposed criteria for this section address the minimum capabilities and functions the FAA finds are necessary in the design of the UAS and would require the applicant to demonstrate these capabilities and functions by test. Due to the location of the pilot and the controls for UAS, separate from the UA, communication between the pilot and the UA is significant to the design. Thus, the proposed criteria would require the applicant to demonstrate the capability of the UAS to regain command and control after a loss. As with manned aircraft, the electrical system of the UAS must have a capacity sufficient for all anticipated loads; the proposed criteria would require the applicant to demonstrate this by test.

The proposed criteria contain functions that would allow the pilot to command the UA to deviate from its flight plan or from its pre-programmed flight path. For example, in the event the pilot needs to deconflict the airspace, the UA must be able to respond to pilot inputs that override any pre-programming.

In the event an applicant requests approval for certain features, such as geo-fencing or external cargo, the proposed criteria contain requirements to address the associated risks. The proposed criteria in this section would also require design of the UAS to safeguard against an unintended discontinuation of flight or release of cargo, whether by human action or malfunction.

UAS.315 Fatigue: The FAA intends the proposed criteria in this section to address the risks from reduced structural integrity and structural failure due to fatigue. The proposed criteria would require the applicant to establish an airframe life limit and demonstrate that loss of flight or loss of control due to structural failure will be avoided throughout the operational life of the UA. These proposed criteria would require the applicant to demonstrate this by test, while maintaining the UA in accordance with the ICA.

UAS.320 Verification of Limits: This section would evaluate structural safety and address the risks associated with inadequate structural design. While the proposed criteria in UAS.300 address testing to demonstrate that the UAS structure adequately supports expected loads throughout the flight and operational envelopes, the proposed criteria in this section would require an evaluation of the performance, maneuverability, stability, and control of the UA with a factor of safety.

Proposed Airworthiness Criteria

The FAA proposes to establish the following airworthiness criteria for type certification of the TELEGRID Model TELEGRID DE2020. The FAA proposes that compliance with the following would mitigate the risks associated with the proposed design and Concept of Operations appropriately and would provide an equivalent level of safety to existing rules:

General

UAS.001 Concept of Operations

The applicant must define and submit to the FAA a concept of operations (CONOPS) proposal describing the Unmanned Aircraft System (UAS) operation in the National Airspace System for which certification is requested. The CONOPS proposal must include, at a minimum, a description of the following information.

(a) The intended type of operations;

(b) Unmanned aircraft (UA) specifications;

(c) Meteorological conditions;

(d) Operators, pilots, and personnel responsibilities;

(e) Control station and support equipment;

(f) Command, control, and communication functions; and

(g) Operational parameters, such as population density, geographic operating boundaries, airspace classes, launch and recovery area, congestion of proposed operating area, communications with air traffic control, line of sight, and aircraft separation.

Design and Construction

UAS.100 Control Station

The control station must be designed to provide the pilot with all information required for continued safe flight and operation. This information includes, at a minimum, the following:

(a) Alerts, such as an alert following the loss of the command and control (C2) link and function.

(b) The status of all critical parameters for all energy storage systems.

(c) The status of all critical parameters for all propulsion systems.

(d) Flight and navigation information as appropriate, such as airspeed, heading, altitude, and location.

(e) C2 link signal strength, quality, or status.

UAS.110 Software

To minimize the existence of errors, the applicant must:

(a) Verify by test all software that may impact the safe operation of the UAS;

(b) Utilize a configuration management system that tracks, controls, and preserves changes made to software throughout the entire life cycle; and

(c) Implement a problem reporting system that captures and records defects and modifications to the software.

UAS.115 Cyber Security

(a) UAS equipment, systems, and networks, addressed separately and in relation to other systems, must be protected from intentional unauthorized electronic interactions that may result in an adverse effect on the security or airworthiness of the UAS. Protection must be ensured by showing that the security risks have been identified, assessed, and mitigated as necessary.

(b) When required by paragraph (a) of this section, procedures and instructions to ensure security protections are maintained must be included in the Instructions for Continued Airworthiness (ICA).

UAS.120 Contingency Planning

(a) The UAS must be designed so that, in the event of a loss of the C2 link, the UA will automatically and immediately execute a safe predetermined flight, loiter, landing, or termination.

(b) The applicant must establish the predetermined action in the event of a loss of the C2 link and include it in the UAS Flight Manual.

(c) The UAS Flight Manual must include the minimum performance requirements for the C2 data link defining when the C2 link is degraded to a level where remote active control of the UA is no longer ensured. Takeoff when the C2 link is degraded below the minimum link performance requirements must be prevented by design or prohibited by an operating limitation in the UAS Flight Manual.

UAS.125 Lightning

(a) Except as provided in paragraph (b) of this section, the UAS must have design characteristics that will protect the UAS from loss of flight or loss of control due to lightning.

(b) If the UAS has not been shown to protect against lightning, the UAS Flight Manual must include an operating limitation to prohibit flight into weather conditions conducive to lightning activity.

UAS.130 Adverse Weather Conditions

(a) For purposes of this section, ''adverse weather conditions'' means rain, snow, and icing.

(b) Except as provided in paragraph (c) of this section, the UAS must have design characteristics that will allow the UAS to operate within the adverse weather conditions specified in the CONOPS without loss of flight or loss of control.

(c) For adverse weather conditions for which the UAS is not approved to operate, the applicant must develop operating limitations to prohibit flight into known adverse weather conditions and either:

(1) Develop operating limitations to prevent inadvertent flight into adverse weather conditions; or

(2) Provide a means to detect any adverse weather conditions for which the UAS is not certificated to operate and show the UAS's ability to avoid or exit those conditions.

UAS.135 Critical Parts

(a) A critical part is a part, the failure of which could result in a loss of flight or unrecoverable loss of UAS control.

(b) If the type design includes critical parts, the applicant must establish a critical parts list. The applicant must develop and define mandatory maintenance instructions or life limits, or a combination of both, to prevent failures of critical parts. Each of these mandatory actions must be included in the Airworthiness Limitations Section of the ICA.

Operating Limitations and Information

UAS.200 Flight Manual

The applicant must provide a UAS Flight Manual with each UAS.

(a) The UAS Flight Manual must contain the following information:

(1) UAS operating limitations;

(2) UAS normal and emergency operating procedures;

(3) Performance information;

(4) Loading information; and

(5) Other information that is necessary for safe operation because of design, operating, or handling characteristics.

(b) Those portions of the UAS Flight Manual containing the information specified in paragraphs (a)(1) through (4) of this section must be approved by the FAA.

UAS.205 Instructions for Continued Airworthiness

The applicant must prepare ICA for the UAS in accordance with Appendix A to Part 23, as appropriate, that are acceptable to the FAA. The ICA may be incomplete at type certification if a program exists to ensure their completion prior to delivery of the first UAS or issuance of a standard airworthiness certificate, whichever occurs later.

Testing

UAS.300 Durability and Reliability

The UAS must be designed to be durable and reliable commensurate to the maximum population density specified in the operating limitations. The durability and reliability must be demonstrated by flight test in accordance with the requirements of this section and completed with no failures that result in a loss of flight, loss of control, loss of containment, or emergency landing outside the operator's recovery area.

(a) Once a UAS has begun testing to show compliance with this section, all flights for that UA must be included in the flight test report.

(b) Tests must include an evaluation of the entire flight envelope across all phases of operation and must address, at a minimum, the following:

(1) Flight distances;

(2) Flight durations;

(3) Route complexity;

(4) Weight;

(5) Center of gravity;

(6) Density altitude;

(7) Outside air temperature;

(8) Airspeed;

(9) Wind;

(10) Weather;

(11) Operation at night, if requested;

(12) Energy storage system capacity; and

(13) Aircraft to pilot ratio.

(c) Tests must include the most adverse combinations of the conditions and configurations in paragraph (b) of this section.

(d) Tests must show a distribution of the different flight profiles and routes representative of the type of operations identified in the CONOPS.

(e) Tests must be conducted in conditions consistent with the expected environmental conditions identified in the CONOPS, including electromagnetic interference (EMI) and High Intensity Radiated Fields (HIRF).

(f) Tests must not require exceptional piloting skill or alertness.

(g) Any UAS used for testing must be subject to the same worst-case ground handling, shipping, and transportation loads as those allowed in service.

(h) Any UAS used for testing must be maintained and operated in accordance with the ICA and UAS Flight Manual. No maintenance beyond the intervals established in the ICA will be allowed to show compliance with this section.

(i) If cargo operations or external-load operations are requested, tests must show, throughout the flight envelope and with the cargo or external-load at the most critical combinations of weight and center of gravity, that—

(1) the UA is safely controllable and maneuverable; and

(2) the cargo or external-load are retainable and transportable.

UAS.305 Probable Failures

The UAS must be designed such that a probable failure will not result in a loss of containment or control of the UA. This must be demonstrated by test.

(a) Probable failures related to the following equipment, at a minimum, must be addressed.

(1) Propulsion systems;

(2) C2 link;

(3) Global Positioning System (GPS);

(4) Critical flight control components with a single point of failure;

(5) Control station; and

(6) Any other equipment identified by the applicant.

(b) Any UAS used for testing must be operated in accordance with the UAS Flight Manual.

(c) Each test must occur at the critical phase and mode of flight, and at the highest aircraft-to-pilot ratio.

UAS.310 Capabilities and Functions

(a) All of the following required UAS capabilities and functions must be demonstrated by test:

(1) Capability to regain command and control of the UA after the C2 link has been lost.

(2) Capability of the electrical system to power all UA systems and payloads.

(3) Ability for the pilot to safely discontinue the flight.

(4) Ability for the pilot to dynamically re-route the UA.

(5) Ability to safely abort a takeoff.

(6) Ability to safely abort a landing and initiate a go-around.

(b) The following UAS capabilities and functions, if requested for approval, must be demonstrated by test:

(1) Continued flight after degradation of the propulsion system.

(2) Geo-fencing that contains the UA within a designated area, in all operating conditions.

(3) Positive transfer of the UA between control stations that ensures only one control station can control the UA at a time.

(4) Capability to release an external cargo load to prevent loss of control of the UA.

(5) Capability to detect and avoid other aircraft and obstacles.

(c) The UAS must be designed to safeguard against inadvertent discontinuation of the flight and inadvertent release of cargo or external-load.

UAS.315 Fatigue

The structure of the UA must be shown to be able to withstand the repeated loads expected during its service life without failure. A life limit for the airframe must be established, demonstrated by test, and included in the ICA.

UAS.320 Verification of Limits

The performance, maneuverability, stability, and control of the UA within the flight envelope described in the UAS Flight Manual must be demonstrated at a minimum of 5% over maximum gross weight with no loss of control or loss of flight.

Issued in Kansas City, Missouri, on November 16, 2020.

Patrick R. Mullen,

Manager, Small Airplane Standards Branch, Policy and Innovation Division, Aircraft Certification Service.

[FR Doc. 2020–25669 Filed 11–19–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 21

[Docket No. FAA–2020–1085]

Airworthiness Criteria: Special Class Airworthiness Criteria for the Matternet, Inc. M2

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed airworthiness criteria.

SUMMARY: The FAA announces the availability of and requests comments on proposed airworthiness criteria for the Matternet, Inc. Model M2 unmanned aircraft system (UAS). This document proposes airworthiness criteria the FAA finds to be appropriate and applicable for the UAS design.

DATES: Send comments on or before December 21, 2020.

ADDRESSES: Send comments identified by docket number FAA–2020–1085 using any of the following methods:

☐ *Federal eRegulations Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.

☐ *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

☐ *Hand Delivery of Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

☐ *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: The FAA will post all comments it receives, without change, to *http://regulations.gov,* including any personal information the commenter provides. Using the search function of the docket website, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478), as well as at *http://DocketsInfo.dot.gov.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m., and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Hieu Nguyen, AIR–692, Federal Aviation Administration, Policy and Innovation Division, Small Airplane Standards Branch, Aircraft Certification Service, 901 Locust, Room 301, Kansas City, MO 64106, telephone (816) 329–4123, facsimile (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites interested people to take part in the development of these airworthiness criteria by sending written comments, data, or views. The most helpful comments reference a specific portion of the airworthiness criteria, explain the reason for any recommended change, and include supporting data. Comments on operational, pilot certification, and maintenance requirements would address issues that are beyond the scope of this document.

Except for Confidential Business Information as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will file in the docket all comments received, as well as a report summarizing each substantive public contact with FAA personnel concerning these proposed airworthiness criteria. Before acting on this proposal, the FAA will consider all comments received on or before the closing date for comments. The FAA will consider comments filed late if it is possible to do so without incurring delay. The FAA may change these airworthiness criteria based on received comments.

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 notice, 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 notice. Submissions containing CBI should be sent to the individual listed under **FOR FURTHER INFORMATION CONTACT**. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this notice.

Background

Matternet, Inc. (Matternet) applied to the FAA on May 21, 2018, for a special class type certificate under Title 14, Code of Federal Regulations (14 CFR) 21.17(b) for the Model M2 UAS.

The Model M2 consists of an unmanned aircraft (UA) and its associated elements that include communication links and the components that control the UA. The Model M2 UA has a maximum gross takeoff weight of 29 pounds. It is approximately 50 inches in width, 50 inches in length, and 10 inches in height. The Model M2 UA is battery powered using electric motors for vertical takeoff, landing, and forward flight. The UAS operations would rely on high levels of automation and may include multiple UA operated by a single pilot, up to a ratio of 20 UA to 1 pilot. Matternet anticipates operators will use the Model M2 for transporting medical materials. The proposed concept of operations for the Model M2 identifies a maximum operating altitude of 400 feet above ground level, a maximum cruise speed of 39 knots (45 mph), operations beyond visual line of sight of the pilot, and operations over human beings. Matternet has not requested type certification for flight into known icing for the Model M2.

Discussion

The FAA establishes airworthiness criteria to ensure the safe operation of aircraft in accordance with 49 U.S.C. 44701(a) and 44704. UAS are type certificated by the FAA as special class aircraft for which airworthiness standards have not been established by regulation. Under the provisions of 14 CFR 21.17(b), the airworthiness standards for special class aircraft are those the FAA finds to be appropriate and applicable to the specific type design.

The applicant has proposed a design with constraints upon its operations and an unusual design characteristic: The pilot is remotely located. The FAA developed existing airworthiness standards to establish an appropriate level of safety for each product and its intended use. The FAA's existing airworthiness standards did not envision aircraft with no pilot in the cockpit and the technologies associated with that capability.

The FAA has reviewed the proposed design and assessed the potential risk to the National Airspace System. The FAA considered the size of the proposed aircraft, its maximum airspeed and altitude, and operational limitations to address the number of unmanned aircraft per operator and to address operations in which the aircraft would operate beyond the visual line of sight of the pilot. These factors allowed the FAA to assess the potential risk the aircraft could pose to other aircraft and to human beings on the ground. Using these parameters, the FAA developed airworthiness criteria to address those potential risks to ensure the aircraft remains reliable, controllable, safe, and airworthy.

The proposed criteria focus on mitigating hazards by establishing safety outcomes that must be achieved, rather than by establishing prescriptive requirements that must be met. This is in contrast to many current airworthiness standards, used to certificate traditional aircraft systems, which prescribe specific indicators and instruments for a pilot in a cockpit that would be inappropriate for UAS. The FAA finds that the proposed criteria are appropriate and applicable for the UAS design, based on the intended operational concepts for the UAS as identified by the applicant.

The FAA selected the particular airworthiness criteria proposed by this notice for the following reasons:

General: In order to determine appropriate and applicable airworthiness standards for UAS as a special class of aircraft, the FAA determined that the applicant must provide information describing the characteristics and capabilities of the UAS and how it will be used.

UAS.001 Concept of Operations: To assist the FAA in identifying and analyzing the risks and impacts associated with integrating the proposed UAS design into the National Airspace System, the applicant would be required to submit a Concept of Operations (CONOPS). The proposed criteria would require the applicant's CONOPS to identify the intended operational concepts for the UAS and describe the UAS and its operation. The information in the CONOPS would determine parameters and extent of testing, as well as operating limitations that will be placed in the UAS Flight Manual.

Design and Construction: The FAA selected the design and construction criteria in this section to address airworthiness requirements where the flight testing demonstration alone may not be sufficient to demonstrate an appropriate level of safety.

UAS.100 Control Station: The control station, which is located separately from the UA, is a unique feature to UAS. As a result, no regulatory airworthiness standards exist that directly apply to this part of the system. The FAA based some of the proposed criteria on existing regulations that address the information that must be provided to a pilot in the cockpit of a manned aircraft, and modified them as appropriate to this UAS. Thus, to address the risks associated with loss of control of the UAS, the applicant would be required to design the control station to provide the pilot with the information necessary for continued safe flight and operation. The proposed criteria contain the specific minimum types of information the FAA finds are necessary for this requirement; however, the applicant must determine whether additional parameters are necessary.

UAS.110 Software: Software for manned aircraft is certified under the regulations applicable to systems, equipment, and installations (*e.g.,* §§ 23.2510, 25.1309, 27.1309, or 29.1309). There are two regulations that specifically prescribe airworthiness standards for software: Engine airworthiness standards (§ 33.28) and propeller airworthiness standards (§ 35.23). The proposed UAS software criteria was based on these regulations and tailored for the risks posed by UAS software.

UAS.115 Cyber Security: The location of the pilot separate from the UA requires a continuous wireless connection (command and control link) with the UA for the pilot to monitor and control it. Because the purpose of this link is to control the aircraft, this makes the UAS susceptible to cyber security threats in a unique way.

The current regulations for the certification of systems, equipment, and installations (*e.g.,* §§ 23.2510, 25.1309, 27.1309, and 29.1309) do not adequately address potential security vulnerabilities that could be exploited by unauthorized access to aircraft

systems, data buses, and services. For manned aircraft, the FAA therefore issues special conditions for particular designs with network security vulnerabilities.

To address the risks to the UAS associated with intentional unauthorized electronic interactions, the applicant would be required to design the UAS's systems and networks to protect against intentional unauthorized electronic interactions and mitigate potential adverse effects. The FAA based the language for the proposed criteria on recommendations in the final report dated August 22, 2016, from the Aircraft System Information Security/Protection (ASISP) working group, under the FAA's Aviation Rulemaking Advisory Committee. Although the recommendations pertained to manned aircraft, the FAA has reviewed the report and determined the recommendations are also appropriate for UAS. The wireless connections used by UAS make these aircraft susceptible to the same cyber security risks, and therefore require similar criteria, as manned aircraft.

UAS.120 Contingency Planning: The location of the pilot and the controls for the UAS, separate from the UA, is a unique feature to UAS. As a result, no regulatory airworthiness standards exist that directly apply to this feature of the system.

To address the risks associated with loss of communication between the pilot and the UA, and thus the pilot's inability to control the UA, the proposed criteria would require that the UAS be designed to automatically execute a predetermined action. Because the pilot needs to be aware of the particular predetermined action the UA will take when there is a loss of communication between the pilot and the UA, the proposed criteria would require that the applicant identify the predetermined action in the UAS Flight Manual. The proposed criteria would also include requirements for preventing takeoff when quality of service is inadequate.

UAS.125 Lightning: Because of the size and physical limitations of this UAS, it would be unlikely that this UAS would incorporate traditional lightning protection features. To address the risks that would result from a lightning strike, the proposed criteria would require an operating limitation in the UAS Flight Manual that prohibits flight into weather conditions conducive to lightning. The proposed criteria would also allow design characteristics to protect the UAS from lightning as an alternative to the prohibition.

UAS.130 Adverse Weather Conditions: Because of the size and physical limitations of this UAS, adverse weather such as rain, snow, and icing pose a greater hazard to the UAS than to manned aircraft. For the same reason, it would be unlikely that this UAS would incorporate traditional protection features from icing. The FAA based the proposed criteria on the icing requirements in 14 CFR 23.2165(b) and (c), and applied them to all of these adverse weather conditions. The proposed criteria would allow design characteristics to protect the UAS from adverse weather conditions. As an alternative, the proposed criteria would require an operating limitation in the UAS Flight Manual that prohibits flight into known adverse weather conditions, and either also prevent inadvertent flight into adverse weather or provide a means to detect and to avoid or exit adverse weather conditions.

UAS.135 Critical Parts: The proposed criteria for critical parts are substantively the same as that in § 27.602, with changes to reflect UAS terminology and failure condition.

Operating Limitations and Information: Similar to manned aircraft, the FAA determined that the UAS applicant must provide airworthiness instructions, operating limitations, and flight and performance information necessary for the safe operation and continued operational safety of the UAS.

UAS.200 Flight Manual: The proposed criteria for the UAS Flight Manual are substantively the same as that in § 23.2620, with minor changes to reflect UAS terminology.

UAS.205 Instructions for Continued Airworthiness: The proposed criteria for the Instructions for Continued Airworthiness (ICA) are substantively the same as that in § 23.1529, with minor changes to reflect UAS terminology.

Testing: Traditional certification methodologies for manned aircraft are based on design requirements verified at the component level by inspection, analysis, demonstration, or test. Due to the difference in size and complexity, the FAA determined testing methodologies that demonstrate reliability at the aircraft (UAS) level, in addition to the design and construction criteria identified in this proposal, will achieve the same safety objective. The proposed testing criteria in sections UAS.300 through UAS.320 utilize these methodologies.

UAS.300 Durability and Reliability: The FAA intends the proposed testing criteria in this section to cover key design aspects and prevent unsafe features at an appropriate level tailored for this UAS. The proposed durability and reliability testing would require the applicant to demonstrate safe flight of the UAS across the entire operational envelope and up to all operational limitations, for all phases of flight and all aircraft configurations. The UAS would only be certificated for operations within the limitations, and for flight over the maximum population density, as demonstrated by test. The proposed criteria would require that all flights during the testing be completed with no failures that result in a loss of flight, loss of control, loss of containment, or emergency landing outside of the operator's recovery zone.

For some aircraft design requirements imposed by existing airworthiness standards (*e.g.,* §§ 23.2135, 23.2600, 25.105, 25.125, 27.141, 27.173, 29.51, 29.177) the aircraft must not require exceptional piloting skill or alertness. These rules recognize that pilots have varying levels of ability and attention. In a similar manner, the proposed criteria would require that the durability and reliability flight testing be performed by a pilot with average skill and alertness.

Flight testing will be used to determine the aircraft's ability to withstand flight loads across the range of operating limits and the flight envelope. Because small UAS may be subjected to significant ground loads when handled, lifted, carried, loaded, maintained, and transported physically by hand, the proposed criteria would require that the aircraft used for testing endure the same worst-case ground loads as those the UAS will experience in operation after type certification.

UAS.305 Probable Failures: The FAA intends the proposed testing criteria to evaluate how the UAS functions after failures that are probable to occur. The applicant will test the UAS by inducing certain failures and demonstrating that the failure will not result in a loss of containment or control of the UA. The proposed criteria contain the minimum types of failures the FAA finds are probable; however, the applicant must determine the probable failures related to any other equipment that will be addressed for this requirement.

UAS.310 Capabilities and Functions: The proposed criteria for this section address the minimum capabilities and functions the FAA finds are necessary in the design of the UAS and would require the applicant to demonstrate these capabilities and functions by test. Due to the location of the pilot and the controls for UAS, separate from the UA, communication between the pilot and the UA is

significant to the design. Thus, the proposed criteria would require the applicant to demonstrate the capability of the UAS to regain command and control after a loss. As with manned aircraft, the electrical system of the UAS must have a capacity sufficient for all anticipated loads; the proposed criteria would require the applicant to demonstrate this by test.

The proposed criteria contain functions that would allow the pilot to command the UA to deviate from its flight plan or from its pre-programmed flight path. For example, in the event the pilot needs to deconflict the airspace, the UA must be able to respond to pilot inputs that override any pre-programming.

In the event an applicant requests approval for certain features, such as geo-fencing or external cargo, the proposed criteria contain requirements to address the associated risks. The proposed criteria in this section would also require design of the UAS to safeguard against an unintended discontinuation of flight or release of cargo, whether by human action or malfunction.

UAS.315 Fatigue: The FAA intends the proposed criteria in this section to address the risks from reduced structural integrity and structural failure due to fatigue. The proposed criteria would require the applicant to establish an airframe life limit and demonstrate that loss of flight or loss of control due to structural failure will be avoided throughout the operational life of the UA. These proposed criteria would require the applicant to demonstrate this by test, while maintaining the UA in accordance with the ICA.

UAS.320 Verification of Limits: This section would evaluate structural safety and address the risks associated with inadequate structural design. While the proposed criteria in UAS.300 address testing to demonstrate that the UAS structure adequately supports expected loads throughout the flight and operational envelopes, the proposed criteria in this section would require an evaluation of the performance, maneuverability, stability, and control of the UA with a factor of safety.

Proposed Airworthiness Criteria

The FAA proposes to establish the following airworthiness criteria for type certification of the Matternet Model M2. The FAA proposes that compliance with the following would mitigate the risks associated with the proposed design and Concept of Operations appropriately and would provide an equivalent level of safety to existing rules:

General

UAS.001 Concept of Operations

The applicant must define and submit to the FAA a concept of operations (CONOPS) proposal describing the Unmanned Aircraft System (UAS) operation in the National Airspace System for which certification is requested. The CONOPS proposal must include, at a minimum, a description of the following information.

(a) The intended type of operations;

(b) Unmanned aircraft (UA) specifications;

(c) Meteorological conditions;

(d) Operators, pilots, and personnel responsibilities;

(e) Control station and support equipment;

(f) Command, control, and communication functions; and

(g) Operational parameters, such as population density, geographic operating boundaries, airspace classes, launch and recovery area, congestion of proposed operating area, communications with air traffic control, line of sight, and aircraft separation.

Design and Construction

UAS.100 Control Station

The control station must be designed to provide the pilot with all information required for continued safe flight and operation. This information includes, at a minimum, the following:

(a) Alerts, such as an alert following the loss of the command and control (C2) link and function.

(b) The status of all critical parameters for all energy storage systems.

(c) The status of all critical parameters for all propulsion systems.

(d) Flight and navigation information as appropriate, such as airspeed, heading, altitude, and location.

(e) C2 link signal strength, quality, or status.

UAS.110 Software

To minimize the existence of errors, the applicant must:

(a) Verify by test all software that may impact the safe operation of the UAS;

(b) Utilize a configuration management system that tracks, controls, and preserves changes made to software throughout the entire life cycle; and

(c) Implement a problem reporting system that captures and records defects and modifications to the software.

UAS.115 Cyber Security

(a) UAS equipment, systems, and networks, addressed separately and in relation to other systems, must be protected from intentional unauthorized electronic interactions that may result in an adverse effect on the security or airworthiness of the UAS. Protection must be ensured by showing that the security risks have been identified, assessed, and mitigated as necessary.

(b) When required by paragraph (a) of this section, procedures and instructions to ensure security protections are maintained must be included in the Instructions for Continued Airworthiness (ICA).

UAS.120 Contingency Planning

(a) The UAS must be designed so that, in the event of a loss of the C2 link, the UA will automatically and immediately execute a safe predetermined flight, loiter, landing, or termination.

(b) The applicant must establish the predetermined action in the event of a loss of the C2 link and include it in the UAS Flight Manual.

(c) The UAS Flight Manual must include the minimum performance requirements for the C2 data link defining when the C2 link is degraded to a level where remote active control of the UA is no longer ensured. Takeoff when the C2 link is degraded below the minimum link performance requirements must be prevented by design or prohibited by an operating limitation in the UAS Flight Manual.

UAS.125 Lightning

(a) Except as provided in paragraph (b) of this section, the UAS must have design characteristics that will protect the UAS from loss of flight or loss of control due to lightning.

(b) If the UAS has not been shown to protect against lightning, the UAS Flight Manual must include an operating limitation to prohibit flight into weather conditions conducive to lightning activity.

UAS.130 Adverse Weather Conditions

(a) For purposes of this section, ''adverse weather conditions'' means rain, snow, and icing.

(b) Except as provided in paragraph (c) of this section, the UAS must have design characteristics that will allow the UAS to operate within the adverse weather conditions specified in the CONOPS without loss of flight or loss of control.

(c) For adverse weather conditions for which the UAS is not approved to operate, the applicant must develop operating limitations to prohibit flight into known adverse weather conditions and either:

(1) Develop operating limitations to prevent inadvertent flight into adverse weather conditions; or

(2) Provide a means to detect any adverse weather conditions for which the UAS is not certificated to operate and show the UAS's ability to avoid or exit those conditions.

UAS.135 Critical Parts

(a) A critical part is a part, the failure of which could result in a loss of flight or unrecoverable loss of UAS control.

(b) If the type design includes critical parts, the applicant must establish a critical parts list. The applicant must develop and define mandatory maintenance instructions or life limits, or a combination of both, to prevent failures of critical parts. Each of these mandatory actions must be included in the Airworthiness Limitations Section of the ICA.

Operating Limitations and Information

UAS.200 Flight Manual

The applicant must provide a UAS Flight Manual with each UAS.

(a) The UAS Flight Manual must contain the following information:

(1) UAS operating limitations;

(2) UAS normal and emergency operating procedures;

(3) Performance information;

(4) Loading information; and

(5) Other information that is necessary for safe operation because of design, operating, or handling characteristics.

(b) Those portions of the UAS Flight Manual containing the information specified in paragraphs (a)(1) through (4) of this section must be approved by the FAA.

UAS.205 Instructions for Continued Airworthiness

The applicant must prepare ICA for the UAS in accordance with Appendix A to Part 23, as appropriate, that are acceptable to the FAA. The ICA may be incomplete at type certification if a program exists to ensure their completion prior to delivery of the first UAS or issuance of a standard airworthiness certificate, whichever occurs later.

Testing

UAS.300 Durability and Reliability

The UAS must be designed to be durable and reliable commensurate to the maximum population density specified in the operating limitations. The durability and reliability must be demonstrated by flight test in accordance with the requirements of this section and completed with no failures that result in a loss of flight, loss of control, loss of containment, or emergency landing outside the operator's recovery area.

(a) Once a UAS has begun testing to show compliance with this section, all flights for that UA must be included in the flight test report.

(b) Tests must include an evaluation of the entire flight envelope across all phases of operation and must address, at a minimum, the following:

(1) Flight distances;

(2) Flight durations;

(3) Route complexity;

(4) Weight;

(5) Center of gravity;

(6) Density altitude;

(7) Outside air temperature;

(8) Airspeed;

(9) Wind;

(10) Weather;

(11) Operation at night, if requested;

(12) Energy storage system capacity; and

(13) Aircraft to pilot ratio.

(c) Tests must include the most adverse combinations of the conditions and configurations in paragraph (b) of this section.

(d) Tests must show a distribution of the different flight profiles and routes representative of the type of operations identified in the CONOPS.

(e) Tests must be conducted in conditions consistent with the expected environmental conditions identified in the CONOPS, including electromagnetic interference (EMI) and High Intensity Radiated Fields (HIRF).

(f) Tests must not require exceptional piloting skill or alertness.

(g) Any UAS used for testing must be subject to the same worst-case ground handling, shipping, and transportation loads as those allowed in service.

(h) Any UAS used for testing must be maintained and operated in accordance with the ICA and UAS Flight Manual. No maintenance beyond the intervals established in the ICA will be allowed to show compliance with this section.

(i) If cargo operations or external-load operations are requested, tests must show, throughout the flight envelope and with the cargo or external-load at the most critical combinations of weight and center of gravity, that—

(1) the UA is safely controllable and maneuverable; and

(2) the cargo or external-load are retainable and transportable.

UAS.305 Probable Failures

The UAS must be designed such that a probable failure will not result in a loss of containment or control of the UA. This must be demonstrated by test.

(a) Probable failures related to the following equipment, at a minimum, must be addressed.

(1) Propulsion systems;

(2) C2 link;

(3) Global Positioning System (GPS);

(4) Critical flight control components with a single point of failure;

(5) Control station; and

(6) Any other equipment identified by the applicant.

(b) Any UAS used for testing must be operated in accordance with the UAS Flight Manual.

(c) Each test must occur at the critical phase and mode of flight, and at the highest aircraft-to-pilot ratio.

UAS.310 Capabilities and Functions

(a) All of the following required UAS capabilities and functions must be demonstrated by test:

(1) Capability to regain command and control of the UA after the C2 link has been lost.

(2) Capability of the electrical system to power all UA systems and payloads.

(3) Ability for the pilot to safely discontinue the flight.

(4) Ability for the pilot to dynamically re-route the UA.

(5) Ability to safely abort a takeoff.

(6) Ability to safely abort a landing and initiate a go-around.

(b) The following UAS capabilities and functions, if requested for approval, must be demonstrated by test:

(1) Continued flight after degradation of the propulsion system.

(2) Geo-fencing that contains the UA within a designated area, in all operating conditions.

(3) Positive transfer of the UA between control stations that ensures only one control station can control the UA at a time.

(4) Capability to release an external cargo load to prevent loss of control of the UA.

(5) Capability to detect and avoid other aircraft and obstacles.

(c) The UAS must be designed to safeguard against inadvertent discontinuation of the flight and inadvertent release of cargo or external-load.

UAS.315 Fatigue

The structure of the UA must be shown to be able to withstand the repeated loads expected during its service life without failure. A life limit for the airframe must be established, demonstrated by test, and included in the ICA.

UAS.320 Verification of Limits

The performance, maneuverability, stability, and control of the UA within the flight envelope described in the UAS Flight Manual must be demonstrated at a minimum of 5% over maximum gross weight with no loss of control or loss of flight.

Issued in Kansas City, Missouri, on November 16, 2020.

Patrick R. Mullen,

Manager, Small Airplane Standards Branch, Policy and Innovation Division, Aircraft Certification Service.

[FR Doc. 2020–25664 Filed 11–19–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–1029; Project Identifier MCAI–2020–01126–T]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2019–21–10, which applies to all Airbus SAS Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. AD 2019–21–10 requires a one-time eddy current conductivity measurement of certain structural parts of the outer flaps to determine if the incorrect alloy was used, and replacement if necessary. Since the FAA issued AD 2019–21–10, the design approval holder (DAH) has issued an updated list of suspected parts, including those that may have been improperly heat treated, and the FAA has determined that more airplanes are affected by the unsafe condition. This proposed AD would continue to require a one-time eddy current conductivity measurement of certain structural parts of the outer flaps to determine if the incorrect alloy was used, and replacement if necessary, and would also require a new one-time eddy current conductivity measurement of certain other structural parts of the outer flaps to determine if the parts were properly heat treated, and replacement if necessary, and would include additional affected airplanes, as specified in a European Union Aviation Safety Agency (EASA) AD, which will be incorporated by reference. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by January 4, 2021.

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

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

For the material identified in this proposed AD that will be incorporated by reference (IBR), contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu;* internet: *www.easa.europa.eu.* You may find this IBR material on the EASA website at *https://ad.easa.europa.eu.* You may view this IBR material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–1029.

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–2020–1029; 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: Sanjay Ralhan, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3223; email: *sanjay.ralhan@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–2020–1029; Project Identifier MCAI–2020–01126–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal 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 agency will also post a report summarizing each substantive verbal contact received about this proposed AD.

Confidential Business Information

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

Discussion

The FAA issued AD 2019–21–10, Amendment 39–19776 (84 FR 63794, November 19, 2019) (''AD 2019–21–10''), which applies to all Airbus SAS Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. AD 2019–21–10 requires a one-time eddy current conductivity measurement of certain structural parts of the outer flaps to determine if the incorrect alloy was used, and replacement if necessary. The FAA issued AD 2019–21–10 to address structural parts made of incorrect aluminum alloy, which could result in reduced structural integrity of

the outer flaps and reduced controllability of the airplane.

Actions Since AD 2019–21–10 Was Issued

Since the FAA issued AD 2019–21–10, the DAH has issued an updated list of suspected parts, including those that may have been improperly heat treated and the FAA determined that more airplanes are affected by the unsafe condition.

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020–0174, dated August 5, 2020 (''EASA AD 2020–0174'') (also referred to as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus SAS Model A318–111, –112, –121, and –122 airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; Model A320–211, –212, –214, –215, –216, –231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. EASA AD 2020–0174 supersedes EASA AD 2019–0012 (which corresponds to FAA AD 2019–21–10). Model A320–215 airplanes are not certificated by the FAA and are not included on the U.S. type certificate data sheet; this AD therefore does not include those airplanes in the applicability.

This proposed AD was prompted by a quality control review, which determined that the wrong aluminum alloy was used to manufacture several structural parts and by the issuance of an updated list of suspected parts, including those that may have been improperly heat treated. The FAA is proposing this AD to address structural parts that may not meet the certified life limit, which could result in failure of the flap trailing edge and reduced controllability of the airplane. See the MCAI for additional background information.

Explanation of Retained Requirements

Although this proposed AD does not explicitly restate the requirements of AD 2019–21–10, this proposed AD would retain all of the requirements of AD 2019–21–10. Those requirements are referenced in EASA AD 2020–0174, which, in turn, is referenced in paragraph (g) of this proposed AD.

Related IBR Material Under 1 CFR Part 51

EASA AD 2020–0174 describes procedures for a one-time eddy current conductivity measurement of certain structural parts of the outer flaps to determine if the incorrect alloy was used, and replacement if necessary, and a one-time eddy current conductivity measurement of certain other structural parts of the outer flaps to determine if the parts were properly heat treated, and replacement if necessary. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination and Requirements of This Proposed AD

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

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in EASA AD 2020–0174 described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA initially worked with Airbus and EASA to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has since coordinated with other manufacturers and civil aviation authorities (CAAs) to use this process. As a result, EASA AD 2020–0174 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2020–0174 in its entirety, through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in the EASA AD does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in the EASA AD. Service information specified in EASA AD 2020–0174 that is required for compliance with EASA AD 2020–0174 will be available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–1029 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this proposed AD affects 63 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS *

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Retained actions from AD 2019–21–10	6 work-hours × $85 per hour = $510	$0	$510	$32,130
New proposed actions	5 work-hours × $85 per hour = $425	0	425	26,775

* Table does not include estimated costs for reporting.

The FAA estimates that it would take about 1 work-hour per product to comply with the proposed reporting requirement in this proposed AD. The average labor rate is $85 per hour. Based on these figures, the FAA estimates the cost of reporting the inspection results on U.S. operators to be $5,355, or $85 per product.

The FAA has received no definitive data on which to base the cost estimates for the on-condition replacement specified in this proposed AD.

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

included all known costs in the cost estimate.

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 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 removing Airworthiness Directive (AD) 2019–21–10, Amendment 39–19776 (84 FR 63794, November 19, 2019), and adding the following new AD:

Airbus SAS: Docket No. FAA–2020–1029; Project Identifier MCAI–2020–01126–T.

(a) Comments Due Date

The FAA must receive comments by January 4, 2021.

(b) Affected ADs

This AD replaces AD 2019–21–10, Amendment 39–19776 (84 FR 63794, November 19, 2019) (''AD 2019–21–10'').

(c) Applicability

This AD applies to all Airbus SAS airplanes identified in paragraphs (c)(1) through (4) of this AD, certificated in any category.

(1) Model A318–111, –112, –121, and –122 airplanes.

(2) Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes.

(3) Model A320–211, –212, –214, –216, –231, –232, and –233 airplanes.

(4) Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

(e) Reason

This AD was prompted by a quality control review, which determined that the wrong aluminum alloy was used to manufacture several structural parts and by the issuance of an updated list of suspected parts, including those that may have been improperly heat treated. The FAA is issuing this AD to address structural parts that may not meet the certified life limit, which could result in failure of the flap trailing edge and reduced controllability of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2020–0174, dated August 5, 2020 (''EASA AD 2020–0174'').

(h) Exceptions to EASA AD 2020–0174

(1) Where EASA AD 2020–0174 refers to its effective date, this AD requires using the effective date of this AD.

(2) The ''Remarks'' section of EASA AD 2020–0174 does not apply to this AD.

(3) Where paragraphs (7) and (8) of EASA AD 2020–0174 mandate a parts installation limitation, this AD requires the following parts installation limitation: From the effective date of this AD, only serviceable parts as defined in EASA AD 2020–0174 are allowed to be installed on any airplane.

(4) Where any service information referenced in EASA AD 2020–0174 specifies reporting, this AD requires reporting all inspection results at the applicable time specified in paragraph (h)(4)(i) or (ii) of this AD. If operators have reported findings as part of obtaining any corrective actions approved by Airbus SAS's EASA Design Organization Approval (DOA), operators are not required to report those findings as specified in this paragraph.

(i) If the inspection was done on or after the effective date of this AD: Submit the report within 30 days after the inspection.

(ii) If the inspection was done before the effective date of this AD: Submit the report within 90 days after the effective date of this AD.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Large Aircraft Section, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the Large Aircraft Section, International Validation Branch, send it to the attention of the person identified in paragraph (j)(2) of this AD. Information may be emailed to: *9-AVS-AIR-730-AMOC@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved

by the Manager, Large Aircraft Section, International Validation Branch, FAA; or EASA; or Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC):* For any service information referenced in EASA AD 2020–0174 that contains RC procedures and tests: Except as required by paragraphs (h)(4) and (i)(2) of this AD, RC procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(4) *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.

(j) Related Information

(1) For EASA AD 2020–0174, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu;* internet: *www.easa.europa.eu.* You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.* You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–1029.

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

Issued on November 13, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–25568 Filed 11–19–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–1015; Airspace Docket No. 20–AEA–20]

RIN 2120–AA66

Proposed Amendment of the Class E Airspace; Bradford, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend the Class E airspace at Bradford Regional Airport, Bradford, PA. The FAA is proposing this action as the result of an airspace review caused by the decommissioning of the Bradford VHF omnidirectional range (VOR) navigation aid as part of the VOR Minimum Operational Network (MON) Program.

DATES: Comments must be received on or before January 4, 2021.

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–2020–1015/Airspace Docket No. 20–AEA–20, at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

FAA Order 7400.11E, 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 surface airspace and the Class E airspace extending upward from 700 feet above the surface at Bradford Regional Airport, Bradford, PA, 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–2020–1015/Airspace Docket No. 20–AEA–20.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action

on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11E, 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 surface area airspace to within a 4.1-mile (decreased from a 4.3-mile) radius of Bradford Regional Airport, Bradford, PA; removing the Bradford VORTAC and the associated extension from the airspace legal description; adding an extension to 1 mile each side of the 134° bearing from the airport extending from the 4.1-mile radius of the airport to 4.2 miles southeast of the airport; and replacing the outdated term ''Airport/Facility Directory'' with ''Chart Supplement'';

And amending the Class E airspace extending upward from 700 feet above the surface to within a 6.6-mile (increased from a 6.5-mile) radius of Bradford Regional Airport; removing the Bradford VORTAC and the associated extension from the airspace legal description; removing the BRAFO LOM and the associated extension from the airspace legal description; and removing the city associated with the airport to comply with changes to FAA Order 7400.2M, Procedures for Handling Airspace Matters.

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

Class E airspace designations are published in paragraph 6002 and 6005, respectively, 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.

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 6002 Class E Airspace Areas Designated as Surface Areas.

* * * * *

AEA PA E2 Bradford, PA [Amended]

Bradford Regional Airport, PA
(Lat. 41°48′11″ N, long. 78°38′24″ W)

Within a 4.1-mile radius of the Bradford Regional Airport, and within 1 mile each side of the 134° bearing from the airport extending from the 4.1-mile radius to 4.2 miles southeast of the airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

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

* * * * *

AEA PA E5 Bradford, PA [Amended]

Bradford Regional Airport, PA
(Lat. 41°48′11″ N, long. 78°38′24″ W)
HIVIT Waypoint
(Lat. 41°57′51″ N, long. 78°39′15″ W)

That airspace extending upward from 700 feet above the surface of the Earth within a 6.6-mile radius of the Bradford Regional Airport, and within a 6-mile radius of the HIVIT Waypoint serving the University of Pittsburgh.

Issued in Fort Worth, Texas, on November 16, 2020.

Martin A. Skinner,

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

[FR Doc. 2020–25548 Filed 11–19–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 73

[Docket No. FDA–2017–C–6238]

Colorcon, Inc.; Filing of Color Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification of petition.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing that we have filed a petition, submitted by Colorcon, Inc., proposing that the color additive regulations be amended to expand the safe use of calcium carbonate to include use in dietary supplement tablets and capsules.

DATES: The color additive petition was filed on October 15, 2020.

ADDRESSES: For access to the docket to read background documents or 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: Christopher Kampmeyer, Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–1255.

SUPPLEMENTARY INFORMATION: Under section 721(d)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379e(d)(1)), we are giving notice that we have filed a color additive petition (CAP 0C0318), submitted by Colorcon, Inc., 275 Ruth Rd., Harleysville, PA 19438. The petition proposes to amend the color additive regulations in 21 CFR 73.70, ''Calcium carbonate,'' to expand the use of calcium carbonate to include use in dietary supplement tablets and capsules, including coatings and printing inks, in amounts consistent with good manufacturing practice.

The petitioner has claimed that this action is categorically excluded under 21 CFR 25.32(k) because the substance is intended to remain in food through ingestion by consumers and is not intended to replace macronutrients in food. In addition, the petitioner has stated that, to their knowledge, no extraordinary circumstances exist. If FDA determines a categorical exclusion applies, neither an environmental assessment nor an environmental impact statement is required. If FDA determines a categorical exclusion does not apply, we will request an environmental assessment and make it available for public inspection.

Dated: November 16, 2020.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2020–25600 Filed 11–19–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 73

[Docket No. FDA–2020–C–2131]

Ecoflora SAS; Filing of Color Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification of petition.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing that we have filed a petition, submitted by Ecoflora SAS, proposing that the color additive regulations be amended to provide for the safe use of jagua (genipin-glycine) blue in various food categories at levels consistent with good manufacturing practice.

DATES: The color additive petition was filed on July 31, 2020.

ADDRESSES: For access to the docket to read background documents or 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: Richard E. Bonnette, Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–1235.

SUPPLEMENTARY INFORMATION: Under section 721(d)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379e(d)(1)), we are giving notice that we have filed a color additive petition (CAP 0C0317), submitted by Ecoflora, SAS, c/o Exponent, Inc., 1150 Connecticut Ave. NW, Suite 1100, Washington, DC 20036. The petition proposes to amend the color additive regulations in part 73 (21 CFR part 73, ''Listing of Color Additives Exempt From Certification'') to provide for the safe use of jagua (genipin-glycine) blue derived from jagua fruit pulp (*Genipa americana*) as a color additive in: (1) Flavored milk; (2) dairy drinks and substitutes (milk shakes, milk substitutes, and other dairy drinks); (3) yogurt (dairy and non-dairy); (4) desserts (ice cream and frozen dairy and non-dairy desserts; pudding; gelatins, ices, and sorbets); (5) ready-to-eat cereals; (6) savory snacks (flavored potato chips; tortilla, corn, other chips); (7) candy and chewing gum; (8) non-alcoholic beverages (fruit drinks; nutritional beverages; smoothies); (9) flavored cream cheese-based spread; and (10) jams, syrups, icings, frostings, and fruit toppings and fillings, at levels consistent with good manufacturing practice.

The petitioner has claimed that this action is categorically excluded under 21 CFR 25.32(k) because the substance is intended to remain in food through ingestion by consumers and is not intended to replace macronutrients in food. In addition, the petitioner has stated that, to their knowledge, no extraordinary circumstances exist. If FDA determines a categorical exclusion applies, neither an environmental assessment nor an environmental impact statement is required. If FDA determines a categorical exclusion does not apply, we will request an environmental assessment and make it available for public inspection.

Dated: November 16, 2020.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2020–25604 Filed 11–19–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2020–0459

RIN 1625–AA00

Safety Zone; Tanapag Harbor, Saipan, CNMI

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish a recurring safety zone for navigable waters within Tanapag Harbor, Saipan. This safety zone will encompass the designated swim course for the Escape from Managaha swim event in the waters of Tanapag Harbor, Saipan, Commonwealth of the Northern

Mariana Islands. This action is necessary to protect all persons and vessels participating in this marine event from potential safety hazards associated with vessel traffic in the area. Race participants, chase boats, and organizers of the event will be exempt from the safety zone. Entry of persons or vessels into the safety zone is prohibited unless authorized by the Captain of the Port (COTP) Guam. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before December 21, 2020.

ADDRESSES: You may submit comments identified by docket number USCG–2020–0459 using the Federal eRulemaking Portal at *https://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Chief Petty Officer Robert Davis, Sector Guam, U.S. Coast Guard, by telephone at (671) 355–4866, or email at *WWMGuam@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background, Purpose, and Legal Basis

The Escape from Managaha swim event is a recurring annual event. We have established safety zones for this swim event in past years.

The purpose of this rule is to ensure the safety of the participants and the navigable waters in the safety zone before, during, and after the scheduled swim event. The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70034 (previously codified in 33 U.S.C. 1231).

III. Discussion of Proposed Rule

The COTP is proposing to establish a safety zone from 5:00 a.m. to 8:30 a.m. for one day on a Saturday or Sunday occurring annually between February and April. This safety zone is necessary to protect all persons and vessels participating in this marine event from potential safety hazards associated with vessel traffic in the area. Race participants, chase boats, and organizers of the event will be exempt from the safety zone. Entry of persons or vessels into this safety zone is prohibited unless authorized by the COTP. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and Executive Orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive Orders, and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This NPRM has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, the NPRM has not been reviewed by the Office of Management and Budget (OMB), and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zone. Vessel traffic will be able to safely transit around this safety zone, which will impact a small designated area of Tanapag Harbor for 2 hours. Moreover, the Coast Guard will issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone, and the rule allows vessels to seek permission to enter the zone.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the safety zone may be small entities, for the reasons stated in section IV.A above, this proposed rule would not have a significant economic impact on any vessel owner or operator.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

This proposed rule would not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132 (Federalism), if it has 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. We have analyzed this proposed rule under that Executive Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this proposed rule does not have tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments) because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this proposed rule has implications for federalism or Indian tribes, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires

Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a safety zone lasting for 2 hours that will prohibit entry within 100-yards of swim participants. Normally such actions are categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A preliminary Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places, or vessels.

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to *https://www.regulations.gov* and will include any personal information you have provided. For more about privacy and submissions in response to this document, see DHS's Correspondence System of Records notice (84 FR 48645, September 26, 2018).

Documents mentioned in this NPRM as being available in the docket, and all public comments, will be in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 165 as follows:

PART 165—SAFETY ZONE; TANAPAG HARBOR, SAIPAN, CNMI

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 46 U.S.C. 70034; 46 U.S.C. 70051; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.1417 before the center heading ''Seventeenth Coast Guard District'' to read as follows:

§ 165.1417 Safety Zone; Tanapag Harbor, Saipan, CNMI.

(a) *Location.* The following area, within the Guam Captain of the Port (COTP) Zone (See 33 CFR 3.70–15), all navigable waters within a 100-yard radius of race participants for Escape for Managaha Swim in Tanapag Harbor, Saipan. Race participants, chase boats, and organizers of the event will be exempt from the safety zone.

(b) *Definitions.* As used in this section, designated representative means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port (COTP) Sector Guam in the enforcement of the safety zone.

(c) *Regulations.* (1) In accordance with the general regulations in section § 165.23, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the COTP or a designated on-scene representative.

(2) This safety zone is closed to all persons and vessel traffic, except as may be permitted by the COTP or a designated on-scene representative.

(3) The ''on-scene representative'' of the COTP is any Coast Guard commissioned, warrant, or petty officer who has been designated by the COTP to act on his or her behalf.

(4) Persons and Vessel operators desiring to enter or operate within the safety zone must contact the COTP or an on-scene representative to obtain permission to do so. The COTP or an on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the COTP or an on-scene representative.

(d) *Enforcement period.* This safety zone will be enforced at a specified date between February and April. The Coast Guard will provide advance notice of enforcement and a broadcast notice to mariners to inform public of specific date.

Dated: November 17, 2020.

Christopher M. Chase,

Captain, U.S. Coast Guard, Captain of the Port, Guam.

[FR Doc. 2020–25766 Filed 11–19–20; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–SFUND–1983–0002; EPA–HQ–SFUND–1986–0005; EPA–HQ–SFUND–1990–0010; FRL–10016–73–OLEM]

Proposed Deletions From the National Priorities List

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; notice of intent.

SUMMARY: The Environmental Protection Agency (EPA) is issuing a Notice of Intent to partially delete four sites from the National Priorities List (NPL) and requests public comments on this

proposed action. The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is an appendix of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The EPA and the states, through their designated state agencies, have determined that all appropriate response actions under CERCLA, other than operation and maintenance, monitoring, and five-year reviews, where applicable, have been completed. However, this deletion does not preclude future actions under Superfund.

The sites proposed for partial deletion, their location and media or areas proposed for deletion from the NPL are specified in Table 1 and Table 2 in the **SUPPLEMENTARY INFORMATION** section of this document. The remaining media or areas of the sites will remain on the NPL and are not being considered for deletion as part of this action.

DATES: Comments regarding this proposed listing must be submitted on or before December 21, 2020.

ADDRESSES: EPA has established a docket for this action under the Docket Identification number included in Table 1 in the **SUPPLEMENTARY INFORMATION** section of this document. Submit your comments, identified by the appropriate Docket ID number, by one of the following methods:

- *https://www.regulations.gov.* Follow on-line instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*
- *Email:* Table 2 in the **SUPPLEMENTARY INFORMATION** section of this document provides an email address to submit public comments for each proposed deletion action.

Instructions: Direct your comments to the Docket Identification number included in Table 1 in the **SUPPLEMENTARY INFORMATION** section of this document. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *https://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *https://www.regulations.gov* or email. The *https://www.regulations.gov* website is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *https://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: EPA has established a docket for this action under the Docket Identification included in Table 1 in the **SUPPLEMENTARY INFORMATION** section of this document. 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, *i.e.,* Confidential Business Information 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 either electronically through *https://www.regulations.gov* or in hard copy at the corresponding Regional Records Centers. Locations, addresses, and phone numbers-of the Regional Records Centers follow.

Regional Records Centers

- Region 3 (DE, DC, MD, PA, VA, WV), U.S. EPA, Library, 1650 Arch Street, Mail code 3HS12, Philadelphia, PA 19103; 215/814–3355.
- Region 5 (IL, IN, MI, MN, OH, WI), U.S. EPA Superfund Division Librarian/SFD Records Manager SRC–7J, Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, IL 60604; 312/886–4465.
- Region 7 (IA, KS, MO, NE), U.S. EPA, 11201 Renner Blvd., Mail code SUPRSTAR, Lenexa, KS 66219; 913/551–7956.
- Region 9 (AZ, CA, HI, NV, AS, GU, MP), U.S. EPA, 75 Hawthorne Street, Mail code SFD 6–1, San Francisco, CA 94105; 415/972–3160.

The EPA is temporarily suspending Regional Records Centers for public visitors to reduce the risk of transmitting COVID–19. Information in these repositories, including the deletion docket, has not been updated with hardcopy or electronic media. For further information and updates on EPA Docket Center services, please visit us online at *https://www.epa.gov/dockets.* The EPA continues to carefully and continuously monitor information from the Centers for Disease Control and Prevention (CDC), local area health departments, and our Federal partners so that we can respond rapidly as conditions change regarding COVID.

FOR FURTHER INFORMATION CONTACT:

- Andrew Hass, U.S. EPA Region 3 (DE, DC, MD, PA, VA, WV), *hass.andrew@epa.gov,* 215/814–2049
- Karen Cibulskis, U.S. EPA Region 5 (IL, IN, MI, MN, OH, WI), *cibulskis.karen@epa.gov,* 312/886–1843
- David Wennerstrom, U.S. EPA Region 7 (IA, KS, MO, NE), *wennerstrom.david@epa.gov,* 913/551–7996
- Eric Canteenwala, U.S. EPA Region 9 (AZ, CA, HI, NV, AS, GU, MP), *Canteenwala.eric@epa.gov,* 415/972–3932
- Chuck Sands, U.S. EPA Headquarters, *sands.charles@epa.gov,* 703/603–8857

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

EPA is issuing a Notice of Intent to partially delete four sites from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL constitutes

Appendix B of 40 CFR part 300 which is the NCP, which EPA created under section 105 of the CERCLA statute of 1980, as amended. EPA maintains the NPL as those sites that appear to present a significant risk to public health, welfare, or the environment. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund (Fund). These partial deletions are proposed in accordance with 40 CFR 300.425(e) and is consistent with the Notice of Policy Change: Partial Deletion of Sites Listed on the National Priorities List. 60 FR 55466 (Nov. 1, 1995). As described in 300.425(e)(3) of the NCP, a portion of a site deleted from the NPL remains eligible for Fund-financed remedial action if future conditions warrant such actions.

EPA will accept comments on the proposal to partially delete this site for thirty (30) days after publication of this document in the **Federal Register**.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the portion of each site proposed for deletion and demonstrates how it meets the deletion criteria, including reference documents with the rationale and data principally relied upon by the EPA to determine that the Superfund response is complete.

II. NPL Deletion Criteria

The NCP establishes the criteria that EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making such a determination pursuant to 40 CFR 300.425(e), EPA will consider, in consultation with the State, whether any of the following criteria have been met:

i. Responsible parties or other persons have implemented all appropriate response actions required;

ii. all appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or

iii. the remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, the taking of remedial measures is not appropriate.

Pursuant to CERCLA section 121(c) and the NCP, EPA conducts five-year reviews to ensure the continued protectiveness of remedial actions where hazardous substances, pollutants, or contaminants remain at a site above levels that allow for unlimited use and unrestricted exposure. EPA conducts such five-year reviews even if a site is deleted from the NPL. EPA may initiate further action to ensure continued protectiveness at a deleted site if new information becomes available that indicates it is appropriate. Whenever there is a significant release from a site deleted from the NPL, the deleted site may be restored to the NPL without application of the hazard ranking system.

III. Deletion Procedures

The following procedures apply to the partial deletion of each of the four sites in this proposed rule:

(1) EPA consulted with the respective state before developing this Notice of Intent for partial deletion.

(2) EPA has provided the state 30 working days for review of this proposed action prior to publication of it today.

(3) In accordance with the criteria discussed above, EPA has determined that no further response is appropriate.

(4) The states, through their designated state agencies, have concurred with the proposed partial deletion action.

(5) Concurrently, with the publication of this Notice of Intent for partial deletion in the **Federal Register**, a notice is being published in a major local newspaper of general circulation near each of the four sites. The newspaper announces the 30-day public comment period concerning the Notice of Intent for partial deletion.

(6) The EPA placed copies of documents supporting the proposed partial deletion in the deletion dockets, made these items available for public inspection, and copying at the Regional Records Centers identified above.

If comments are received within the 30-day comment period on this document, EPA will evaluate and respond accordingly to the comments before making a final decision to partially delete each site. If necessary, EPA will prepare a Responsiveness Summary to address any significant public comments received. After the public comment period, if EPA determines it is still appropriate to partially delete the site, the EPA will publish a final Notice of Partial Deletion in the **Federal Register**. Public notices, public submissions and copies of the Responsiveness Summary, if prepared, will be made available to interested parties and included in the site information repositories listed above.

Deletion of a portion of a site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Deletion of a portion of a site from the NPL does not in any way alter EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist EPA management. Section 300.425(e)(3) of the NCP states that the deletion of a site from the NPL does not preclude eligibility for future response actions, should future conditions warrant such actions.

IV. Basis for Partial Site Deletion

The sites to be partially deleted from the NPL, the location of the site, and docket number with information including reference documents with the rationale and data principally relied upon by the EPA to determine that the Superfund response is complete are specified in Table 1. The NCP permits activities to occur at a deleted site or that media or parcel of a partially deleted site, including operation and maintenance of the remedy, monitoring, and five-year reviews. These activities for the site are entered in Table 1, if applicable, under Footnote such that; 1 = site has continued operation and maintenance of the remedy, 2 = site receives continued monitoring, and 3 = site five-year reviews are conducted.

TABLE 1

Site name	City/county, state	Type	Docket No.	Footnote
Fort Ord	Marina, CA	Partial	EPA–HQ–SFUND–1990–0010	1, 2, 3.
Lake Sandy Jo (M&M Landfill)	Gary, IN	Partial	EPA–HQ–SFUND–1983–0002	1, 2, 3.
Midwest Manufacturing/North Farm.	Kellogg, IA	Partial	EPA–HQ–SFUND–1986–0005	1, 3.
Palmerton Zinc Pile	Palmerton, PA	Partial	EPA–HQ–SFUND–1983–0002	

Table 2 includes a description of the area, media or Operable Units (OUs) of the NPL site proposed for partial deletion from the NPL, and an email address to which public comments may be submitted if the commenter does not comment using *https://www.regulations.gov.*

TABLE 2

Site name	Media/parcels for partial deletion	Email address for public comments
Fort Ord	Soil media of approximately 11,961 acres	*clancy.maeve@epa.gov.*
Lake Sandy Jo (M&M Landfill)	Soil media of Landfill Property and identified adjacent parcels of OU1 land.	*deletions@usepa.onmicrosoft.com.*
Midwest Manufacturing/North Farm	OU 1 North Farm	*wennerstrom.david@epa.gov.*
Palmerton Zinc Pile	117 parcels in OU3	*hass.andrew@epa.gov.*

EPA maintains the NPL as the list of sites that appear to present a significant risk to public health, welfare, or the environment. Deletion from the NPL does not preclude further remedial action. Whenever there is a significant release from a site deleted from the NPL, the deleted site may be restored to the NPL without application of the hazard ranking system. Deletion of a site from the NPL does not affect responsible party liability in the unlikely event that future conditions warrant further actions.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Natural resources, Oil pollution, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Authority: 33 U.S.C. 1251 *et seq.;* 42 U.S.C. 9601–9657; E.O. 13626, 77 FR 56749, 3 CFR, 2013 Comp., p. 306; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Dated: November 6, 2020.

Dana Stalcup,

Acting Office Director, Office of Superfund Remediation and Technology Innovation.

[FR Doc. 2020–25622 Filed 11–19–20; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 85, No. 225
Friday, November 20, 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

Submission for OMB Review; Comment Request

November 17, 2020.

The Department of Agriculture has submitted the following information collection requirement(s) to Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding: 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; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; 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.

Comments regarding this information collection received by December 21, 2020 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *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.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Rural Utilities Service

Title: RUS Specification for Quality Control and Inspection of Timber Products.

OMB Control Number: 0572–0076.

Summary of Collection: The Rural Utilities Service (RUS) is a credit agency of the U.S. Department of Agriculture (USDA) and is authorized to manage loan programs in accordance with the Rural Electrification Act (RE Act) of 1936, 7 U.S.C. 901 *et seq.,* as amended. It makes mortgage loans and loan guarantees to finance telecommunications, electric, and water and waste facilities in rural areas. To ensure the security of loan funds, adequate quality control of timber products is vital to loan security on electric power systems where hundreds of thousands of wood-poles and cross-arms are used. Prior to receiving loan funds, a RUS borrower must enter into a loan contract with RUS. In accordance with Article V, Section 5.14 of the loan contract, ''the borrower shall use design standards, construction standards and lists of acceptable materials in conformance with RUS regulations.

Need and Use of the Information: The purchaser or treating company may obtain the services of an inspection agency or third-party oversight organization to perform certain inspection services to ensure that the specifications for wood poles and cross-arms are being met. As required by 7 CFR 1728.202(i) copies of test reports on various preservatives must accompany each charge (a charge being a load of poles treated at the same time in a pressure cylinder). Test reports are needed so that the purchaser, the inspectors, and RUS will be able to spot-check the general accuracy of the tests. RUS will use the information in verifying acceptability of poles and cross-arms purchased by RUS borrowers.

Description of Respondents: Business or other for-profit; Not-for-profit institutions.

Number of Respondents: 25.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 20,333.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2020–25626 Filed 11–19–20; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

November 17, 2020.

The Department of Agriculture has submitted the following information collection requirement(s) to Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding: 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; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; 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.

Comments regarding this information collection received by December 21, 2020 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *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.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it

displays a currently valid OMB control number.

Rural Utilities Service

Title: Technical Assistance Program, 7 CFR part 1775.

OMB Control Number: 0572–0112.

Summary of Collection: The Rural Utilities Service is authorized by section 306 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926) to make loans to public agencies, American Indian tribes, and nonprofit corporations to fund the development of drinking water, wastewater, and solid waste disposal facilities in rural areas with populations of up to 10,000 residents. Under the CONACT, 7 U.S.C. 1925(a), as amended, section 306(a)(14)(A) authorizes Technical Assistance and Training grants, and 7 U.S.C. 1932(b), section 310B authorizes Solid Waste Management grants. Grants are made for 100 percent of the cost of assistance. The Technical Assistance and Training Grants and Solid Waste Management Grants programs are administered through 7 CFR part 1775.

Need and Use of the Information: Nonprofit organizations applying for TAT and SWM grants must submit a pre-application, which includes an application form, narrative proposal, various other forms, certifications and supplemental information. RUS will collect information to determine applicant's eligibility, project feasibility, and the applicant's ability to meet the grant and regulatory requirements. RUS will review the information, evaluate it, and, if the applicant and project are eligible for further competition, invite the applicant to submit a formal application. Failure to collect proper information could result in improper determinations of eligibility, improper use of funds, or hindrances in making grants authorized by the TAT and SWM program.

Description of Respondents: Not-for-profit institutions; State, Local or Tribal Governments.

Number of Respondents: 65.

Frequency of Responses: Reporting: On occasion; Quarterly.

Total Burden Hours: 5,892.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2020–25643 Filed 11–19–20; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2020–0093]

Notice of Request for Revision to and Extension of Approval of an Information Collection; Foot-and-Mouth Disease: Prohibition on Importation of Farm Equipment

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 used farm equipment into the United States from regions affected with foot-and-mouth disease.

DATES: We will consider all comments that we receive on or before January 19, 2021.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2020-0093.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2020–0093, 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-2020-0093* 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 foot-and-mouth disease and prohibition on importation of farm equipment, contact Dr. Tracye Butler, Senior Staff Veterinarian, VS, APHIS, 4700 River Road Unit 40, Riverdale, MD 20737; (301) 851–3340. For more information on the information collection process, contact Mr. Joseph Moxey, APHIS' Information Collection Coordinator, at (301) 851–2483.

SUPPLEMENTARY INFORMATION:

Title: Foot-and-Mouth Disease: Prohibition on Importation of Farm Equipment.

OMB Control Number: 0579–0195.

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 U.S. Department of Agriculture 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. The regulations for the importation of animals, animal products, and other articles into the United States are contained in 9 CFR parts 93 through 98.

Section 94.1(c) prohibits the importation of used farm equipment into the United States from regions where APHIS considers foot-and-mouth disease (FMD) to exist unless the equipment has been steam-cleaned prior to export to the United States so that it is free of exposed dirt and other particulate matter. Such equipment must be accompanied by an original certificate, signed by an authorized official of the national animal health service of the exporting region, stating that the farm equipment, after its last use and prior to export, was steam-cleaned free of all exposed dirt and other particulate matter.

We are asking the Office of Management and Budget (OMB) to approve our use of this information collection activity, 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 0.2 hours per response.

Respondents: Exporters of farm equipment and foreign animal health authorities from regions where FMD exists.

Estimated annual number of respondents: 79.

Estimated annual number of responses per respondent: 73.

Estimated annual number of responses: 5,793.

Estimated total annual burden on respondents: 1,160 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 17th day of November 2020.

Michael Watson,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2020–25713 Filed 11–19–20; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2020–0110]

Notice of Request for Revision to and Extension of Approval of an Information Collection; Infectious Salmon Anemia; Payment of Indemnity

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 regulations for the payment of indemnity due to infectious salmon anemia.

DATES: We will consider all comments that we receive on or before January 19, 2021.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2020-0110.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2020–0110, 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-2020-0110* 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 the payment of indemnity due to infectious salmon anemia, contact Mrs. Teresa Robinson, Maine ISA Program Aquaculture Liaison, VS, APHIS, 253 King Street, Edmunds Township, ME 04628; (207) 319–6703. For more information on the information collection process, contact Mr. Joseph Moxey, APHIS' Information Collection Coordinator, at (301) 851–2483.

SUPPLEMENTARY INFORMATION:

Title: Infectious Salmon Anemia; Payment of Indemnity.

OMB Control Number: 0579–0192.

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 U.S. Department of Agriculture is authorized, among other things, to prevent the interstate spread of serious diseases and pests of livestock within the United States when feasible. In connection with this mission, APHIS established regulations in 9 CFR part 53 to pay indemnity to salmon producers in Maine whose fish are destroyed because of infectious salmon anemia (ISA). However, payment is subject to the availability of funding. ISA is a foreign animal disease of Atlantic salmon that is caused by an orthomyxovirus. The disease affects wild and farmed Atlantic salmon. ISA poses a substantial threat to the economic viability and sustainability of salmon aquaculture in the United States.

To take part in the indemnity program, producers must enroll in the cooperative ISA control program administered by APHIS and the State of Maine. Program participants must also inform the ISA Program Veterinarian in writing of the name of their accredited veterinarian, develop biosecurity protocols and a site-specific ISA action plan, submit fish inventory and mortality information, complete an appraisal and indemnity claim form, complete a proceeds from animals sold for slaughter form, and assist APHIS or State officials with onsite disease surveillance, testing, and biosecurity audits. Program participants, who may include certain aquaculture industry business owners, managers, site employees, accredited veterinarians, and designated laboratories, must also assist APHIS with certain disease surveillance activities.

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 2.8 hours per response.

Respondents: ISA program participants such as certain aquaculture industry business owners, managers, site employees, accredited veterinarians, and laboratory personnel; exporters; and foreign animal health authorities from exporting countries.

Estimated annual number of respondents: 13.

Estimated annual number of responses per respondent: 15.

Estimated annual number of responses: 191.

Estimated total annual burden on respondents: 549 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 17th day of November 2020.

Michael Watson,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2020–25711 Filed 11–19–20; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

El Dorado County Resource Advisory Committee; Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The El Dorado 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/eldorado/workingtogether/advisorycommittees.*

DATES: The meeting will be held on Thursday, December 17, 2020 at 4:00 p.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: Eldorado National Forest Supervisor's Office, 100 Forni Road, Placerville, CA. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Jennifer Chapman, Public Affairs Officer by phone at (530) 957–9660 or via email at *jennifer.chapman@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. Welcome and orient new Resource Advisory Committee members.

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 December 15, 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 Jennifer Chapman, Eldorado National Forest, 100 Forni Road, Placerville, CA 95667; by email to *jennifer.chapman@usda.gov,* or via facsimile to (530) 621–5297.

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 facility or 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: November 16, 2020.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2020–25608 Filed 11–19–20; 8:45 am]

BILLING CODE 3411–15–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Texas Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of webhearing.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that the Texas Advisory Committee (Committee) will hold a series of briefings via webex platform on Tuesday, December 1, Thursday, December 3, and Tuesday, December 8, 2020 at 2:00 p.m. Central Time. The purpose for the briefings is to hear testimony on the civil rights implications of the government response to hurricane disasters.

DATES: These briefings will be held on:

- Tuesday, December 1, 2020 at 2:00 p.m. CT
- Thursday, December 3, 2020 at 2:00 p.m. CT
- Tuesday, December 8, 2020 at 2:00 p.m. CT

ADDRESSES:

- Tuesday, December 1: *https://tinyurl.com/yypcgupr*
- Thursday, December 3: *https://tinyurl.com/y4rgebq6*
- Tuesday, December 8: *https://tinyurl.com/y44h82en*

FOR FURTHER INFORMATION CONTACT: Brooke Peery, Designated Federal Officer (DFO) at *bpeery@usccr.gov* or by phone at (202) 701–1376. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

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

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at *https://www.facadatabase.gov/FACA/FACAPublicViewCommitteeDetails?id=a10t0000001gzkoAAA.*

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

Agenda

I. Roll Call & Chair Remarks

II. Panelist Statements

III. Committee Q&A

IV. Public Comment

V. Adjournment

Dated: October 27, 2020.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2020–24110 Filed 11–19–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Bureau of the Census

2020 Census Tribal Consultation; Virtual Public Meeting

AGENCY: Bureau of the Census, Department of Commerce.

ACTION: Notice of virtual public meeting: 2020 Census Tribal Consultation.

SUMMARY: The Bureau of the Census (Census Bureau) will conduct its final calendar year 2020 tribal consultation meeting on December 16 via a webinar. The tribal consultation meetings reflect the Census Bureau's commitment to strengthen government-to-government relationships with federally recognized tribes. The Census Bureau will provide updates and seek input on the 2020 Census Disclosure Avoidance System (DAS). The Census Bureau conducted one national tribal consultation webinar in September 2019 and two formal tribal consultation meetings in October 2019 specific to the 2020 Census Disclosure Avoidance System. The Census Bureau is planning one national webinar on December 16, 2020 with federally recognized tribes, which will provide a forum for tribes to receive an update and to provide input on the 2020 Census Disclosure Avoidance System regarding work done specifically for the American Indian and Alaska Native tribal areas. The Census Bureau will provide information directly to tribes prior to the national webinar to give tribes time to review and provide input.

DATES: The Census Bureau will conduct the tribal consultation webinar on Wednesday, December 16, 2020, from 3 p.m. to 4:30 p.m. EST. Any questions or topics to be considered in the tribal consultation meetings must be received in writing via email by Monday, December 14, 2020.

ADDRESSES: The Census Bureau tribal consultation webinar meeting will be held via the WebEx platform at the following presentation link: *https://uscensus.webex.com/uscensus/onstage/g.php?MTID=e020a909b86d28a8ea57200e1f0861e95.*

For audio, please call the following number: 888–456–0349. When prompted, please use the following Participant Code: 3683767. Event Password (If Requested): @Tribal

FOR FURTHER INFORMATION CONTACT: Dee Alexander, Tribal Affairs Coordinator, Office of Congressional and Intergovernmental Affairs, Intergovernmental Affairs Office, U.S. Census Bureau, Washington, DC 20233; telephone (301) 763–9335; fax (301) 763–3780; or email at *Dee.A.Alexander@census.gov* or *ocia.tao@census.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Census Bureau's procedures for outreach, notice, and consultation ensure involvement of tribes, to the extent practicable and permitted by law, before making decisions or implementing policies, rules, or programs that affect federally recognized tribal governments. These meetings are open to citizens of federally recognized tribes by invitation.

The Census Bureau's Decennial Directorate and the Intergovernmental Affairs Office have been responsible for the development and implementation of outreach and promotion activities to assist in obtaining a complete and accurate census count in 2020 among all residents, including the American Indian and Alaska Native populations. This program is one part of the overall outreach and promotion efforts directed at building awareness about the importance of the Census Bureau's commitment to produce quality 2020 American Indian and Alaska Native data for all tribal communities and organizations.

In accordance with Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, issued November 6, 2000, the Census Bureau has adhered to its tribal consultation policy by seeking the input of tribal governments in the planning and implementation of the 2020 Census with the goal of ensuring the most accurate counts and data for the American Indian and Alaska Native population. In that regard, we are seeking comments to the following operational topics:

1. 2020 Census Disclosure Avoidance System
2. American Indian and Alaska Native Geography Hierarchy

Through the national tribal consultation webinar, Census Bureau staff will provide tribal communities with further details on the disclosure avoidance methodology being considered for the 2020 Census. For more information, please see the following URL link: *https://www.census.gov/programs-surveys/decennial-census/2020-census/planning-management/2020-census-data-products/2020-das-updates.html.*

Steven D. Dillingham, Director, Bureau of the Census, approved the publication of this Notice in the **Federal Register**.

Dated: November 16, 2020.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2020–25634 Filed 11–19–20; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of Petitions by Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration, U.S. Department of Commerce.

ACTION: Notice and opportunity for public comment.

SUMMARY: The Economic Development Administration (EDA) has received petitions for certification of eligibility to apply for Trade Adjustment Assistance from the firms listed below. Accordingly, EDA has initiated investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each of the firms contributed importantly to the total or partial separation of the firms' workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

SUPPLEMENTARY INFORMATION:

LIST OF PETITIONS RECEIVED BY EDA FOR CERTIFICATION OF ELIGIBILITY TO APPLY FOR TRADE ADJUSTMENT ASSISTANCE

[10/27/2020 through 11/12/2020]

Firm name	Firm address	Date accepted for investigation	Product(s)
Hoff Enterprises, Inc	151 Friedhoff Lane, Johnstown, PA 15902	10/27/2020	The firm manufactures wooden furniture and cabinetry.
Dura-Cast, Inc	201 North Industrial Park Road, Enterprise, AL 36330	10/29/2020	The firm manufactures miscellaneous metal die castings.
Chewbarka, Inc	165 Dyerville Avenue, Johnston, RI 02919	11/9/2020	The firm manufactures metal identification tags, name plates, ball chains, lapel pins, and military medals.
Hartman Enterprises, Inc	455 Elizabeth Street, Oneida, NY 13421	11/12/2020	The firm manufactures miscellaneous metal parts.
Nova Molecular Technologies, Inc.	1 Parker Place, Janesville, WI 53545	11/12/2020	The firm manufactures acetonitrile and other chemical compounds.

Any party having a substantial interest in these proceedings may request a public hearing on the matter. A written request for a hearing must be submitted to the Trade Adjustment Assistance Division, Room 71030, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than ten (10) calendar days following publication of this notice. These petitions are received pursuant to section 251 of the Trade Act of 1974, as amended.

Please follow the requirements set forth in EDA's regulations at 13 CFR 315.9 for procedures to request a public hearing. The Catalog of Federal Domestic Assistance official number and title for the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance for Firms.

Bryan Borlik,

Director.

[FR Doc. 2020–25632 Filed 11–19–20; 8:45 am]

BILLING CODE 3510–WH–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–900]

Diamond Sawblades and Parts Thereof From the People's Republic of China: Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review

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

SUMMARY: The Department of Commerce (Commerce) is simultaneously initiating and issuing the preliminary results of a changed circumstances review (CCR) of the antidumping duty order on diamond sawblades and parts thereof (diamond sawblades) from the People's Republic of China (China) to determine whether Protech Diamond Tools Inc. (Protech) is eligible to participate in a certification process because Protech has demonstrated that it can identify diamond sawblades that it produced in Canada using non-Chinese cores and Chinese segments. We invite interested parties to comment on these preliminary results.

DATES: Applicable November 20, 2020.

FOR FURTHER INFORMATION CONTACT: Yang Jin Chun, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5760.

SUPPLEMENTARY INFORMATION:

Background

On February 20, 2020, Commerce found ''that diamond sawblades made with Chinese cores and Chinese segments joined in Canada by Protech and then subsequently exported from Canada to the United States are circumventing the antidumping duty order on diamond sawblades from China.'' [1] In the *Final Determination,* Commerce found that diamond sawblades ''assembled or completed in Canada using non-Chinese origin cores and/or non-Chinese origin segments are not subject to this anti-circumvention inquiry,'' but because Protech was unable ''to identify diamond sawblades produced with non-Chinese origin cores and/or non-Chinese origin segments,'' Commerce decided not to ''implement a certification process for diamond sawblades already suspended,'' and required ''cash deposits on all entries of diamond sawblades produced and exported by Protech in Canada.'' [2] However, Commerce indicated that Protech could at some future point request reconsideration of Commerce's denial of the certification process in, *e.g.,* a CCR.[3]

On August 19, 2020, Protech submitted a request for a CCR, in which Protech claims that it is able to identify and segregate diamond sawblades made with non-Chinese cores and Chinese segments joined in Canada by Protech and then subsequently exported from Canada by Protech, its affiliate Gogo International Inc. (Gogo), or a third party, to the United States.[4] Protech requests that Commerce find it eligible for certification of these diamond sawblades as non-subject merchandise. On August 26, 2020, Diamond Sawblades Manufacturers' Coalition (DSMC) submitted a letter supporting the CCR Request.[5] In response to our request for additional information, Protech submitted its supplemental responses on September 15, 2020,[6] and October 1, 2020.[7]

Scope of the Order

The products covered by the order are all finished circular sawblades, whether slotted or not, with a working part that is comprised of a diamond segment or segments, and parts thereof, regardless of specification or size, except as specifically excluded below. Within the scope of the order are semi-finished diamond sawblades, including diamond sawblade cores and diamond sawblade segments. Diamond sawblade cores are circular steel plates, whether or not attached to non-steel plates, with slots. Diamond sawblade cores are

[1] *See Diamond Sawblades and Parts Thereof from the People's Republic of China: Final Determination of Anti-Circumvention Inquiry,* 85 FR 9737, 9738 (February 20, 2020) (*Final Determination*); *see also Diamond Sawblades and Parts Thereof from the People's Republic of China and the Republic of Korea: Antidumping Duty Orders,* 74 FR 57145 (November 4, 2009).

[2] *See Final Determination,* 85 FR at 9739.

[3] *Id.*

[4] *See* Protech's Letters, ''Request for Changed Circumstances Review,'' dated August 19, 2020 (CCR Request) at 1–2, and ''Response of Protech Diamond Tools Inc. to the Department's September 1, 2020, Supplemental Questionnaire'' dated September 15, 2020 (Protech's First Supplemental Response) at 1.

[5] *See* DSMC's Letter, ''Comments in Support of Protech's Request for Changed Circumstances Review,'' dated August 26, 2020. DSMC is the petitioner in this proceeding.

[6] *See* Protech's First Supplemental Response.

[7] *See* Protech's Letter, ''Response of Protech Diamond Tools Inc. to the Department's September 28, 2020, Second Supplemental Questionnaire,'' dated October 1, 2020.

manufactured principally, but not exclusively, from alloy steel. A diamond sawblade segment consists of a mixture of diamonds (whether natural or synthetic, and regardless of the quantity of diamonds) and metal powders (including, but not limited to, iron, cobalt, nickel, tungsten carbide) that are formed together into a solid shape (from generally, but not limited to, a heating and pressing process).

Sawblades with diamonds directly attached to the core with a resin or electroplated bond, which thereby do not contain a diamond segment, are not included within the scope of the order. Diamond sawblades and/or sawblade cores with a thickness of less than 0.025 inches, or with a thickness greater than 1.1 inches, are excluded from the scope of the order. Circular steel plates that have a cutting edge of non-diamond material, such as external teeth that protrude from the outer diameter of the plate, whether or not finished, are excluded from the scope of the order. Diamond sawblade cores with a Rockwell C hardness of less than 25 are excluded from the scope of the order. Diamond sawblades and/or diamond segment(s) with diamonds that predominantly have a mesh size number greater than 240 (such as 250 or 260) are excluded from the scope of the order.

Merchandise subject to the order is typically imported under heading 8202.39.00.00 of the Harmonized Tariff Schedule of the United States (HTSUS). When packaged together as a set for retail sale with an item that is separately classified under headings 8202 to 8205 of the HTSUS, diamond sawblades or parts thereof may be imported under heading 8206.00.00.00 of the HTSUS. On October 11, 2011, Commerce included the 6804.21.00.00 HTSUS classification number to the customs case reference file, pursuant to a request by U.S. Customs and Border Protection (CBP).[8] Pursuant to requests by CBP, Commerce included to the customs case reference file the following HTSUS classification numbers: 8202.39.0040 and 8202.39.0070 on January 22, 2015, and 6804.21.0010 and 6804.21.0080 on January 26, 2015.[9]

The tariff classification is provided for convenience and customs purposes; however, the written description of the scope of the order is dispositive.

[8] *See Diamond Sawblades and Parts Thereof from the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review,* 76 FR 76128 (December 6, 2011).

[9] *See Diamond Sawblades and Parts Thereof from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2016–2017,* 83 FR 64331 (December 14, 2018), and accompanying Issues and Decision Memorandum at 3.

Initiation of Changed Circumstances Review

Pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.216(d), Commerce will conduct a CCR upon receipt of a request from an interested party or receipt of information concerning an antidumping duty order which shows changed circumstances sufficient to warrant a review of the order. In accordance with 19 CFR 351.216(d), Commerce finds that Protech provided sufficient information to initiate a CCR. Therefore, we are initiating a CCR pursuant to section 751(b)(1) of the Act and 19 CFR 351.216(d) to determine whether Protech is: (1) Able to identify diamond sawblades produced in Canada by Protech using non-Chinese cores and Chinese segments and exported to the United States; and (2) eligible for the certification process.

Preliminary Results of Changed Circumstances Review

Commerce is conducting this CCR in accordance with section 751(b)(1) of the Act. We preliminarily determine that, since the publication of the *Final Determination,* Protech has demonstrated in its CCR request that it is able to identify and segregate diamond sawblades produced in Canada by Protech, using non-Chinese cores and Chinese segments and exported to the United States.

Protech claims that, since the publication of the *Final Determination,* it ''has implemented numerous safeguards at its production facility to . . . ensure that Protech will use only non-Chinese origin cores in any of its diamond sawblades that are exported to the United States.'' [10] Commerce requested Protech to provide a written document describing these implementation plans that were approved by the company, its shareholders, and/or board members, if it is available.[11] In response, Protech provided a company meeting memorandum, a shareholder resolution, and a memorandum to its staff that memorialized the company's new cores coding system.[12] The company meeting and the shareholder resolution took place around the time of the publication of the *Preliminary Determination*.[13]

Protech claims that it can identify non-Chinese cores and Chinese cores with the logos and additional information that the suppliers of cores engraved in the cores, *e.g.,* the part number associated with Protech and the supplier's order number.[14] Further, Protech explains that it identifies the country of origin of each shipment of these cores using a certificate of origin that identifies the manufacturer of the merchandise and the manufacturer's address, a commercial invoice that identifies the manufacturer's country of origin, a bill of lading, and a packing list, as applicable.[15] To support these assertions, Protech provided photos of cores with logos and additional information and documents used to identify the country of origin.[16]

Protech claims that it stores: (1) Non-Chinese cores separately in manufacturer-specific separate storage zones in its production facility; and (2) Chinese cores on shelves in an entirely separate section of its facility.[17] Protech explains that maintaining these separate storage zones helps to ensure that Protech uses only cores stored in certain areas when it produces and exports diamond sawblades to the United States.[18] To support these assertions, Protech provided photos of these storage zones and the blueprint of the production facility with identification of specific storage zones.[19]

Protech claims that it maintains: (1) Production records that track the sources of the cores that it incorporates into diamond sawblades that it produces and exports; and (2) a monitoring system that tracks all aspects of its inventory (including cores) and classifies its suppliers, which also provides details on each item in inventory, including cores.[20]

[10] *See* CCR Request at 2.

[11] *See* Commerce's First Supplemental Questionnaire to Protech dated September 1, 2020.

[12] *See* Protech's First Supplemental Response at 2 and Exhibits 1, 2, and 3.

[13] *See* Protech's First Supplemental Response at 2 (''Shortly after the Department issued its preliminary anti-circumvention determination, Protech held internal meetings . . . Protech recorded the results of its meeting in an internal memorandum, see Exhibit 1, and Protech's shareholders shortly thereafter issued a resolution adopting this determination, see Exhibit 2.''); *see also Diamond Sawblades and Parts Thereof from the People's Republic of China: Preliminary Affirmative Determination of Circumvention,* 84 FR 58130 (October 30, 2019) (*Preliminary Determination*).

[14] *See* CCR Request at 2–3 and Exhibits 1 and 2.

[15] *See* Protech's First Supplemental Response at 5 and Exhibit 5.

[16] *See* CCR Request at Exhibits 1 and 2, and Protech's First Supplemental Response at Exhibit 4.

[17] *See* CCR Request at 3 and Exhibit 3 for non-Chinese cores and Exhibit 4 for Chinese cores; *see also* Protech's First Supplemental Response at 5–6 and Exhibits 6–9.

[18] *See* CCR Request at 3 and Exhibit 3 for non-Chinese cores and Exhibit 4 for Chinese cores; *see also* Protech's First Supplemental Response at 5–6 and Exhibits 6–9.

[19] *See* CCR Request at Exhibit 3 for non-Chinese cores and Exhibit 4 for Chinese cores; *see also* Protech's First Supplemental Response at Exhibits 6–9.

[20] *See* CCR Request at 3 and Exhibits 5–6.

Specifically, Protech explains that, when it receives a shipment of cores at its warehouse, its staff will input information related to that shipment, *e.g.,* core size, core specifications, core supplier, stock-keeping unit numbers, storage zone in Protech's warehouse, and quantity received, in its inventory database.[21] Protech also explains that its production orders, work sheets, and material sheets issued for the production of diamond sawblades trace the country of origin of the cores used in the production process.[22] To support these assertions, Protech provided production and inventory records and computer screenshots of inventory data maintained in its computer record system showing the inventory of cores on a supplier-specific basis.[23] Protech also reported that, during production and quality control and before shipment of finished diamond sawblades, it conducts multiple checks using production orders, worksheets, and material sheets to identify and confirm the country of origin of cores in the finished diamond sawblades.[24] Based on the information provided by Protech, we preliminarily find that Protech is able to identify and effectively segregate diamond sawblades produced in Canada by Protech using non-Chinese cores and Chinese segments from other diamond sawblades produced at its facility.

Based on information provided by Protech, we also preliminarily find that Protech and Gogo are affiliated, in accordance with section 771(33)(F) of the Act and 19 CFR 351.102(b)(3).[25] Therefore, we preliminarily find that diamond sawblades produced in Canada by Protech using Chinese cores and Chinese segments and exported by Gogo to the United States are subject to the antidumping duty order on diamond sawblades from China.

If these preliminary results are adopted in our final results of this CCR, effective on the publication date of our final results, Protech, Gogo and their importers will be eligible, where appropriate, to certify that the diamond sawblades produced in Canada by Protech and exported by either Protech or Gogo were produced using non-Chinese cores and Chinese segments. Attached as Appendix I is draft certification language. Commerce also preliminarily determines, based on the request in this CCR, that no other exporters are eligible for this certification process.[26]

Suspension of Liquidation and Certification Requirements

In accordance with 19 CFR 351.225(l)(3), if the final results of this review remain unchanged from the preliminary results, the suspension of liquidation instructions will remain in effect until further notice. Commerce will direct CBP to suspend liquidation and to require a cash deposit of estimated duties on unliquidated entries of diamond sawblades produced (*i.e.,* assembled or completed) using Chinese cores and Chinese segments by Protech in Canada and exported by Gogo that were entered, or withdrawn from warehouse, for consumption on or after the date of initiation of the CCR.[27]

Diamond sawblades produced by Protech in Canada using non-Chinese cores and Chinese segments and exported from Canada by either Protech or Gogo are not subject to the antidumping duty order on diamond sawblades from China. However, imports of such merchandise are subject to certification requirements, and cash deposits may be required if the certification requirements are not satisfied. Accordingly, if an importer imports finished diamond sawblades produced in Canada by Protech and exported from Canada by either Protech or Gogo and claims that the finished diamond sawblades were produced from non-Chinese cores and Chinese segments, in order not to be subject to cash deposit requirements, the importer and exporter are required to meet the certification and documentation requirements described herein and in the certifications contained in Appendix I. Where no certification is provided for an entry of diamond sawblades produced by Protech in Canada and exported by Protech or Gogo to the United States, and the antidumping duty order on diamond sawblades from China potentially applies to that entry, Commerce intends to instruct CBP to suspend the entry and collect cash deposits at the China-wide rate of 82.05 percent of the entered value of the merchandise.[28] For shipments and/or entry summaries made on or after the date of publication of the initiation of the CCR through 30 days after the date of publication of the final results of CCR for which certifications are required, importers and exporters should complete the required certification within 30 days after the publication of the final results of this CCR in the **Federal Register**. Accordingly, where appropriate, the relevant bullet in the certification should be edited to reflect that the certification was completed within the time frame specified above. For such entries/shipments, importers and exporters each have the option to complete a blanket certification covering multiple entries/shipments, individual certifications for each entry/shipment, or a combination thereof. For shipments and/or entries made on or after 31 days after the date of publication of the final results of this CCR in the **Federal Register**, for which certifications are required, importers should complete the required certification at or prior to the date of entry summary, and exporters should complete the required certification and provide it to the importer at or prior to the date of shipment.

Public Comment

Interested parties may submit case briefs no later than 14 days after the publication of this notice.[29] Rebuttal briefs, which must be limited to issues raised in case briefs, may be filed not later than seven days after the deadline for filing case briefs.[30] Commerce has modified certain of its requirements for serving documents containing business proprietary information until further notice.[31] Parties who submit case briefs or rebuttal briefs in this changed circumstance review are requested to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities. Interested parties that wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and

[21] *See* CCR Request at 3–4 and Exhibits 5–7; *see also* Protech's First Supplemental Response at 6 and Exhibits 10–16.

[22] *See* Protech's First Supplemental Response at 6–7 and Exhibit 11.

[23] *See* CCR Request at Exhibits 5–7 for non-Chinese cores and Exhibit 4 for Chinese cores; *see also* Protech's First Supplemental Response at Exhibits 10–16.

[24] *See* Protech's First Supplemental Response at 3–4, 6–7, and Exhibits 4, 11.

[25] *See* Memorandum, ''Diamond Sawblades and Parts Thereof from the People's Republic of China: Affiliation of Protech Diamond Tools Inc. and Gogo International Inc.'' dated concurrently with this notice, for details containing Protech's business proprietary information.

[26] The circumvention determination covered diamond sawblades produced in Canada by Protech with Chinese cores and Chinese segments and exported by Protech. *See Final Determination,* 85 FR at 9738. Other exporters are not covered by the circumvention determination.

[27] *See Final Determination,* 85 FR at 9739.

[28] *See, e.g., Diamond Sawblades and Parts Thereof from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2016–2017,* 83 FR 64331, 64332 (December 14, 2018).

[29] *See* 19 CFR 351.309(c)(1)(ii). (''Any interested party may submit a 'case brief' within . . . 30 days after the date of publication of the preliminary results of {a changed circumstances} review, *unless the Secretary alters the time limit . . .*'') (Emphasis added).

[30] *See* 19 CFR 351.309(d).

[31] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

Compliance, filed electronically via ACCESS, within 14 days of publication of this notice.[32] The hearing request should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Oral presentations at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

All submissions, with limited exceptions, must be filed electronically using Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov.* An electronically filed document must be received successfully in its entirety by no later than 5:00 p.m. Eastern Time on the date the document is due.

Notifications to Interested Parties

Consistent with 19 CFR 351.216(e), we intend to issue the final results of this CCR no later than 270 days after the date on which this review was initiated, or within 45 days after the publication of the preliminary results if all parties in this review agree to our preliminary results. The final results will include Commerce's analysis of issues raised in any written comments.

We are issuing and publishing this initiation and preliminary results notice in accordance with sections 751(b)(1) and 777(i) of the Act, 19 CFR 351.216, and 19 CFR 351.221(c)(3)(i).

Dated: November 16, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix I—Exporter Certification

Special Instructions: The party that made the sale to the United States should fill out the exporter certification. Only Protech Diamond Tools Inc., and Gogo International Inc., are eligible for this certification process.

I hereby certify that:

(A) My name is {COMPANY OFFICIAL'S NAME} and I am an official of {NAME OF EXPORTING COMPANY}, located at {ADDRESS};

(B) I have direct personal knowledge of the facts regarding the production and exportation of the finished diamond sawblades identified below. ''Direct personal knowledge'' refers to facts the certifying party is expected to have in its own books and records. For example, an exporter should have direct personal knowledge of the producer's identity and location.

(C) Finished diamond sawblades produced in Canada and covered by this certification were not manufactured using cores produced in China.

(D) This certification applies to the following sales to {NAME OF U.S. CUSTOMER}, located at {ADDRESS OF U.S. CUSTOMER}. (repeat this block as many times as necessary):

Foreign Seller's Invoice # to U.S. Customer:
Foreign Seller's Invoice to U.S. Customer Line item #:
Producer Name: Protech Diamond Tools Inc.
Producer's Address: Unit 105, 1626–115 Avenue NE, Calgary, Alberta, Canada T3K 2E4
Producer's Invoice # to Foreign Seller: (If the foreign seller and the producer are the same party, put NA here.)

(E) The finished diamond sawblades covered by this certification were shipped to {NAME OF U.S. PARTY TO WHOM MERCHANDISE WAS SHIPPED}, located at U.S. {ADDRESS TO WHICH MERCHANDISE WAS SHIPPED}.

(F) I understand that {NAME OF EXPORTING COMPANY} is required to maintain a copy of this certification and sufficient documentation supporting this certification (*i.e.,* documents maintained in the normal course of business, or documents obtained by the certifying party, for example, mill certificates, production records, invoices, *etc.*) for the later of (1) a period of five years from the date of entry or (2) a period of three years after the conclusion of any litigation in the United States courts regarding such entries.

(G) I understand that {NAME OF EXPORTING COMPANY} must provide a copy of this Exporter Certification to the U.S. importer by the date of shipment.

(H) I understand that {NAME OF EXPORTING COMPANY} is required to provide a copy of this certification and supporting records, upon request, to U.S. Customs and Border Protection (CBP) and/or the Department of Commerce (Commerce).

(I) I understand that the claims made herein, and the substantiating documentation are subject to verification by CBP and/or Commerce.

(J) I understand that failure to maintain the required certification and/or failure to substantiate the claims made herein, and/or failure to allow CBP and/or Commerce to verify the claims made herein, may result in a *de facto* determination that all sales to which this certification applies are within the scope of the antidumping duty order on diamond sawblades and parts thereof from the People's Republic of China. I understand that such finding will result in:

(i) suspension of all unliquidated entries (and entries for which liquidation has not become final) for which these requirements were not met; and

(ii) the requirement that the importer post applicable antidumping duty cash deposits (as appropriate) equal to the rates as determined by Commerce; and

(iii) the revocation of {NAME OF EXPORTING COMPANY}'s privilege to certify future exports of finished diamond sawblades from Canada as not manufactured using cores from China.

(K) This certification was completed at or prior to the date of shipment;

(L) I am aware that U.S. law (including, but not limited to, 18 U.S.C. 1001) imposes criminal sanctions on individuals who knowingly and willfully make material false statements to the U.S. government.

Signature
NAME OF COMPANY OFFICIAL
TITLE
DATE

Importer Certification

I hereby certify that:

(A) My name is {IMPORTING COMPANY OFFICIAL'S NAME} and I am an official of {NAME OF IMPORTING COMPANY}, located at {ADRESS OF IMPORTING COMPANY}.

(B) I have direct personal knowledge of the facts regarding the importation into the Customs territory of the United States of finished diamond sawblades produced in Canada that entered under entry summary number(s) identified below and are covered by this certification. ''Direct personal knowledge'' refers to facts the certifying party is expected to have in its own records. For example, the importer should have direct personal knowledge of the importation of the product (*e.g.,* the name of the exporter) in its records.

(C) If the importer is acting on behalf of the first U.S. customer, complete this paragraph, if not put ''NA'' at the end of this paragraph: finished diamond sawblades covered by this certification were imported by {NAME OF IMPORTING COMPANY} on behalf of {NAME OF U.S. CUSTOMER}, located at {ADDRESS OF U.S. CUSTOMER}.

(D) Finished diamond sawblades covered by this certification were shipped to {NAME OF PARTY TO WHOM MERCHANDISE WAS FIRST SHIPPED IN THE UNITED STATES}, located at {ADDRESS OF SHIPMENT}.

(E) I have personal knowledge of the facts regarding the production of the finished diamond sawblades identified below. ''Personal knowledge'' includes facts obtained from another party, (*e.g.,* correspondence received by the importer (or exporter) from the producer regarding the country of manufacture of the imported products).

(F) Finished diamond sawblades covered by this certification were not manufactured using cores produced in China.

(G) This certification applies to the following entries (repeat this block as many times as necessary):

Entry Summary #:
Entry Summary Line Item #:
Foreign Seller:
Foreign Seller's address:
Foreign Seller's Invoice #:
Foreign Seller's Invoice Line Item #:
Producer: Protech Diamond Tools Inc.

[32] *See* 19 CFR 351.310(c) (''Any interested party may request that the Secretary hold a public hearing on arguments to be raised in case or rebuttal briefs within 30 days after the date of publication of the . . . preliminary results of review, *unless the Secretary alters this time limit* . . .'') (Emphasis added); *see also* 19 CFR 351.303 for general filing requirements.

Producer's Address: Unit 105, 1626 –115 Avenue NE, Calgary, Alberta, Canada T3K 2E4

(H) I understand that {NAME OF IMPORTING COMPANY} is required to maintain a copy of this certification and sufficient documentation supporting this certification (*i.e.,* documents maintained in the normal course of business, or documents obtained by the certifying party, for example, mill certificates, production records, invoices, *etc.*) for the later of (1) a period of five years from the date of entry or (2) a period of three years after the conclusion of any litigation in the United States courts regarding such entries.

(I) I understand that {NAME OF IMPORTING COMPANY} is required to provide this certification and supporting records to U.S. Customs and Border Protection (CBP) and/or the Department of Commerce (Commerce), upon request by the respective agency.

(J) I understand that {NAME OF IMPORTING COMPANY} is required to maintain a copy of the exporter's certification (attesting to the production and/or export of the imported merchandise identified above), and any supporting records provided by the exporter to the importer, for the later of (1) a period of five years from the date of entry or (2) a period of three years after the conclusion of any litigation in United States courts regarding such entries.

(K) I understand that {NAME OF IMPORTING COMPANY} is required, upon request, to provide a copy of the exporter's certification and any supporting records provided by the exporter to the importer, to CBP and/or Commerce.

(L) I understand that the claims made herein, and the substantiating documentation, are subject to verification by CBP and/or Commerce.

(M) I understand that failure to maintain the required certifications, and/or failure to substantiate the claims made herein, and/or failure to allow CBP and/or Commerce to verify the claims made herein, may result in a *de facto* determination that all entries to which this certification applies are within the scope of the antidumping duty order on diamond sawblades and parts thereof from the People's Republic of China. I understand that such finding will result in:

(i) suspension of liquidation of all unliquidated entries (and entries for which liquidation has not become final) for which these requirements were not met;

(ii) the requirement that the importer post applicable antidumping duty cash deposits (as appropriate) equal to the rates determined by Commerce; and

(iii) the revocation of {NAME OF IMPORTING COMPANY}'s privilege to certify future imports of diamond sawblades from Canada as not manufactured using cores from China.

(N) I understand that agents of the importer, such as brokers, are not permitted to make this certification. Where a broker or other party was used to facilitate the entry process, {NAME OF IMPORTING COMPANY} obtained the entry summary number and date of entry summary from that party.

(O) This certification was completed at or prior to the date of entry summary.

(P) I am aware that U.S. law (including, but not limited to, 18 U.S.C. 1001) imposes criminal sanctions on individuals who knowingly and willfully make material false statements to the U.S. government.

Signature
NAME OF COMPANY OFFICIAL
TITLE
DATE

[FR Doc. 2020–25682 Filed 11–19–20; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–557–820]

Silicon Metal From Malaysia: Postponement of Preliminary Determination in the Less-Than-Fair-Value Investigation

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

DATES: Applicable November 20, 2020.

FOR FURTHER INFORMATION CONTACT: Genevieve Coen at (202) 482–3251, 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 a less-than-fair-value (LTFV) investigation of silicon metal from Malaysia.[1] Currently, the preliminary determination is due no later than December 7, 2020.

Postponement of Preliminary Determinations

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

On October 29, 2020, Globe Specialty Metals, Inc. and Mississippi Silicon LLC (the petitioners) submitted a timely request that Commerce postpone the preliminary determination in this LTFV investigation.[2] The petitioners stated that the postponement request is due to the need for additional time to issue supplemental questionnaires, and to provide time to review and comment upon those responses prior to the preliminary determination. Under the current timeline, the petitioner believes that Commerce will not have complete responses or sufficient information to issue the preliminary determination.[3]

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 and 19 CFR 351.205(e), is postponing the deadline for the preliminary determination by 50 days (*i.e.,* 190 days after the date on which this investigation was initiated). As a result, Commerce will issue its preliminary determination no later than January 26, 2020. In accordance with section 735(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determination in this investigation will continue to be 75 days after the date of the preliminary determination, unless postponed at a later date.

Notification to Interested Parties

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

Dated: November 16, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2020–25635 Filed 11–19–20; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Silicon Metal from Bosnia and Herzegovina, Iceland, and Malaysia: Initiation of Less-Than-Fair-Value Investigations,* 85 FR 45177 (July 27, 2020).

[2] *See* Petitioners' Letter, ''Silicon Metal from the Republic of Malaysia: Petitioners' Request to Postpone Preliminary Antidumping Duty Determination,'' dated October 29, 2020.

[3] *Id.*

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 201105–0292; RTID 0648–XR114]

Endangered and Threatened Wildlife; 90-Day Finding on a Petition To List the Giant Devil Ray as Threatened or Endangered Under the Endangered Species Act

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

ACTION: Notification of 90-Day petition finding.

SUMMARY: We, NMFS, announce a 90-day finding on a petition to list the giant devil ray (*Mobula mobular*) as an endangered or threatened species under the Endangered Species Act (ESA). The petition requests that we list the giant devil ray (*M. mobular*) as a distinct species with a limited range throughout the Mediterranean Sea. Information in our files indicates a recent taxonomic revision that found *M. mobular* and *M. japanica* (spinetail devilray) to be synonymous species (*i.e.,* same taxon described and named more than once independently) with circumglobal distribution in tropical and warm temperate seas. The petition relies on obsolete information to identify the species, and therefore we find that the petition does not present substantial scientific or commercial information indicating that the petitioned action may be warranted.

ADDRESSES: Interested persons may obtain a copy of the petition online at the NMFS website: *https://www.fisheries.noaa.gov/national/endangered-species-conservation/negative-90-day-findings.*

FOR FURTHER INFORMATION CONTACT: Stephania Bolden (727 551–5768) or Lisa Manning (301 427–8466), NMFS Office of Protected Resources, *Stephania.Bolden@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

On February 10, 2020, we received a petition from Friends of Animals to list the giant devil ray (*M. mobular*) as a threatened or endangered species throughout its entire range under the ESA. The petition describes the range of the giant devil ray as being limited to the Mediterranean Sea. The petition also requests that critical habitat be designated for the species in Mediterranean waters. The petition is available online (see **ADDRESSES**).

ESA Statutory, Regulatory, and Policy Provisions and Evaluation Framework

Section 4(b)(3)(A) of the ESA of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires, to the maximum extent practicable, that within 90 days of receipt of a petition to list a species as threatened or endangered, the Secretary of Commerce make a finding on whether that petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted, and to promptly publish such finding in the **Federal Register** (16 U.S.C. 1533(b)(3)(A)). When we find that substantial scientific or commercial information in a petition indicates that the petitioned action may be warranted (a ''positive 90-day finding''), we are required to promptly commence a review of the status of the species concerned, which includes conducting a comprehensive review of the best available scientific and commercial information. In such cases, we conclude the review with a finding as to whether, in fact, the petitioned action is warranted within 12 months of receipt of the petition. Because the finding at the 12-month stage is based on a more thorough review of the available information, as compared to the narrow scope of review at the 90-day stage, a ''may be warranted'' finding does not prejudge the outcome of the status review and 12-month finding.

Under the ESA, a listing determination may address a ''species,'' which is defined to also include subspecies and, for any vertebrate species, any distinct population segment (DPS) that interbreeds when mature (16 U.S.C. 1532(16)). A joint NMFS–U.S. Fish and Wildlife Service (USFWS) policy clarifies the agencies' interpretation of the phrase ''distinct population segment'' for the purposes of listing, delisting, and reclassifying a species under the ESA (61 FR 4722; February 7, 1996). A species, subspecies, or DPS is ''endangered'' if it is in danger of extinction throughout all or a significant portion of its range, and ''threatened'' if it is likely to become endangered within the foreseeable future throughout all or a significant portion of its range (ESA sections 3(6) and 3(20), respectively, 16 U.S.C. 1532(6) and (20)). Pursuant to the ESA and our implementing regulations, we determine whether species are threatened or endangered based on any one or a combination of the following five section 4(a)(1) factors: The present or threatened destruction, modification, or curtailment of habitat or range; overutilization for commercial, recreational, scientific, or educational purposes; disease or predation; inadequacy of existing regulatory mechanisms; and any other natural or manmade factors affecting the species' existence (16 U.S.C. 1533(a)(1), 50 CFR 424.11(c)).

ESA-implementing regulations issued jointly by NMFS and USFWS (50 CFR 424.14(h)(1)(i) define ''substantial scientific or commercial information'' in the context of reviewing a petition to list, delist, or reclassify a species as credible scientific or commercial information in support of the petition's claims such that a reasonable person conducting an impartial scientific review would conclude that the action proposed in the petition may be warranted. Conclusions drawn in the petition without the support of credible scientific or commercial information will not be considered ''substantial information.'' In reaching the initial (90-day) finding on the petition, we will consider the information described in sections 50 CFR 424.14(c), (d), and (g) (if applicable). Our determination as to whether the petition provides substantial scientific or commercial information indicating that the petitioned action may be warranted depends in part on the degree to which the petition includes the following types of information: (1) Information on current population status and trends and estimates of current population sizes and distributions, both in captivity and the wild, if available; (2) identification of the factors under section 4(a)(1) of the ESA that may affect the species and where these factors are acting upon the species; (3) whether and to what extent any or all of the factors alone or in combination identified in section 4(a)(1) of the ESA may cause the species to be an endangered species or threatened species (*i.e.,* the species is currently in danger of extinction or is likely to become so within the foreseeable future), and, if so, how high in magnitude and how imminent the threats to the species and its habitat are; (4) information on adequacy of regulatory protections and effectiveness of conservation activities by States as well as other parties, that have been initiated or that are ongoing, that may protect the species or its habitat; and (5) a complete, balanced representation of the relevant facts, including information that may contradict claims in the petition. See 50 CFR 424.14(d).

We may also consider information readily available at the time the determination is made. We are not required to consider any supporting materials cited by the petitioner if the petitioner does not provide electronic or

hard copies, to the extent permitted by U.S. copyright law, or appropriate excerpts or quotations from those materials (*e.g.,* publications, maps, reports, letters from authorities). See 50 CFR 424.14(c)(6).

At the 90-day finding stage, we evaluate the petitioners' request based upon the information in the petition including its references and the information readily available in our files. We do not conduct additional research, and we do not solicit information from parties outside the agency to help us in evaluating the petition. We will accept the petitioners' sources and characterizations of the information presented if they appear to be based on accepted scientific principles, unless we have specific information in our files that indicates the petition's information is incorrect, unreliable, obsolete, or otherwise irrelevant to the requested action. Information that is susceptible to more than one interpretation or that is contradicted by other available information will not be dismissed at the 90-day finding stage, so long as it is reliable and a reasonable person would conclude it supports the petitioners' assertions. Conclusive information indicating that the species may meet the ESA's requirements for listing is not required to make a positive 90-day finding. We will not conclude that a lack of specific information alone negates a positive 90-day finding if a reasonable person would conclude that the unknown information itself suggests an extinction risk of concern for the species at issue.

To make a 90-day finding on a petition to list a species, we evaluate whether the petition presents substantial scientific or commercial information indicating that the subject species may be either threatened or endangered, as defined by the ESA. First, we evaluate whether the information presented in the petition, along with the information readily available in our files, indicates that the petitioned entity constitutes a ''species'' eligible for listing under the ESA. Next, we evaluate whether the information indicates that the species faces an extinction risk that is cause for concern; this may be indicated in information expressly discussing the species' status and trends, or in information describing impacts and threats to the species. We evaluate any information on specific demographic factors pertinent to evaluating extinction risk for the species (*e.g.,* population abundance and trends, productivity, spatial structure, age structure, sex ratio, diversity, current and historical range, habitat integrity or fragmentation), and the potential contribution of identified demographic risks to extinction risk for the species. We then evaluate the potential links between these demographic risks and the causative impacts and threats identified in section 4(a)(1).

Information presented on impacts or threats should be specific to the species and should reasonably suggest that one or more of these factors may be operative threats that act or have acted on the species to the point that it may warrant protection under the ESA. Broad statements about generalized threats to the species, or identification of factors that could negatively impact a species, do not constitute substantial information indicating that listing may be warranted. We look for information indicating that not only is the particular species exposed to a factor, but that the species may be responding in a negative fashion; then we assess the potential significance of that negative response.

Many petitions identify risk classifications made by non-governmental organizations, such as the International Union for the Conservation of Nature (IUCN), the American Fisheries Society, or NatureServe, as evidence of extinction risk for a species. Risk classifications by other organizations or made under other Federal or state statutes may be informative, but such classification alone may not provide the rationale for a positive 90-day finding under the ESA. For example, as explained by NatureServe, their assessments of a species' conservation status do ''not constitute a recommendation by NatureServe for listing under the U.S. Endangered Species Act'' because NatureServe assessments ''have different criteria, evidence requirements, purposes and taxonomic coverage than government lists of endangered and threatened species, and therefore these two types of lists should not be expected to coincide'' (*https://explorer.natureserve.org/AboutTheData/DataTypes/ConservationStatusCategories*). Additionally, species classifications under IUCN and the ESA are not equivalent; data standards, criteria used to evaluate species, and treatment of uncertainty are also not necessarily the same. Thus, when a petition cites such classifications, we will evaluate the source of information that the classification is based upon in light of the standards on extinction risk and impacts or threats discussed above.

Analysis of the Petition and Information Readily Available in NMFS Files

As mentioned above, in analyzing the request of the petitioner, we first evaluate whether the information presented in the petition, along with information readily available in our files, indicates that the petitioned entity constitutes a ''species'' eligible for listing under the ESA.

To evaluate the petition, we first looked at the taxonomic description in the petition that referred to the *M. mobular* by one of its common names, ''giant devil ray.'' The petition includes a ''full taxonomic classification'' of the giant devil ray, and identifies *M. mobular* (*Raia mobular* Bonnaterre 1778) within the genus *Mobula.* The petition then asserts there are nine different species of the devil ray and lists them as: Giant devil ray (*M. mobular*), lesser Guinean devil ray (*M. rochebrunei*), Chilean devil ray (*M. tarapacana*), pygmy devil ray (*M. eregoodootenkee*), smoothtail Mobula (*M. munkiana*), bentfin devil ray (*M. thurstoni*), spinetail devil ray (*M. japanica*), Atlantic devil ray (*M. hypostoma*), and the shortfin devil ray (*M. kuhlii*). The petition cites the *M. mobular* 2015 IUCN Red List Report (Notarbartolo di Sciara *et al.* 2015) as reference for the taxonomy of the giant devil ray and includes as the source a 12-page document downloaded from the IUCN website (Notarbartolo di Sciara *et al.* 2015; that appears to be downloaded on January 24, 2020). However, this source citation for the taxonomic description provided by the petitioner includes on the first page next to the scientific name of the species the statement: ''This concept is no longer recognized.''

The 2019 IUCN Red List Report for *M. mobular* (Marshall *et al.* 2019), which was readily available in our files, describes a 2017 taxonomic revision that combines the individuals previously identified as *M. japanica* with those classified as *M. mobular.* Citing both morphological examination and an increased understanding of molecular genetics, the 2017 taxonomic revision found *M. japanica* to be a junior synonym to the senior *M. mobular* (White *et al.* 2017 with agreement by Hosegood *et al.* 2018). This taxonomic revision is reflected in the 2019 IUCN Red List Report (Marshall *et al.* 2019), which no longer recognizes *M. japanica* and identifies the range of *M. mobular* as ''circumglobal in temperate and tropical waters throughout all oceans.''

Thus, while the petition identifies *M. mobular* as a species separate from *M. japanica,* recent improved knowledge of phylogenetic relationships, available when the petition was submitted to NMFS in 2020, indicates the species is no longer a valid concept. Information in our files, as well as the source citation submitted with the petition (IUCN Red List 2015), clearly indicate the species identified in the petition is based on an obsolete taxonomic classification.

Because we concluded that the petition does not identify a valid species for listing, we do not need to evaluate whether the information in the petition indicates the species may be an endangered or threatened species based on ESA section 4(a)(1) factors. Furthermore, our regulations specify that critical habitat will not be designated within foreign countries or in areas outside the jurisdiction of the United States (50 CFR 424.12(g)). Thus, we conclude that the petition does not meet the requirements outlined in our regulations indicating that the petitioned action may be warranted.

Petition Finding

After reviewing the information contained in the petition, as well as information readily available in our files, we conclude that because of a recent taxonomic revision the species identified in the petition is no longer a valid concept. Therefore, the petition does not present substantial scientific or commercial information indicating the requested actions may be warranted. We note our regulations (50 CFR 424.12(g)) specify that critical habitat will not be designated within foreign countries or in areas outside the jurisdiction of the United States.

References Cited

A complete list of references is available upon request to the NMFS Office of Protected Resources (see **FOR FURTHER INFORMATION CONTACT**).

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: November 10, 2020.

Samuel D. Rauch, III,

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

[FR Doc. 2020–25625 Filed 11–19–20; 8:45 am]

BILLING CODE 3510–22–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to and deletions from the Procurement List.

SUMMARY: The Committee is proposing to add service(s) to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes service(s) previously furnished by such agencies.

DATES: *Comments must be received on or before:* December 20, 2020.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 603–2117, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the service(s) listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

The following service(s) are proposed for addition to the Procurement List for production by the nonprofit agencies listed:

Service(s)

Service Type: Grounds Maintenance Service
Mandatory for: US Army, US Army Communications-Electronics Command Headquarters, Aberdeen Proving Ground, MD
Designated Source of Supply: Chimes District of Columbia, Baltimore, MD
Contracting Activity: DEPT OF THE ARMY, W6QK ACC–APG DIR

Deletions

The following service(s) are proposed for deletion from the Procurement List:

Service(s)

Service Type: Document Destruction
Mandatory for: Internal Revenue Service: 40 West Baseline, Suite 211, Tempe, AZ
Mandatory for: Internal Revenue Service: 1244 Speer Blvd., Denver, CO
Mandatory for: Internal Revenue Service: 56 and 58 Inverness Drive E, Englewood, CO
Mandatory for: Internal Revenue Service: 4750 West Oak Boulevard, Las Vegas, NV
Mandatory for: Internal Revenue Service: 210 E Earl Drive, Phoenix, AZ
Mandatory for: Internal Revenue Service: 50 South 200 East, Salt Lake City, UT
Mandatory for: Internal Revenue Service: 8671 Wolff Ct, Westminster, CO
Designated Source of Supply: Northwest Center, Seattle, WA
Contracting Activity: INTERNAL REVENUE SERVICE, DEPT OF TREAS/INTERNAL REVENUE SERVICE

Michael R. Jurkowski,

Deputy Director, Business & PL Operations.

[FR Doc. 2020–25636 Filed 11–19–20; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket Number DARS–2020–0020; OMB Control Number 0704–0252]

Submission for OMB Review; Comment Request

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Notice.

SUMMARY: The Defense Acquisition Regulations System has submitted to OMB for clearance, the following proposed revision and extension of a collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by December 21, 2020.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Part 251, Use of Government Sources by Contractors, and a related clause at DFARS 252.251; OMB Control Number 0704–0252.

Type of Request: Revision of a currently approved collection.

Affected Public: Businesses or other for-profit and not-for profit institutions.

Respondent's Obligation: Required to obtain or retain benefits.

Number of Respondents: 1,414.

Responses per Respondent: 7.8, approximately.

Annual Responses: 11,058.

Average Burden per Response: .5 hour.

Annual Burden Hours: 5,529.

Reporting Frequency: On occasion.

Needs and Uses: This information collection includes requirements relating to DFARS part 251, Contractor Use of Government Supply Sources, and the clause at DFARS 252.251–7000, Ordering from Government Supply Sources. This information collection permits contractors to place orders from Government supply sources, including Federal Supply Schedules, requirements contracts, and Government stock. Contractors are required to provide a copy of their written authorization to use Government supply sources with their order. The authorization is used by the Government source of supply to verify that a contractor is authorized to place such orders and under what conditions. The clause at DFARS 252.251–7000, Ordering from Government Supply Sources, requires a contractor to provide a copy of the authorization when placing an order under a Federal Supply Schedule, a Personal Property Rehabilitation Price Schedule, or an Enterprise Software Agreement.

Comments and recommendations on the proposed information collection should be sent to Ms. Susan Minson, DoD Desk Officer, at *Oira_submission@omb.eop.gov.* Please identify the proposed information collection by DoD Desk Officer and the Docket ID number and title of the information collection.

You may also submit comments, identified by docket number and title, by the following method: *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

DoD Clearance Officer: Ms. Angela James. Requests for copies of the information collection proposal should be sent to Ms. James at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Jennifer D. Johnson,

Regulatory Control Officer, Defense Acquisition Regulations System.

[FR Doc. 2020–25707 Filed 11–19–20; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket DARS–2020–0025; OMB Control Number 0704–0248]

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement (DFARS); Inspection and Receiving Report

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Notice.

SUMMARY: The Defense Acquisition Regulations System has submitted to OMB for clearance, the following proposed revision and extension of a collection of information under the provisions of the Paperwork Reduction Act.

DATES: DoD will consider all comments received by December 21, 2020.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS), Appendix F, Material Inspection and Receiving Report; OMB Control Number 0704–0248.

Type of Request: Revision and extension.

Affected Public: Businesses or other for-profit and not-for profit institutions.

Respondent's Obligation: Required to obtain or retain benefits.

Respondents: 148,885.

Responses per Respondent: 19.5, approximately.

Annual Responses: 2,900,000.

Hours per response: 0.05.

Estimated Hours: 145,000

Reporting Frequency: On occasion.

Needs and Uses: This information collection is necessary to process shipping and receipt documentation for contractor-provided goods and services and permit payment under DoD contracts. This information collection includes the requirements of DFARS Appendix F, Material Inspection and Receiving Report. Appendix F contains procedures and instructions for submission of contractor payment requests and receiving reports using Wide Area WorkFlow (WAWF). 10 U.S.C. 2227(c) requires electronic submission and processing of claims for contract payments under DoD contracts. DoD has designated WAWF as the platform for contractors to submit payment requests and supporting documentation, including receiving reports. WAWF supports the preparation and distribution of electronic equivalents for the DD Form 250, Material Inspection and Receiving Report, and DD Form 250 series equivalents for repair of Government property and energy-related overland or waterborne shipments.

Comments and recommendations on the proposed information collection should be sent to Ms. Susan Minson, DoD Desk Officer, at *Oira_submission@omb.eop.gov.* Please identify the proposed information collection by DoD Desk Officer and the Docket ID number and title of the information collection.

You may also submit comments, identified by docket number and title, by the following method: Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.

DoD Clearance Officer: Ms. Angela James. Requests for copies of the information collection proposal should be sent to Ms. James at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Jennifer D. Johnson,

Regulatory Control Officer, Defense Acquisition Regulations System.

[FR Doc. 2020–25706 Filed 11–19–20; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

[Docket Number: DARS–2020–0021; OMB Control Number 0704–0272]

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement; Occupational Safety, Drug-Free Work Force and Related Clauses

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Notice.

SUMMARY: The Defense Acquisition Regulations System has submitted to OMB for clearance, the following proposed revision and extension of a collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by December 21, 2020.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Environment, Energy and Water Efficiency, Renewable Energy Technologies, Occupational Safety, and Drug-free Workplace—DoD FAR Supplement Part 223; OMB Control Number 0704–0272.

Type of Request: Revision.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Respondent's Obligation: Required to obtain or retain benefits.

Respondents: 4,527.

Annual Responses: 70,346.

Estimated Hours: 581,165 hours (48,525 reporting hours and 532,640 recordkeeping hours).

Reporting Frequency: On occasion.

Needs and Uses: This information collection requires that an offeror or contractor submit information to DoD in response to DFARS solicitations, four contract clauses relating to occupational safety and one clause relating to the drug-free work force program. DoD contracting officers use this information to—

○ Verify compliance with requirements for labeling of hazardous materials;

○ Ensure contractor compliance and monitor subcontractor compliance with DoD 4145.26–M, DoD Contractors' Safety Manual for Ammunition and Explosives, and minimize risk of mishaps;

○ Identify the place of performance of all ammunition and explosives work; and

○ Ensure contractor compliance and monitor subcontractor compliance with DoD 5100.76–M, Physical Security of Sensitive Conventional Arms, Ammunition, and Explosives.

○ Ensure compliance with the clause program requirements with regard to programs for achieving the objective of a drug-free work force; requires contractor recordkeeping.

This information collection addresses the following requirements:

○ *DFARS 252.223–7001, Hazard Warning Labels.* Paragraph (c) requires all offerors to list which hazardous materials will be labeled in accordance with certain statutory requirements instead of the Hazard Communication Standard. Paragraph (d) requires only the apparently successful offeror to submit, before award, a copy of the hazard warning label for all hazardous materials not listed in paragraph (c) of the clause.

○ *DFARS 252.223–7002, Safety Precautions for Ammunition and Explosives.* Paragraph (c)(2) requires the contractor, within 30 days of notification of noncompliance with DoD 4145.26–M, to notify the contracting officer of actions taken to correct the noncompliance. Paragraph (d)(1) requires the contractor to notify the contracting officer immediately of any mishaps involving ammunition or explosives. Paragraph (d)(3) requires the contractor to submit a written report of the investigation of the mishap to the contracting officer. Paragraph (g)(4) requires the contractor to notify the contracting officer before placing a subcontract for ammunition or explosives.

○ *DFARS 252.223–7003, Changes in Place of Performance—Ammunition and Explosives.* Paragraph (a) requires the offeror to identify, in the Place of Performance provision of the solicitation, the place of performance of all ammunition and explosives work covered by the Safety Precautions for Ammunition and Explosives clause of the solicitation. Paragraphs (b) and (c) require the offeror or contractor to obtain written permission from the contracting officer before changing the place of performance after the date set for receipt of offers or after contract award.

○ *DFARS 252.223–7007, Safeguarding Sensitive Conventional Arms, Ammunition, and Explosives.* Paragraph (e) requires the contractor to notify the cognizant Defense Security Service field office within 10 days after award of any subcontract involving sensitive conventional arms, ammunition, and explosives within the scope of DoD 5100.76–M.

○ *DFARS 252.223–7004, Drug-Free Work Force.* The clause requires that certain contractors maintain records necessary to demonstrate reasonable efforts to eliminate the unlawful use by contractor employees of controlled substances. DoD does not regularly collect any information with regard to this clause.

Comments and recommendations on the proposed information collection should be sent to Ms. Susan Minson, DoD Desk Officer, at *Oira_submission@omb.eop.gov*. Please identify the proposed information collection by DoD Desk Officer and the Docket ID number and title of the information collection.

You may also submit comments, identified by docket number and title, by the following method: Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the instructions for submitting comments.

DoD Clearance Officer: Ms. Angela James. Requests for copies of the information collection proposal should be sent to Ms. James at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Jennifer D. Johnson,

Regulatory Control Officer, Defense Acquisition Regulations System.

[FR Doc. 2020–25708 Filed 11–19–20; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket Number DARS–2020–0023; OMB Control Number 0704–0446]

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement (DFARS), Evaluation Factor for Use of Members of the Armed Forces Selected Reserve; Submission for OMB Review; Comment Request

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Notice.

SUMMARY: The Defense Acquisition Regulations System has submitted to OMB for clearance, the following proposed extension of a collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by December 21, 2020.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS), Evaluation Factor for Use of Members of the Armed Forces Selected Reserve; OMB Control Number 0704–0446.

Type of Request: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit and not-for profit institutions.

Respondent's Obligation: Required to obtain or retain benefits.

Reporting Frequency: On occasion.

Number of Respondents: 13.

Responses per Respondent: 1.

Annual Responses: 13.

Average Burden per Response: Approximately 20 hours.

Annual Burden Hours: 260.

Needs and Uses: DFARS 215.370–3 prescribes the use of the provision at DFARS 252.215–7005, Evaluation Factor for Employing or Subcontracting with Members of the Selected Reserve, in solicitations that include an evaluation factor to provide a preference for offerors that intend to perform the contract using employees or individual subcontractors who are members of the Selected Reserve. The documentation provided by an offeror with their proposal will be used by contracting officers to validate that Selected Reserve members will be utilized in the performance of the contract. This information collection implements a requirement of section 819 of the National Defense Authorization Act for Fiscal Year 2006 (Pub. L. 109–163).

Comments and recommendations on the proposed information collection should be sent to Ms. Susan Minson, DoD Desk Officer, at *Oira_submission@omb.eop.gov.* Please identify the proposed information collection by DoD Desk Officer and the Docket ID number and title of the information collection.

You may also submit comments, identified by docket number and title, by the following method: *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

DoD Clearance Officer: Ms. Angela James. Requests for copies of the information collection proposal should be sent to Ms. James at *whs.mc-alex.esd.mbx.dd/dod/information/collections@mail.mil.*

Jennifer D. Johnson,

Regulatory Control Officer, Defense Acquisition Regulations System.

[FR Doc. 2020–25710 Filed 11–19–20; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket Number DARS–2017–0003; OMB Control Number 0704–0386]

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement; Small Business Programs; Submission for OMB Review; Comment Request

AGENCY: Defense Acquisition Regulations System; Department of Defense (DoD).

ACTION: Notice.

SUMMARY: The Defense Acquisition Regulations System has submitted to OMB for clearance, the following proposed extension of a collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by December 21, 2020.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Part 219, Small Business Programs, and Associated Clause in Part 252; OMB Control Number 0704–0386.

Type of Request: Renewal of a currently approved collection.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Respondent's Obligation: Required to obtain or retain benefits.

Number of Respondents: 41.

Responses per Respondent: 1.

Annual Responses: 41.

Average Burden per Response: 1 hour.

Annual Burden Hours: 41.

Reporting Frequency: On occasion.

Needs and Uses: This information collection includes requirements relating to DFARS part 219, Small Business Programs, and the clause at DFARS 252.219–7003, Small Business Subcontracting Plan (DoD Contracts). DoD needs this information to improve administration under the small business subcontracting program and to evaluate a contractor's past performance in complying with its subcontracting plan.

The clause at DFARS 252.219–7003 is prescribed for use in solicitations and contracts that include the clause at FAR 52.219–9, Small Business Subcontracting Plan. Paragraph (e) of the DFARS clause requires the contractor to notify the contracting officer, in writing, of any substitutions of firms that are not small business firms, for the small business firms specifically identified in the subcontracting plan. The notification is necessary when (1) a prime contractor has identified specific small business concerns in its subcontracting plan, and (2) after contract award, substitutes one of the small businesses identified in its subcontracting plan with a firm that is not a small business. The intent of this information collection is to alert the contracting officer of this situation.

Comments and recommendations on the proposed information collection should be sent to Ms. Susan Minson, DoD Desk Officer, at *Oira_submission@omb.eop.gov.* Please identify the proposed information collection by DoD Desk Officer and the Docket ID number and title of the information collection.

You may also submit comments, identified by docket number and title, by the following method: *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

DoD Clearance Officer: Ms. Angela James. Requests for copies of the information collection proposal should be sent to Ms. James at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Jennifer D. Johnson,

Regulatory Control Officer, Defense Acquisition Regulations System.

[FR Doc. 2020–25709 Filed 11–19–20; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Notice of Calendar Year (CY) 2021 TRICARE Prime and TRICARE Select Out-of-Pocket Expenses

AGENCY: Office of the Secretary, Department of Defense.

ACTION: TRICARE notice.

SUMMARY: This notice provides the CY 2021 TRICARE Prime and TRICARE Select out-of-pocket expenses.

DATES: The CY21 rates contained in this notice are effective on or after January 1, 2021.

ADDRESSES: Defense Health Agency (DHA), TRICARE Health Plan, 7700 Arlington Boulevard, Suite 5101, Falls Church, Virginia 22042–5101.

FOR FURTHER INFORMATION CONTACT: Mark A. Ellis, telephone (703) 275–6234.

SUPPLEMENTARY INFORMATION: The National Defense Authorization Acts (NDAAs) for Fiscal Year (FY) 2012 and 2017 established rates for TRICARE beneficiary out-of-pocket expenses and how they may be increased by either the annual cost of living adjustment (COLA) percentage used to increase military retired pay or via budget neutrality rules. The FY 2021 retiree COLA increase is 1.3%.

The DHA has updated the CY21 out-of-pocket expenses as shown below:

BILLING CODE 5001–06–P

Calendar Year 2021 TRICARE Prime and TRICARE Select Out-of-Pocket Expenses
Active Duty Family Members (ADFM) Category
Page 1 of 1

Out of Pocket Expense		Select Group A CY21	Select Group B CY21	Prime* Group A CY21	Prime* Group B CY21
Annual enrollment fee	*Individual*	$0.00	$0.00	$0.00	$0.00
	Family	$0.00	$0.00	$0.00	$0.00
Annual deductible	*E1-E4, individual*	$50.00	$52.00	$0.00	$0.00
	E1-E4, family	$100.00	$105.00	$0.00	$0.00
	E5 & above, individual	$150.00	$158.00	$0.00	$0.00
	E5 & above, family	$300.00	$317.00	$0.00	$0.00
Annual catastrophic cap		$1,000.00	$1,058.00	$1,000.00	$1,058.00
Preventive visit		$0.00	$0.00	$0.00	$0.00
Primary care		$22.00 (IN) 20% (OON)	$15.00 (IN) 20% (OON)	$0.00	$0.00
Specialty care		$34.00 (IN) 20% (OON)	$26.00 (IN) 20% (OON)	$0.00	$0.00
ER visit		$93.00 (IN) 20% (OON)	$42.00 (IN) 20% (OON)	$0.00	$0.00
Urgent care center visit		$22.00 (IN) 20% (OON)	$21.00 (IN) 20% (OON)	$0.00	$0.00
Ambulatory surgery		$25.00 (IN or OON)	$26.00 (IN) 20% (OON)	$0.00	$0.00
Ambulance, outpatient ground		$70.00 (IN) 20% (OON)	$15.00 (IN) 20% (OON)	$0.00	$0.00
Ambulance, outpatient air		20% (IN or OON)	20% (IN or OON)	$0.00	$0.00
Durable medical equipment		15% (IN) 20% (OON)	10% (IN) 2 0% (OON)	$0.00	$0.00
Inpatient admission		$20.15 per day; $25.00 min. per admission	$63.00 per adm. (IN); 20% (OON)	$0.00	$0.00
Inpatient SNF/rehab facility		$20.15 per day; $25.00 min. per admission	$26.00 per day (IN); $52.00 per day (OON)	$0.00	$0.00

** When TRICARE Prime enrollees other than active duty service members self-refer to specialty or non-emergent inpatient care without a referral from a network provider and/or authorization from the regional contractor, the TRICARE Point of Service deductible and copayment applies in lieu of TRICARE Prime copayments.

Calendar Year 2021 TRICARE Prime and TRICARE Select Out-of-Pocket Expenses Retiree Beneficiary Category Page 1 of 2					
Out of Pocket Expense		**Select Group A CY21**	**Select Group B CY21**	**Prime** Group A CY21**	**Prime** Group B CY21**
Annual enrollment fee	*Individual*	$150.00	$474.00	$303.00	$366.00
	Family	$300.00	$948.00	$606.00	$732.00
Annual deductible	*Individual*	$150.00	$158.00 (IN); $317.00 (OON)	$0.00	$0.00
	Family	$300.00	$317.00 (IN); $634.00 (OON)	$0.00	$0.00
Annual catastrophic cap		$3,500.00	$3,703.00	$3,000.00	$3,703.00
Preventive visit		$0.00	$0.00	$0.00	$0.00
Primary care		$30.00 (IN) 25% (OON)	$26.00 (IN) 25% (OON)	$21.00	$21.00
Specialty care		$46.00 (IN) 25% (OON)	$42.00 (IN) 25% (OON)	$31.00	$31.00
ER visit		$125.00 (IN) 25% (OON)	$84.00 (IN) 25% (OON)	$63.00	$63.00
Urgent care center visit		$30.00 (IN) 25% (OON)	$42.00 (IN) 25% (OON)	$31.00	$31.00
Ambulatory surgery		20% (IN) 25% (OON)	$100.00 (IN) 25% (OON)	$63.00	$63.00
Ambulance, outpatient ground		$93.00 (IN) 25% (OON)	$63.00 (IN) 25% (OON)	$42.00	$42.00
Ambulance, outpatient air		25% (IN or OON)	25% (IN or OON)	$20.00	$20.00

Calendar Year 2021 TRICARE Prime and TRICARE Select Out-of-Pocket Expenses
Retiree Beneficiary Category
Page 2 of 2

Out of Pocket Expense		Select Group A CY21	Select Group B CY21	Prime** Group A CY21	Prime** Group B CY21
Durable medical equipment		20% (IN) 25% (OON)	20% (IN) 25% (OON)	20%	20%
Inpatient admission	*In-network*	$250.00/day up to 25% of hospital charges, plus 20% of sep. billed services	$185.00 per adm	$158.00 per adm	$158.00 per adm
	Out of network	ǂ $1,035.00/day up to 25% of hosp. charges, plus 25% of sep. billed services	ǂ 25%	$158.00 per adm	$158.00 per adm
Inpatient SNF/rehab facility		$250.00/day up to 25% of hospital charges, plus 20% of sep. billed services (IN); 25% (OON)	$52.00 per day (IN); lesser of $317.00 per day or 20% (OON)	$31.00 per day	$31.00 per day

ǂ This is the CY 2020 rate. The CY21 out of pocket expense will be available mid-December once the DRG payment rates are calculated.

* When TRICARE Prime enrollees other than active duty service members self-refer to specialty or non-emergent inpatient care without a referral from a network provider and/or authorization from the regional contractor, the TRICARE Point of Service deductible and copayment applies in lieu of TRICARE Prime copayments.

The CY21 rates contained in this notice are effective on or after January 1, 2021.

Dated: November 17, 2020.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2020–25700 Filed 11–19–20; 8:45 am]

BILLING CODE 5001–06–C

DEPARTMENT OF EDUCATION

Applications for New Awards; Research Networks Focused on Critical Problems of Education Policy and Practice, and Transformative Research in the Education Sciences

AGENCY: Institute of Education Sciences, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education (Department) is issuing a notice inviting applications for new awards for fiscal year (FY) 2021 for the Research Networks Focused on Critical Problems of Education Policy and Practice, and the Transformative Research in the Education Sciences Grant Programs, Assistance Listing Numbers 84.305N and 84.305T. This notice relates to the approved information collection under OMB control number 4040–0001.

DATES: Applications Available: December 17, 2020. Deadline for Transmittal of Applications: February 25, 2021.

ADDRESSES: For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 13, 2019 (84 FR 3768) and available at *www.govinfo.gov/content/pkg/FR-2019-02-13/pdf/2019-02206.pdf.*

FOR FURTHER INFORMATION CONTACT: For the Research Networks Focused on Critical Problems of Education Policy and Practice competition (84.305N): Meredith Larson. Telephone: (202) 245–7037. Email: *Meredith.Larson@ed.gov.* For the Transformative Research in the Education Sciences competition (84.305T): Erin Higgins. Telephone: (202) 706–8509. Email: *Erin.Higgins@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:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: Through the National Center for Education Research (NCER), the Institute of Education Sciences (Institute) provides support for programs of research in areas of demonstrated national need. The Institute's research grant programs are designed to provide interested

individuals and the general public with reliable and valid information about education practices that support learning and improve academic achievement and access to education opportunities for all learners.

Through the Research Networks Focused on Critical Problems of Education Policy and Practice grant program, NCER focuses resources and attention on specific education problems or issues that are a high priority for the Nation, and establishes both a structure and process for researchers who are working on these issues to share ideas, build new knowledge, and strengthen their research and dissemination capacity. The Institute is establishing both the Adult Skills Network and the Digital Learning Platforms Network to fulfill the requirements in section 133(c)(1) of the Education Sciences Reform Act of 2002 for national research and development centers.

Through the Transformative Research in the Education Sciences grant program, NCER intends to support innovative or unconventional research that has the potential to lead to new scientific paradigms, new and more effective approaches to education practice or policy, or transformative technologies that substantially increase learner outcomes.

Competitions in This Notice: The Institute's NCER is announcing two competitions—one competition in research networks and one competition in transformative research.

Research Networks Focused on Critical Problems of Education Policy and Practice. Under this competition, NCER will consider only applications that address one of the following topics:

- Adult Skills Network, which includes:
  - Network Lead.
  - Research Teams.
- Digital Learning Platforms Network, which includes:
  - Network Lead.
  - Platform Development Teams.

Transformative Research in the Education Sciences. Under this competition, NCER will consider only applications that demonstrate the potential to produce a major impact in an area relevant to the Institute's mission through innovative or unconventional research.

Exemption from Proposed Rulemaking: Under section 191 of the Education Sciences Reform Act, 20 U.S.C. 9581, the Institute is not subject to section 437(d) of the General Education Provisions Act, 20 U.S.C. 1232(d), and is therefore not required to offer interested parties the opportunity to comment on priorities, selection criteria, definitions, and requirements.

Program Authority: 20 U.S.C. 9501 *et seq.*

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 77, 81, 82, 84, 86, 97, 98, and 99. In addition, the regulations in 34 CFR part 75 are applicable, except for the provisions in 34 CFR 75.100, 75.101(b), 75.102, 75.103, 75.105, 75.109(a), 75.200, 75.201, 75.209, 75.210, 75.211, 75.217(a)-(c), 75.219, 75.220, 75.221, 75.222, 75.230, and 75.708. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

Note: The open licensing requirement in 2 CFR 3474.20 does not apply for these competitions.

Note: Projects must be awarded and operated in a manner consistent with the nondiscrimination requirements contained in the U.S. Constitution and the Federal civil rights laws.

II. Award Information

Types of Awards: Cooperative agreements.

Fiscal Information: Although Congress has not yet enacted an appropriation for FY 2021, the Institute is inviting applications for these competitions now so that applicants can have adequate time to prepare their applications. The actual level of funding, if any, depends on final congressional action.

Estimated Range of Awards: For the Research Networks Focused on Critical Problems of Education Policy and Practice competition (84.305N): $1,000,000 to $3,800,000. For the Transformative Research in the Education Sciences competition (84.305T): $500,000 to $3,000,000. The size of the awards will depend on the type and scope of the projects proposed.

Estimated Number of Awards: The number of awards made under each competition will depend on the quality of the applications received, the availability of funds, and the following limits on awards for the Research Networks Focused on Critical Problems of Education Policy and Practice competition.

The Institute may waive any of the following limits on awards for Research Networks Focused on Critical Problems of Education Policy and Practice competition in the special case that the peer review process results in a tie between two or more grant applications, making it impossible to adhere to the limits without funding only some of the equally ranked applications. In that case, the Institute may make a larger number of awards to include all applications of the same rank.

For the Research Networks Focused on Critical Problems of Education Policy and Practice competition, we intend to fund up to six grants for research teams and one grant for the network lead under the Adult Skills topic; and we intend to fund up to five grants for platform development teams and one grant for the network lead under the Digital Learning Platforms topic. However, should funding be available, we may consider making additional awards to high-quality applications that remain unfunded after these maximum limits are met.

For both competitions, contingent on the availability of funds and the quality of applications, we may make additional awards in FY 2022 from the list of highly rated unfunded applications from the FY 2021 competitions.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

III. Eligibility Information

1. *Eligible Applicants:* Applicants that have the ability and capacity to conduct scientifically valid research are eligible to apply. These include, but are not limited to, nonprofit and for-profit organizations and public and private agencies and institutions of higher education, such as colleges and universities.

If you are a nonprofit organization, under 34 CFR 75.51, you may demonstrate your nonprofit status by providing: (1) Proof that the Internal Revenue Service currently recognizes the applicant as an organization to which contributions are tax deductible under section 501(c)(3) of the Internal Revenue Code; (2) a statement from a State taxing body or the State attorney general certifying that the organization is a nonprofit organization operating within the State and that no part of its net earnings may lawfully benefit any private shareholder or individual; (3) a certified copy of the applicant's certificate of incorporation or similar document if it clearly establishes the nonprofit status of the applicant; or (4)

any item described above if that item applies to a State or national parent organization, together with a statement by the State or parent organization that the applicant is a local nonprofit affiliate.

2. a. *Cost Sharing or Matching:* These competitions do not require cost sharing or matching.

b. *Indirect Cost Rate Information.* This program uses a restricted indirect cost rate. For more information regarding indirect costs, or to obtain a negotiated indirect cost rate, please see *www2.ed.gov/about/offices/list/ocfo/intro.html.*

3. *Subgrantees:* Under 34 CFR 75.708(b) and (c) a grantee under this competition may award subgrants—to directly carry out project activities described in its application—to the following types of entities: Nonprofit and for-profit organizations and public and private agencies and institutions of higher education. The grantee may award subgrants to entities it has identified in an approved application.

IV. Application and Submission Information

1. *Application Submission Instructions:* Applicants are required to follow the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 13, 2019 (84 FR 3768) and available at *www.govinfo.gov/content/pkg/FR-2019-02-13/pdf/2019-02206.pdf,* which contain requirements and information on how to submit an application.

2. *Other Information:* Information regarding program and application requirements for the competitions will be contained in the NCER Requests for Applications (RFAs), which will be available on or before December 3, 2020 on the Institute's website at: *https://ies.ed.gov/funding/.* Application packages for these competitions will be available on or before December 17, 2020.

3. *Content and Form of Application Submission:* Requirements concerning the content of an application are contained in the RFA for the specific competition. The forms that must be submitted are in the application package for the specific competition.

4. *Submission Deadline:* February 25, 2021 11:59:59 p.m. Eastern Time.

We do not consider an application that does not comply with the deadline requirements.

5. *Intergovernmental Review:* These competitions are not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

6. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

V. Application Review Information

1. *Selection Criteria:* For all of its grant competitions, the Institute uses selection criteria based on a peer-review process that has been approved by the National Board for Education Sciences. The Peer Review Procedures for Grant Applications can be found on the Institute's website at *https://ies.ed.gov/director/sro/peer_review/application_review.asp.*

For the 84.305N competition, peer reviewers will be asked to evaluate the significance of the application; the quality of the research plan, platform development plan, or network lead plan (depending on the topic and type of application); the qualifications and experience of the personnel; the resources of the applicant to support the proposed activities; and the quality of the dissemination history and dissemination plan if the application is for the Research Teams under the Adult Skills Network. These criteria are described in greater detail in the RFA.

For the 84.305T competition, peer reviewers will be asked to evaluate the significance of the transformative idea, the quality and logic of the research approach, the quality and achievability of the deliverables and metrics, the quality and appropriateness of the personnel, the quality and availability of resources, and the quality and relevance of the dissemination history and plan. These criteria are described in greater detail in the RFA.

For all of the Institute's competitions, applications should include budgets no higher than the relevant maximum award as set out in the relevant RFA. For the Research Networks Focused on Critical Problems of Education Policy and Practice competition, the maximum awards for the Adult Skills Network are $3,800,000 for the research team grants and $3,000,000 for the network lead grant; and the maximum awards for the Digital Learning Platforms Network are $2,000,000 for the platform development team grants and $3,000,000 for the network lead grant.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Institute may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Institute may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Institute also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Risk Assessment and Specific Conditions:* Consistent with 2 CFR 200.205, before awarding grants under these competitions, the Department conducts a review of the risks posed by applicants. Under 2 CFR 3474.10, the Institute may impose specific conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently $250,000), under 2 CFR 200.205(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed $10,000,000.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and

send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we will notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Grant Administration:* Applicants should budget for an annual 3-day meeting for project directors to be held in Washington, DC.

4. *Reporting:* (a) If you apply for a grant under one of the competitions announced in this notice, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Institute. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Institute under 34 CFR 75.118. The Institute may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

5. *Performance Measures:* To evaluate the overall success of its education research grant programs, the Institute annually assesses the percentage of projects that result in peer-reviewed publications and the number of Institute-supported interventions with evidence of efficacy in improving learner education outcomes. These measures were established for the Government Performance and Results Act of 1993 (GPRA).

6. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Institute considers, among other things: Whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Institute has established performance measurement requirements, whether the grantee has met the performance targets in the grantee's approved application.

In making a continuation award, the Institute also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Other Information

Accessible Format: On request to the appropriate program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document and a copy of the RFA in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Mark Schneider,

Director, Institute of Education Sciences.

[FR Doc. 2020–25665 Filed 11–19–20; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Senior Executive Service Performance Review Board

AGENCY: Department of Energy.

ACTION: Designation of Performance Review Board Chair; Correction.

SUMMARY: The Department of Energy (DOE) published a notice in the **Federal Register** on October 27, 2020 designating the Performance Review Board (PRB) Chair designee. The notification failed to list an alternate PRB Chair member to serve, if needed and is corrected in this document. This listing supersedes all previously published lists of DOE Performance Review Board Chair.

Correction

In the **Federal Register** of October, 27, 2020, FR Doc. 2020–23698 (85 FR 68061), the following correction is made:

SUPPLEMENTARY INFORMATION:

Dennis M. Miotla (Primary)
Johnny O. Moore (Alternate)

Signing Authority

This document of the Department of Energy was signed on November 16, 2020, by Patricia L. Barfield, Acting Director, Office of Corporate Executive Management, Office of the Chief Human Capital Officer, pursuant to delegated authority from the Secretary of Energy. The 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 November 17, 2020.

Treena V. Garrett,

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

[FR Doc. 2020–25640 Filed 11–19–20; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[FE Docket Nos. 11–162–LNG, 15–67–LNG, 15–90–LNG]

Cameron LNG, LLC; Application To Amend Export Term Through December 31, 2050, for Existing Non-Free Trade Agreement Authorizations

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of application.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice (Notice) of receipt of an application (Application), filed on November 13, 2020, by Cameron LNG, LLC (Cameron LNG). Cameron LNG seeks to amend the export term set forth in its current authorizations to export liquefied natural gas (LNG) to non-free trade agreement countries, DOE/FE Order Nos. 3391–A, 3797, and 3846, to a term ending on December 31, 2050. Cameron LNG filed the Application under the Natural Gas Act (NGA) and DOE's policy statement entitled, ''Extending Natural Gas Export Authorizations to Non-Free Trade Agreement Countries Through the Year 2050'' (Policy Statement). Protests, motions to intervene, notices of intervention, and written comments on the requested term extension are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures, and written comments are to be filed using procedures detailed in the Public Comment Procedures section no later than 4:30 p.m., Eastern time, December 7, 2020.

ADDRESSES:

Electronic Filing by email: fergas@hq.doe.gov.

Regular Mail: U.S. Department of Energy (FE–34), Office of Regulation, Analysis, and Engagement, Office of Fossil Energy, P.O. Box 44375, Washington, DC 20026–4375

Hand Delivery or Private Delivery Services (e.g., FedEx, UPS, etc.): U.S. Department of Energy (FE–34), Office of Regulation, Analysis, and Engagement, Office of Fossil Energy, Forrestal Building, Room 3E–042, 1000 Independence Avenue SW, Washington, DC 20585

FOR FURTHER INFORMATION CONTACT:

Benjamin Nussdorf or Amy Sweeney, U.S. Department of Energy (FE–34), Office of Regulation, Analysis, and Engagement, Office of Fossil Energy, Forrestal Building, Room 3E–042, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586–7893; (202) 586–2627, *benjamin.nussdorf@hq.doe.gov* or *amy.sweeney@hq.doe.gov*

Cassandra Bernstein or Edward Toyozaki, U.S. Department of Energy (GC–76), Office of the Assistant General Counsel for Electricity and Fossil Energy, Forrestal Building, Room 6D–033, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586–9793; (202) 586–0126, *cassandra.bernstein@hq.doe.gov* or *edward.toyozaki@hq.doe.gov*

SUPPLEMENTARY INFORMATION: Cameron LNG is currently authorized by DOE/FE to export domestically produced LNG in a total volume equivalent to 1,287 billion cubic feet per year (Bcf/yr) of natural gas, pursuant to NGA section 3(a), 15 U.S.C. 717b(a), under the following orders and their subsequent amendments:

(i) 620 Bcf/yr under Order No. 3391–A (FE Docket No. 11–162–LNG); [1]

(ii) 152 Bcf/yr under Order No. 3797 (FE Docket No. 15–67–LNG); [2] and

(iii) 515 Bcf/yr under Order No. 3846 (FE Docket No. 15–90–LNG).[3]

Under each order, Cameron LNG is authorized to export this LNG by vessel from the Cameron LNG Terminal located in Cameron and Calcasieu Parishes, Louisiana, to any country with which the United States has not entered into a free trade agreement (FTA) requiring national treatment for trade in natural gas, and with which trade is not prohibited by U.S. law or policy (non-FTA countries) for a 20-year term. In the Application,[4] Cameron LNG asks DOE to extend its export term in each of these three orders to a term ending on December 31, 2050, as provided in the Policy Statement.[5] Additional details can be found in the Application, posted on the DOE/FE website at: *https://www.energy.gov/sites/prod/files/2020/11/f80/Cameron%20LNG%20-%20Application%20for%20Term%20Extensions.pdf.*

[1] *Cameron LNG, LLC,* DOE/FE Order No. 3391–A, FE Docket No. 11–162–LNG, Final Opinion and Order Granting Long-Term Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Cameron LNG Terminal in Cameron Parish, Louisiana, to Non-Free Trade Agreement Nations (Sept. 10, 2014), *reh'g denied* DOE/FE Order No. 3391–B (Sept. 24, 2015).

[2] *Cameron LNG, LLC,* DOE/FE Order No. 3797, FE Docket No. 15–67–LNG, Final Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Cameron Terminal Located in Cameron and Calcasieu Parishes, Louisiana, to Non-Free Trade Agreement Nations (Mar. 18, 2016).

[3] *Cameron LNG, LLC,* DOE/FE Order No. 3846, FE Docket No. 15–90–LNG, Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from Trains 4 and 5 of the Cameron LNG Terminal in Cameron and Calcasieu Parishes, Louisiana, to Non-Free Trade Agreement Nations (July 15, 2016), *amended by* DOE/FE Order No. 3846–A (Nov. 2, 2020).

[4] Cameron LNG, LLC, Application to Amend Export Term for Existing Long-Term Authorizations Through December 31, 2050, FE Docket Nos. 11–145–LNG, *et al.* (Nov. 13, 2020). Cameron LNG's requests regarding its FTA authorizations are not subject to this Notice. *See* 15 U.S.C. 717b(c).

[5] U.S. Dep't of Energy, Extending Natural Gas Export Authorizations to Non-Free Trade Agreement Countries Through the Year 2050; Notice of Final Policy Statement and Response to Comments, 85 FR 52237 (Aug. 25, 2020) [hereinafter Policy Statement].

DOE/FE Evaluation

In the Policy Statement, DOE adopted a term through December 31, 2050 (inclusive of any make-up period), as the standard export term for long-term non-FTA authorizations.[6] As the basis for its decision, DOE considered its obligations under NGA section 3(a), the public comments supporting and opposing the proposed Policy Statement, and a wide range of information bearing on the public interest.[7] DOE explained that, upon receipt of an application under the Policy Statement, it would conduct a public interest analysis of the application under NGA section 3(a). DOE further stated that ''the public interest analysis will be limited to the application for the term extension—meaning an intervenor or protestor may challenge the requested extension but not the existing non-FTA order.'' [8]

Accordingly, in reviewing Cameron LNG's Application, DOE/FE will consider any issues required by law or policy under NGA section 3(a), as informed by the Policy Statement. To the extent appropriate, DOE will consider the study entitled, *Macroeconomic Outcomes of Market Determined Levels of U.S. LNG Exports* (2018 LNG Export Study),[9] DOE's response to public comments received on that Study,[10] and the following environmental documents:

- *Addendum to Environmental Review Documents Concerning Exports of Natural Gas From the United States,* 79 FR 48132 (Aug. 15, 2014); [11]
- *Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas From the United States,* 79 FR 32260 (June 4, 2014); [12] and
- *Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas From the United States: 2019 Update,* 84 FR 49278 (Sept. 19,

[6] *See id.,* 85 FR 52247.

[7] *See id.,* 85 FR 52247.

[8] *Id.,* 85 FR 52247.

[9] *See* NERA Economic Consulting, Macroeconomic Outcomes of Market Determined Levels of U.S. LNG Exports (June 7, 2018), *available at: https://www.energy.gov/sites/prod/files/2018/06/f52/Macroeconomic%20LNG%20Export%20Study%202018.pdf.*

[10] U.S. Dep't of Energy, Study on Macroeconomic Outcomes of LNG Exports: Response to Comments Received on Study; Notice of Response to Comments, 83 FR 67251 (Dec. 28, 2018).

[11] The Addendum and related documents are available at: *http://energy.gov/fe/draft-addendum-environmental-review-documents-concerning-exports-natural-gas-united-states.*

[12] The 2014 Life Cycle Greenhouse Gas Report is available at: *http://energy.gov/fe/life-cycle-greenhouse-gas-perspective-exporting-liquefied-natural-gas-united-states.*

2019), and DOE/FE's response to public comments received on that study.[13]

Parties that may oppose the Application should address these issues and documents in their comments and/or protests, as well as other issues deemed relevant to the Application.

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.,* requires DOE to give appropriate consideration to the environmental effects of its proposed decisions. No final decision will be issued in this proceeding until DOE has met its environmental responsibilities.

Public Comment Procedures

In response to this Notice, any person may file a protest, comments, or a motion to intervene or notice of intervention, as applicable, addressing the Application. Interested parties will be provided 15 days from the date of publication of this Notice in which to submit comments, protests, motions to intervene, or notices of intervention. The public previously was given an opportunity to intervene in, protest, and comment on Cameron LNG's long-term non-FTA applications. Therefore, DOE will not consider comments or protests that do not bear directly on the requested term extension.

Any person wishing to become a party to the proceeding must file a motion to intervene or notice of intervention. The filing of comments or a protest with respect to the Application will not serve to make the commenter or protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the Application. All protests, comments, motions to intervene, or notices of intervention must meet the requirements specified by the regulations in 10 CFR part 590.

Filings may be submitted using one of the following methods: (1) Emailing the filing to *fergas@hq.doe.gov,* with FE Docket Nos. 11–162–LNG, 15–67–LNG, and 15–90–LNG in the title line; (2) mailing an original and three paper copies of the filing to the Office of Regulation, Analysis, and Engagement at the address listed in **ADDRESSES**; or (3) hand delivering an original and three paper copies of the filing to the Office of Regulation, Analysis, and Engagement at the address listed in **ADDRESSES**. All filings must include a reference to FE Docket Nos. 11–162–LNG, 15–67–LNG, and 15–90–LNG. *Please Note:* If submitting a filing via email, please include all related documents and attachments (*e.g.,* exhibits) in the original email correspondence. Please do not include any active hyperlinks or password protection in any of the documents or attachments related to the filing. All electronic filings submitted to DOE must follow these guidelines to ensure that all documents are filed in a timely manner. Any hardcopy filing submitted greater in length than 50 pages must also include, at the time of the filing, a digital copy on disk of the entire submission.

A decisional record on the Application will be developed through responses to this Notice by parties, including the parties' written comments and replies thereto. If no party requests additional procedures, a final Opinion and Order may be issued based on the official record, including the Application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

The Application is available for inspection and copying in the Office of Regulation, Analysis, and Engagement docket room, Room 3E–042, 1000 Independence Avenue SW, Washington, DC 20585. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. The Application and any filed protests, motions to intervene or notice of interventions, and comments will also be available electronically by going to the following DOE/FE Web address: *https://www.energy.gov/fe/services/natural-gas-regulation.*

Signed in Washington, DC, on November 17, 2020.

Amy Sweeney,

Director, Office of Regulation, Analysis, and Engagement, Office of Fossil Energy.

[FR Doc. 2020–25667 Filed 11–19–20; 8:45 am]

BILLING CODE 6450–01–P

[13] U.S. Dep't of Energy, Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas From the United States: 2019 Update—Response to Comments, 85 FR 72 (Jan. 2, 2020). The 2019 Update and related documents are available at: *https://fossil.energy.gov/app/docketindex/docket/index/21.*

DEPARTMENT OF ENERGY

[OE Docket No. EA–306–C]

Application To Export Electric Energy; MAG Energy Solutions, Inc.

AGENCY: Office of Electricity, Department of Energy.

ACTION: Notice of application.

SUMMARY: MAG Energy Solutions, Inc. (Applicant or MAG) has applied for authorization to transmit electric energy from the United States to Canada pursuant to the Federal Power Act.

DATES: Comments, protests, or motions to intervene must be submitted on or before December 21, 2020.

ADDRESSES: Comments, protests, motions to intervene, or requests for more information should be addressed by electronic mail to *Electricity.Exports@hq.doe.gov,* or by facsimile to (202) 586–8008.

SUPPLEMENTARY INFORMATION: The Department of Energy (DOE) regulates exports of electricity from the United States to a foreign country, pursuant to sections 301(b) and 402(f) of the Department of Energy Organization Act (42 U.S.C. 7151(b) and 42 U.S.C. 7172(f)). Such exports require authorization under section 202(e) of the Federal Power Act (16 U.S.C. 824a(e)).

On October 27, 2020, MAG filed an application with DOE (Application or App.) for renewal of its authorization to transmit electric energy from the United States to Canada for a term of five years. MAG states that it ''is an independent Canadian corporation with its principal place of business in Montreal, Quebec.'' App. at 2. MAG further represents that it ''is a Canadian close corporation privately owned by a group of 15 shareholders.'' *Id.* MAG adds that it ''does not have any affiliates or upstream owners that possess any ownership interest or have involvement in any other company that is a traditional utility or that owns, operates, or controls any electric generation, transmission or distribution facilities, nor do they have any direct involvement with the energy industry other than through the ownership of MAG.'' *Id.*

MAG further states that it ''will purchase power to be exported from a variety of sources such as power marketers, independent power producers, or U.S. electric utilities and federal power marketing entities as those terms are defined in Sections 3(22) and 3(19) of the FPA.'' App. at 3–4. MAG contends that its exports ''will not impair the sufficiency of the electric power supply within the U.S.'' and will not impair or tend to impede the sufficiency of electric supplies in the U.S. or the regional coordination of electric utility planning or operations.'' *Id.* at 4.

MAG states that its exports ''will be transmitted pursuant to arrangements with utilities that own and operate existing transmission facilities and will be consistent with the export limitations and other terms and conditions contained in the existing Presidential Permits and electricity export

authorizations associated with these transmission facilities.'' App. at 4. MAG also represents that its exports ''will not exceed the export limits for the [transmission facilities it uses], or otherwise cause a violation of the terms and conditions set forth in the export authorizations for each.'' *Id.* at 5.

The existing international transmission facilities to be utilized by the Applicant have previously been authorized by Presidential permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties.

Procedural Matters: Any person desiring to be heard in this proceeding should file a comment or protest to the Application at the address provided above. Protests should be filed in accordance with Rule 211 of the Federal Energy Regulatory Commission's (FERC) Rules of Practice and Procedure (18 CFR 385.211). Any person desiring to become a party to this proceeding should file a motion to intervene at the above address in accordance with FERC Rule 214 (18 CFR 385.214).

Comments and other filings concerning MAG's application to export electric energy to Mexico should be clearly marked with OE Docket No. EA–486. Additional copies are to be provided directly to Ruta Kalvaitis Skučas, 1875 K St. NW, Suite 700, Washington, DC 20006, *rskucas@pierceatwood.com*; and Simon Pelletier, 999 de Maisonneuve Boulevard West, Suite 875, Montreal, Quebec, H3A 3L4 Canada, *spelletier@magenergysolutions.com.*

A final decision will be made on the Application after the environmental impacts have been evaluated pursuant to DOE's National Environmental Policy Act Implementing Procedures (10 CFR part 1021) and after DOE determines that the proposed action will not have an adverse impact on the sufficiency of supply or reliability of the U.S. electric power supply system.

Copies of the Application will be made available, upon request, by accessing the program website at *http://energy.gov/node/11845,* or by emailing Matthew Aronoff at *matthew.aronoff@hq.doe.gov.*

Signed in Washington, DC, on November 17, 2020.

Christopher Lawrence,

Management and Program Analyst, Energy Resilience Division, Office of Electricity.

[FR Doc. 2020–25651 Filed 11–19–20; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL21–8–000]

Bitter Ridge Wind Farm, LLC; Notice of Institution of Section 206 Proceeding and Refund Effective Date

November 17, 2020.

On November 16, 2020, the Commission issued an order in Docket No. EL21–8–000, pursuant to section 206 of the Federal Power Act (FPA), 16 U.S.C. 824d (2018), instituting an investigation into whether Bitter Ridge Wind Farm, LLC's proposed rate schedule setting forth its revenue requirement for providing Reactive Supply and Voltage Control from Generation Sources Service, as defined in Schedule 2 of the PJM Interconnection, L.L.C. Open Access Transmission Tariff, may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful. *Bitter Ridge Wind Farm, LLC,* 173 FERC ¶ 61,141 (2020).

The refund effective date in Docket No. EL21–8–000, established pursuant to section 206(b) of the FPA, will be the date of publication of this notice in the **Federal Register**.

Any interested person desiring to be heard in Docket No. EL21–8–000 must file a notice of intervention or motion to intervene, as appropriate, with the Federal Energy Regulatory Commission, in accordance with Rule 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.214 (2020), within 21 days of the date of issuance of the order.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFile'' link at *http://www.ferc.gov.* In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–25678 Filed 11–19–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Effectiveness of Exempt Wholesale Generator Status

	Docket Nos.
Nobles 2 Power Partners, LLC	EG20–224–000
Hardin Solar Holdings LLC	EG20–225–000
Northern Divide Wind, LLC	EG20–226–000
Mechanicsville Lessee, LLC	EG20–227–000
AB Lessee, LLC	EG20–228–000
Neosho Ridge Wind, LLC	EG20–229–000
Moss Landing Energy Storage 1, LLC	EG20–230–000
Moss Landing Energy Storage 2, LLC	EG20–231–000
Crossing Trails Wind Power Project LLC	EG20–232–000
Headwaters Wind Farm II LLC	EG20–233–000
Jordan Creek Wind Farm LLC	EG20–234–000
Crescent Wind LLC	EG20–235–000
Contrail Wind Project, LLC	EG20–236–000
Riverstart Solar Park LLC	EG20–237–000
Alta Oak Realty, LLC	EG20–238–000
Greensville County Solar Project, LLC	EG20–239–000

Take notice that during the month of October 2020, the status of the above-captioned entities as Exempt Wholesale Generators Companies became effective by operation of the Commission's regulations. 18 CFR 366.7(a) (2020).

Dated: November 16, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–25675 Filed 11–19–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14327–009]

Pershing County Water Conservation District; Notice of Application for Surrender of License, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Application for surrender of license.

b. *Project No:* 14327–009.

c. *Date Filed:* October 29, 2020.

d. *Applicant:* Pershing County Water Conservation District.

e. *Name of Project:* Humboldt River Hydroelectric Project.

f. *Location:* The project is located at the Rye Patch Dam on the Humboldt River, in Pershing County, Nevada. The project does not occupy any federal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Ryan Collins, Pershing County Water Conservation District, P.O. Box 218, Lovelock, NV 89419, phone (775) 273–2293, *pcwcd@irrigation.lovelock.nv.us.*

i. *FERC Contact:* Diana Shannon, (202) 502–6136, *diana.shannon@ferc.gov*.

j. *Deadline for Filing Comments, Motions to Intervene, and Protests:* December 16, 2020.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–14327–009. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request:* The applicant proposes to surrender its license. The applicant states that the benefits of the project do not outweigh the significant costs associated with project operation. No ground disturbing activities would occur. The licensee proposes to decommission the project by removing all power station equipment in two phases. First, the penstock extension would be removed. Second, the turbine, generator, and electrical equipment, would be removed. The powerhouse would remain in place.

l. *Locations of the Application:* In addition to publishing the full text of this document in the **Federal Register**, this filing may be viewed on the Commission's website at *http://www.ferc.gov* using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title COMMENTS, PROTEST, or MOTION TO INTERVENE as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: November 16, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–25677 Filed 11–19–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC20–25–000]

Commission Information Collection Activities (Ferc–717); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Notice of extension information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the extension to the information collection, FERC–717 (Standards for Business Practices and Communication Protocols for Public Utilities), which will be submitted to the Office of Management and Budget (OMB) for review.

DATES: Comments on the collection of information are due December 21, 2020.

ADDRESSES: Send written comments on the information collections to OMB through *www.reginfo.gov/public/do/PRAMain.* Attention: Federal Energy Regulatory Commission Desk Officer. Please identify the OMB Control Number (1902–0173) in the subject line of your comments. Comments should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.*

A copy of the comments should also be sent to the Commission, in Docket No. IC20–25–000, by any of the following methods:

- *eFiling at Commission's Website: http://www.ferc.gov/docs-filing/efiling.asp.*
- *U.S. Postal Service Mail:* Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.
- Effective July 1, 2020, delivery of filings other than by eFiling or the U.S. Postal Service should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Instructions:

OMB submissions must be formatted and filed in accordance with submission guidelines at *www.reginfo.gov/public/do/PRAMain.* Using the search function under the Currently Under Review field, select Federal Energy Regulatory Commission; click submit, and select comment to the right of the subject collection.

FERC submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov.* For user assistance, contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free).

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* telephone at (202) 502–8663.

SUPPLEMENTARY INFORMATION:

Title: FERC–717, Standards for Business Practices and Communication Protocols for Public Utilities.

OMB Control No.: 1902–0173.

Type of Request: Three-year approval of the FERC–717 information collection requirements with no changes to the current reporting requirements.[1]

Abstract: This notice pertains to a requirement that Tranmission Providers[2] provide certain information regarding their transmission operations on an Open Access Same-Time Information System (OASIS). This requirement was established because the Commission has determined that Transmission Customers[3] must have simultaneous access to the same information available to the Transmission Provider in order to receive nondiscriminatory transmission services in accordance with section 205 of the Federal Power Act.[4]

Regulations at 18 CFR part 37 authorize Transmission Providers to operate an OASIS either individually or jointly with other Transmission Providers. Thse regulations also provide that a Transmission Provider may delegate this responsibility to a Responsible Party[5] such as another Transmission Provider, an Independent System Operator, a Regional Tranmission Group, or a Regional Reliability Council.

The information that must be posted at OASIS sites is listed at 18 CFR 37.6. The required postings include business practices, communication protocols, transfer capacity, transmission service products, and prices. Some of the required business practices and communication protocols are incorporated by reference at 18 CFR 38.1.

The 60-day notice was published on September 14, 2020 (85 FR 56595) and no comments were received during the comment period.

Type of Respondents: Transmission Providers and Responsible Parties.

Estimate of Annual Burden:[6] The Commission's burden estimate accounts for the likely double-counting of responses in previous information collection requests, which did not recognize that a Transmission Provider may operate an OASIS site jointly with another Transmission Provider, or may delegate the relevant responsibilities to a Responsible Party. The responses submitted at present are our best estimate.

FERC–717, STANDARDS FOR BUSINESS PRACTICES AND COMMUNICATION PROTOCOLS FOR PUBLIC UTILITIES[7]

Information collection requirements	Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden hours & cost per response[8]	Total annual burden hours & total annual cost
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)
FERC–717 (renewal)	162	1	162	30 hrs.; $2,490	4,860 hrs.; $403,380
FERC–717 (compliance with standards, one-time burden)[9].	165	1	165	10 hrs.;[10] $830	1,650 hrs.; $136,950
Total			327		6,510 hrs.; $540,330

[1] This notice does not address the NOPR for RM05–29 and RM05–30.

[2] Under 18 CFR 37.3(a), a Transmission Provider is any public utility that owns, operates, or controls facilities used for the transmission of electric energy in interstate commerce.

[3] Under 18 CFR 37.3(b), a Transmission Customer is any eligible customer (or its designated agent) that can or does execute a gtransmission service agreement or can or does receive transmission service.

[4] 16 U.S.C. 824d.

[5] Under 18 CFR 37.3(c), a Responsible Party is a Transmission Provider or an agent to whom the Transmission Provider has delegated the responsibility of meeting any of the requirements of 18 CFR part 37.

[6] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, refer to 5 CFR 1320.3.

Comments: Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: November 16, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–25676 Filed 11–19–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP21–211–000.

Applicants: Northern Border Pipeline Company.

Description: Compliance filing NBPL Compliance Filing to be effective 12/13/2020.

Filed Date: 11/13/20.

Accession Number: 20201113–5032.

Comments Due: 5 p.m. ET 11/25/20.

Docket Numbers: RP21–212–000.

Applicants: Natural Gas Pipeline Company of America.

Description: § 4(d) Rate Filing: Filing—Amendment to a Negotiated Rate Agreement-Macquarie Energy to be effective 11/14/2020.

Filed Date: 11/13/20.

Accession Number: 20201113–5040.

Comments Due: 5 p.m. ET 11/25/20.

Docket Numbers: RP21–213–000.

Applicants: Gulf South Pipeline Company, LLC.

Description: § 4(d) Rate Filing: Superseding Amendment to Neg Rate Agmt (BP 46441) to be effective 11/13/2020.

Filed Date: 11/13/20.

Accession Number: 20201113–5052.

Comments Due: 5 p.m. ET 11/25/20.

Docket Numbers: RP21–214–000.

Applicants: Texas Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Third GMS Filing—Intermediate to be effective 12/14/2020.

Filed Date: 11/13/20.

Accession Number: 20201113–5053.

Comments Due: 5 p.m. ET 11/25/20.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified date(s). 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: November 16, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–25674 Filed 11–19–20; 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 exempt wholesale generator filings:

Docket Numbers: EG21–36–000.

Applicants: Central Line Solar, LLC.

Description: Self-Certification of EG of Central Line Solar, LLC.

Filed Date: 11/13/20.

Accession Number: 20201113–5239.

Comments Due: 5 p.m. ET 12/4/20.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2063–003.

Applicants: Otter Tail Power Company.

Description: Notice of Non-Material Change in Status of Otter Tail Power Company.

Filed Date: 11/13/20.

Accession Number: 20201113–5226.

Comments Due: 5 p.m. ET 12/4/20.

Docket Numbers: ER11–4044–025; ER10–2136–016; ER11–4046–024; ER16–1720–015.

Applicants: Gratiot County Wind LLC, Gratiot County Wind II LLC, Invenergy Cannon Falls LLC, Invenergy Energy Management LLC.

Description: Notice of Change in Facts of Gratiot County Wind LLC, et al.

Filed Date: 11/13/20.

Accession Number: 20201113–5139.

Comments Due: 5 p.m. ET 12/4/20.

Docket Numbers: ER18–1314–008.

Applicants: PJM Interconnection, L.L.C.

Description: Compliance filing: Third Compliance in EL16–49 and EL18–178 MOPR, Motion to Reinstate Certain RPM to be effective 10/15/2020.

Filed Date: 11/13/20.

Accession Number: 20201113–5138.

Comments Due: 5 p.m. ET 12/4/20.

Docket Numbers: ER20–2125–000.

Applicants: WGP Redwood Holdings, LLC.

Description: Amendment to June 22, 2020 WGP Redwood Holdings, LLC tariff filing.

Filed Date: 11/16/20.

Accession Number: 20201116–5038.

Comments Due: 5 p.m. ET 11/27/20.

Docket Numbers: ER20–3036–000; ER20–3037–000.

Applicants: Vopak Industrial Infrastructure Americas.

Description: Supplement to September 30, 2020 Vopak Industrial Infrastructure Americas Plaquemine, LLC, et al.

Filed Date: 11/13/20.

Accession Number: 20201113–5242.

Comments Due: 5 p.m. ET 11/23/20.

Docket Numbers: ER21–110–000.

Applicants: Harts Mill TE Holdings LLC.

Description: Supplement to October 15, 2020 Harts Mill TE Holdings LLC tariff filing.

Filed Date: 11/10/20.

Accession Number: 20201110–5181.

Comments Due: 5 p.m. ET 11/19/20.

Docket Numbers: ER21–293–001.

[7] This collection includes the one-time burden of 10 hrs. (over a 3 year period of time) for the Final Rule RM05–25,05–26,05–27 [ICR Reference No: 202002–1902–006] and will not affect the NOPR RM05–5–29, 05–30 issued in the **Federal Register** on 9/04/2020 and has not been submitted to OMB to date.

[8] The Commission staff thinks that the average respondent for this collection is similarly situated to the Commission, in terms of salary plus benefits. Based upon FERC's FY 2020 annual average of $172,329, (for salary plus benefits), the average hourly cost is $83/hour.

[9] FERC–717 corresponds to OMB Control No. 1902–0173 that identifies the information collection associated with Standards for Business Practices and Communication Protocols for Public Utilities.

[10] The 30-hour estimate was developed in the Final Rule in Docket No. RM05–5–025, –026, and –027 (Order 676–I), which was issued on 2/4/2020 and published in the **Federal Register** on 2/25/2020 (85 FR 10571 (FERC–717, 165 * 30 = 4,950 hrs./3 = 1,650 hrs./year)

Applicants: Horizon West Transmission, LLC.

Description: Tariff Amendment: Horizon West Transmission, LLC Amendment to Proposed Formula Rate to be effective 1/1/2021.

Filed Date: 11/13/20.

Accession Number: 20201113–5107.

Comments Due: 5 p.m. ET 12/4/20.

Docket Numbers: ER21–408–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: Basin Electric Power Cooperative Contract Services Agreement Amendment to be effective 2/1/2021.

Filed Date: 11/13/20.

Accession Number: 20201113–5127.

Comments Due: 5 p.m. ET 12/4/20.

Docket Numbers: ER21–409–000.

Applicants: Mid-Atlantic Interstate Transmission, LLC, PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: MAIT submits ECSA SA No. 5777 to be effective 1/13/2021.

Filed Date: 11/13/20.

Accession Number: 20201113–5130.

Comments Due: 5 p.m. ET 12/4/20.

Docket Numbers: ER21–410–000.

Applicants: Tri-State Generation and Transmission Association, Inc.

Description: § 205(d) Rate Filing: Revised LGIP and SGIP to be effective 1/13/2021.

Filed Date: 11/13/20.

Accession Number: 20201113–5133.

Comments Due: 5 p.m. ET 12/4/20.

Docket Numbers: ER21–411–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 1892R9 Evergy Kansas Central, Inc. NITSA NOA—Robinson to be effective 2/1/2021.

Filed Date: 11/16/20.

Accession Number: 20201116–5016.

Comments Due: 5 p.m. ET 12/7/20.

Docket Numbers: ER21–412–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 1893R10 Evergy Kansas Central, Inc. NITSA NOA—Savonburg to be effective 2/1/2021.

Filed Date: 11/16/20.

Accession Number: 20201116–5017.

Comments Due: 5 p.m. ET 12/7/20.

Docket Numbers: ER21–413–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 1897R10 Evergy Kansas Central, Inc. NITSA NOA ? Elwood to be effective 2/1/2021.

Filed Date: 11/16/20.

Accession Number: 20201116–5018.

Comments Due: 5 p.m. ET 12/7/20.

Docket Numbers: ER21–414–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 2045R9 Evergy Kansas Central, Inc. NITSA NOA—Morrill to be effective 2/1/2021.

Filed Date: 11/16/20.

Accession Number: 20201116–5037.

Comments Due: 5 p.m. ET 12/7/20.

Docket Numbers: ER21–415–000.

Applicants: Briel Farm Solar, LLC.

Description: Baseline eTariff Filing: Application for MBR Authorization and Request for Certain Waivers, et al. to be effective 11/17/2020.

Filed Date: 11/16/20.

Accession Number: 20201116–5042.

Comments Due: 5 p.m. ET 12/7/20.

Docket Numbers: ER21–416–000.

Applicants: Stoney Creek Solar LLC.

Description: Petition for Limited Waiver, et al. of Stoney Creek Solar LLC.

Filed Date: 11/13/20.

Accession Number: 20201113–5258.

Comments Due: 5 p.m. ET 12/4/20.

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: November 16, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–25673 Filed 11–19–20; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–10016–89–OA]

Notice of Meeting of the EPA Children's Health Protection Advisory Committee (CHPAC)

AGENCY: Environmental Protect ion Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given that the next meeting of the Children's Health Protection Advisory Committee (CHPAC) will be held virtually December 9 and 11, 2020. The CHPAC advises the Environmental Protection Agency (EPA) on science, regulations and other issues relating to children's environmental health.

DATES: December 9, 2020 from 1 p.m. to 6 p.m. and December 11, 2020 from 1 p.m. to 6 p.m.

ADDRESSES: The meeting will take place virtually. If you want to listen to the meeting or provide comments, please email *louie.nica@epa.gov* for further details.

FOR FURTHER INFORMATION CONTACT: Nica Louie, Office of Children's Health Protection, U.S. EPA, MC 1107T, 1200 Pennsylvania Avenue NW, Washington, DC 20460, (202) 564–7633 or *louie.nica@epa.gov.*

SUPPLEMENTARY INFORMATION: The meetings of the CHPAC are open to the public. An agenda will be posted to *https://www.epa.gov/children/childrens-health-protection-advisory-committee-chpac.*

Access and Accommodations: For information on access or services for individuals with disabilities, please contact Nica Louie at 202–564–7633 or *louie.nica@epa.gov.*

Dated: November 11, 2020.

Nica Mostaghim,

Environmental Health Scientist.

[FR Doc. 2020–25641 Filed 11–19–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9053–9]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information 202–564–5632 or *https://www.epa.gov/nepa.*

Weekly receipt of Environmental Impact Statements (EIS)

Filed November 9, 2020 10 a.m. EST Through November 16, 2020 10 a.m. EST

Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters

on EISs are available at: *https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search.*

EIS No. 20200225, Final, USFWS, REG, The Management of Conflicts Associated with Double-crested Cormorants, Review Period Ends: 12/21/2020, Contact: Lesley Kordella 703–358–1963.

EIS No. 20200227, Draft Supplement, BOP, KS, Proposed Federal Correctional Institution and Federal Prison Camp Leavenworth, Kansas, Comment Period Ends: 01/04/2021, Contact: Kimberly Hudson 202–616–2574.

EIS No. 20200228, Draft, BR, WA, Leavenworth National Fish Hatchery Surface Water Intake Fish Screens and Fish Passage Project, Comment Period Ends: 01/04/2021, Contact: Jason Sutter 208–378–5390.

EIS No. 20200229, Final Supplement, BLM, CO, Northwest Colorado Final Supplemental EIS, Greater Sage-Grouse 2020, Review Period Ends: 12/21/2020, Contact: Leah Waldner 970–244–3045.

EIS No. 20200230, Final Supplement, BLM, ID, Idaho Final Supplemental EIS, Greater Sage-Grouse 2020, Review Period Ends: 12/21/2020, Contact: Pam Murdock 208–373–4050.

EIS No. 20200231, Final Supplement, BLM, BLM, NV, Nevada and Northeastern California Final Supplemental EIS, Greater Sage-Grouse 2020, Review Period Ends: 12/21/2020, Contact: Colleen Dulin 775–861–6708.

EIS No. 20200232, Final Supplement, BLM, OR, Oregon Final Supplemental EIS, Greater Sage-Grouse 2020, Review Period Ends: 12/21/2020, Contact: Jim Regan-Vienop 503–808–6062.

EIS No. 20200233, Final Supplement, BLM, UT, Utah Final Supplemental EIS, Greater Sage-Grouse 2020, Review Period Ends: 12/21/2020, Contact: Christine Fletcher 435–865–3035.

EIS No. 20200234, Final Supplement, BLM, WY, Wyoming Final Supplemental EIS, Greater Sage-Grouse 2020, Review Period Ends: 12/21/2020, Contact: Jennifer Marzluf 307–775–6090.

EIS No. 20200235, Final Supplement, BR, CA, Shasta Lake Water Resources Investigation, Review Period Ends: 12/21/2020, Contact: David Brick 916–202–7158.

EIS No. 20200236, Final Supplement, USACE, AL, Allatoona Lake Water Supply Storage Reallocation Study and Updates to Weiss and Logan Martin Reservoirs Project Water Control Manuals, Alabama and Georgia (or Allatoona-Coosa Reallocation Study), Review Period Ends: 12/21/2020, Contact: Mr. Mike Malsom 251–690–2023.

EIS No. 20200237, Draft Supplement, FHWA, OR, Hood River—White Salmon Interstate Bridge Replacement Project, Comment Period Ends: 01/04/2021, Contact: Emily Cline 503–316–2547.

Amended Notice

EIS No. 20200226, Final, USFS, CO, Pike & San Isabel National Forests Motorized Travel Management (MVUM) Analysis, Review Period Ends: 12/21/2020, Contact: John Dow 719–250–5311.

Revision to FR Notice Published 11/6/2020; Correction to CEQ Number from 20200217 to 20200226.

Dated: November 17, 2020.

Cindy S. Barger,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2020–25652 Filed 11–19–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2013–0244; FRL–10015–48]

Pesticide Registration Review; Draft Human Health and/or Ecological Risk Assessments for Ethylene Oxide; 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 ethylene oxide.

DATES: Comments must be received on or before January 19, 2021.

ADDRESSES: Submit your comments, to the docket identification (ID) number for the specific pesticide of interest provided in the Table in Unit IV, using the Federal eRulemaking Portal at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Due to the public health concerns related to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT:

For pesticide specific information contact: The Chemical Review Manager for the pesticide of interest identified in the Table in Unit IV.

For general questions on the registration review program, contact: Richard Fehir, Antimicrobials Division (7510P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (703) 347–8101; email address: *fehir.richard@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 No.	Docket ID No.	Chemical review manager and contact information
Ethylene Oxide (EtO) Case 2275	EPA–HQ–OPP–2013–0244	Jessie Bailey, *bailey.jessica@epa.gov,* (703) 347–0148.

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 audiographic or videographic 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: November 13, 2020.

Anita Pease,

Director, Antimicrobials Division, Office of Pesticide Programs.

[FR Doc. 2020–25821 Filed 11–19–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–10016–78–OAR]

RIN 2060–AT31

Fuels Regulatory Streamlining Implementation; Notification of Workshop

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification of workshop.

SUMMARY: The Environmental Protection Agency (EPA) is announcing a virtual workshop on the Fuels Regulatory Streamlining rule ahead of its implementation date of January 1, 2021.

DATES: The virtual workshop will be held on December 9–10, 2020. Additional information regarding the workshop appears below under **SUPPLEMENTARY INFORMATION**.

ADDRESSES: All attendees must pre-register for the workshop by notifying the contact person listed under **FOR FURTHER INFORMATION CONTACT** by December 2, 2020. Additional information related to the workshop will be posted on the EPA website at: *https://www.epa.gov/diesel-fuel-standards/fuels-regulatory-streamlining.* Interested parties should check the website for any updated information.

FOR FURTHER INFORMATION CONTACT: Nick Parsons, Office of Transportation and Air Quality, Assessment and Standards Division, Environmental Protection Agency; telephone number: (734) 214–4479; email address: *ASD-Registration@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA is hosting a virtual workshop to discuss the implementation of 40 CFR part 1090 (''Part 1090'') ahead of its implementation date of January 1, 2021. The Fuels Regulatory Streamlining final rule was signed on October 15, 2020. This rule streamlines and modernizes EPA's fuel quality regulations previously under 40 CFR part 80 (''Part 80'') to help reduce administrative burden for stakeholders, while improving overall compliance assurance and maintaining environmental performance.

The virtual workshop will provide the opportunity for EPA to update stakeholders on its progress regarding the implementation of Part 1090 and for stakeholders to inquire about the regulatory requirements of Part 1090 prior to its implementation date of January 1, 2021. The workshop will cover a broad range of topics related to the implementation of the Part 1090 regulations and how the Part 1090 regulations relate to the previous Part 80 regulations.

Dated: November 12, 2020.

Byron J. Bunker,

Director, Compliance Division, Office of Transportation and Air Quality.

[FR Doc. 2020–25653 Filed 11–19–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2019–0238; FRL–10016–77]

1,4-Dioxane; Supplemental Analysis to the Draft Toxic Substances Control Act (TSCA) Risk Evaluation; Notice of Availability and Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is announcing the availability of and soliciting public comment on a supplemental analysis to the draft risk evaluation of 1,4-dioxane under the Toxic Substances Control Act (TSCA). EPA conducts risk evaluations to determine whether a chemical substance presents an unreasonable risk of injury to health or the environment without consideration of costs or other nonrisk factors, including an unreasonable risk to potentially exposed or susceptible subpopulations, under the conditions of use. This supplemental analysis has been developed in response to public and peer review comments on the draft risk evaluation, and includes additional conditions of use for 1,4-dioxane as a by-product in consumer products, as well as an analysis of recreational activities in ambient/surface water as an exposure pathway under all conditions of use included in the draft risk evaluation and this supplemental analysis. EPA is announcing the opening of a docket for a 20-day comment period to allow the public to review the supplemental analysis to the draft risk evaluation.

DATES: Comments must be received on or before December 10, 2020.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2019–0238, on the Federal eRulemaking Portal at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Due to the public health concerns related to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Yvette Selby-Mohamadu, Existing Chemicals Risk Assessment Division, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–5245; email address: *selby-mohamadu.yvette@epa.gov.*

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. What action is EPA taking?

Public and peer review comment on the 1,4-dioxane draft risk evaluation suggested that the Agency had omitted both conditions of use associated with 1,4-dioxane as a by-product in consumer products and potential exposure from the ambient surface water pathway. EPA has provided a supplemental analysis to the draft risk evaluation to include these two additions and seeks public comment. Therefore, EPA is providing public notice and an opportunity to comment on this supplemental draft risk evaluation prior to publishing a final risk evaluation.

B. Does this action apply to me?

This action is directed to the public in general. This action may, however, be of interest to those involved in the manufacture, processing, distribution, use, disposal, and/or the assessment of risks involving chemical substances and mixtures. You may be potentially affected by this action if you manufacture (defined under TSCA to include import), process, distribute in commerce, use or dispose 1,4-dioxane. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities and corresponding NAICS codes for entities that may be interested in or affected by this action.

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

TSCA section 6(b) requires that EPA conduct risk evaluations on existing chemical substances and identifies the minimum components EPA must include in all chemical substance risk evaluations. 15 U.S.C. 2605(b). The risk evaluation must not consider costs or other nonrisk factors. 15 U.S.C. 2605(b)(4)(F)(iii). TSCA section 6(b)(4)(H) requires EPA to provide public notice and an opportunity for comment on a draft risk evaluation prior to publishing a final risk evaluation. The specific risk evaluation process is set out in 40 CFR part 702 and summarized on EPA's website at *https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-evaluations-existing-chemicals-under-tsca.*

D. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit CBI information to EPA through *regulations.gov* or email. If your comments contain any information that you consider to be CBI or otherwise protected, please contact the Peer Review Leader listed under **FOR FURTHER INFORMATION CONTACT** to obtain special instructions before submitting your comments.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

II. Background

A. What is EPA's risk evaluation process for existing chemicals under TSCA?

The risk evaluation process is the second step in EPA's existing chemical process under TSCA, following prioritization and before risk management. As this chemical is one of the first ten chemical substances undergoing risk evaluation, the chemical substance was not required to go through prioritization (81 FR 91927, December 19, 2016) (FRL–9956–47). The purpose of conducting risk evaluations is to determine whether a chemical substance presents an unreasonable risk of injury to health or the environment under the conditions of use, including an unreasonable risk to a relevant potentially exposed or susceptible subpopulation. As part of this process, EPA must evaluate both hazard and exposure, not consider costs or other nonrisk factors, use reasonably available information and approaches in a manner that is consistent with the requirements in TSCA for the use of the best available science, and ensure decisions are based on the weight of the scientific evidence.

The specific risk evaluation process that EPA has established by rule to implement the statutory process is set out in 40 CFR part 702 and summarized on EPA's website at *http://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-evaluations-existing-chemicals-under-tsca.* As explained in the preamble to EPA's final rule on procedures for risk evaluation (82 FR 33726, July 20, 2017) (FRL–9964–38), the specific regulatory process set out in 40 CFR part 702, subpart B will be followed for the first ten chemical substances undergoing risk evaluation to the maximum extent practicable.

In September 2019, EPA published a draft risk evaluation that was subject to peer review and public comment. EPA reviewed the peer review report from the Science Advisory Committee on Chemicals (SACC) and public comments and has supplemented the risk evaluation in response to these comments as appropriate. The public comments and peer review report are in Docket EPA–HQ–OPPT–2019–0238 at *www.regulations.gov.* Prior to the publication of the draft risk evaluation, EPA made available the scope and problem formulation, and solicited public input on uses and exposure. EPA's documents and the public comments are in Docket EPA–HQ–OPPT–2019–0238. Additionally, information about the scope, problem formulation, and draft risk evaluation phases of the TSCA risk evaluation for this chemical is available at *https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-evaluation-14-dioxane.*

B. What is 1,4-dioxane?

1,4-dioxane is used primarily as a solvent in a variety of commercial and industrial applications like in the manufacture of other chemicals, as a processing aid, a laboratory chemical, and in adhesives and sealants. 2016 CDR data shows that there were two manufacturers producing or importing 1,059,980 pounds of 1,4-dioxane in the U.S. in 2015.

C. What input came from the public comment and peer review?

In response to the publication of the draft risk evaluation for 1,4-dioxane, published in September 2019, members of the SACC, as well as public commenters, highlighted potential omissions in the draft evaluation, specifically concerning 1,4-dioxane exposures when present as a by-product in consumer products and potential general population exposure from the ambient surface water pathway. In response, those conditions of use from the presence of 1,4-dioxane as a byproduct in consumer use and products are included in the scope of this supplemental analysis to the draft risk evaluation. Because the analytical approaches to assessing the unreasonable risk associated with these conditions of use mirror those used for the conditions of use evaluated in the September 2019 draft risk evaluation and there is not new or novel scientific information to consider, the Agency determined that additional peer review is not warranted. It is, however, appropriate to seek public comment for the supplemental analysis to the 1,4-dioxane draft risk evaluation that was not part of the original draft risk evaluation.

Additionally, in the September 2019 draft risk evaluation, an ambient water exposure pathway to general population exposure was excluded from the draft risk evaluation mistakenly on the premise that it was addressed by other EPA-administered authorities. In response to comments, EPA did evaluate hazards and exposures to the general population from ambient surface water for all the conditions of use in this supplemental analysis and the draft risk evaluation, and the unreasonable risk determinations for relevant conditions of use account for exposures to the general population via surface water. The exposures to general population via drinking water, ambient air and sediment pathways fall under the jurisdiction of other environmental statutes administered by EPA, *i.e.,* the Clean Air Act, 42 U.S.C. 7401 *et seq.;* the Safe Drinking Water Act, 42 U.S.C. 300f *et seq.;* the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601 *et seq.;* and the Resource Conservation and Recovery Act, 42 U.S.C. 6901 *et seq.*

III. Request for Comment

The docket associated with this request contains the Supplemental Analysis to the Draft Risk Evaluation, the SACC Peer Review Report, and Supplemental Files to support the Revised Draft Risk Evaluation.

EPA is seeking public comment on, and information relevant to, the Supplemental Analysis to the Draft Risk Evaluation.

Authority: 15 U.S.C. 2601 *et seq.*

Andrew Wheeler,

Administrator.

[FR Doc. 2020–25618 Filed 11–19–20; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

[Docket No. AS20–13]

Proposed Information Collection Request; Standardized Instructions and Format To Be Used for Interim and Final Progress Reporting

AGENCY: Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

ACTION: Request for public comment.

SUMMARY: The Appraisal Subcommittee (ASC), as part of continuing efforts to reduce paperwork and respondent burden, invites the general public, and State and Federal agencies to take this opportunity to comment on a new

proposed information collection. Under the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid control number issued by the Office of Management and Budget (OMB). The ASC is soliciting comment concerning a proposed collection method entitled ''ASC Progress Report Standardized Instructions and Format for Interim and Final Progress Reporting.'' The ASC proposes to collect program progress data from ASC grantees and use this data to ensure grantees are proceeding in a satisfactory manner in meeting the approved goals and purpose of the project. The requirement for grantees to report on performance is OMB grants policy. Specific citations are contained in CFR part 200—Uniform Administrative Requirements, Cost Principles, And Audit Requirements For Federal Awards.

DATES: Comments must be received on or before January 19, 2021 to be assured of consideration.

ADDRESSES: To view the proposed ASC–PR format, see *https://www.asc.gov/Documents/GrantsFunding Correspondence/PR-FFR%20Reporting%20Instructions%20and%20Form.pdf.* Commenters are encouraged to submit comments by the Federal eRulemaking Portal or email, if possible. You may submit comments by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov*. Follow the instructions for submitting comments. Click on the ''Help'' tab on the *Regulations.gov* home page to get information on using *Regulations.gov*, including instructions for submitting public comments.
- *E-Mail: webmaster@asc.gov*. Please include the Docket Number AS20–13 in the subject line.
- *Fax:* (202) 289–4101. Please include the Docket Number AS20–13 in the fax cover sheet.
- *Mail or Hand Delivery/Courier:* Address to Appraisal Subcommittee, Attn: Lori Schuster, Management and Program Analyst, 1325 G Street NW, Suite 500, Washington, DC 20005.

In general, the ASC will enter all comments received on the Federal eRulemaking (*Regulations.gov*) website without change, including any business or personal information that you provide, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not enclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

The ASC will summarize and/or include your comments in the request for OMB's clearance of this information collection.

You may review comments and other related materials that pertain to this rulemaking action by any of the following methods:

- *Viewing Comments Electronically:* Go to *https://www.regulations.gov.* Click on the ''Help'' tab on the *Regulations.gov* home page to get information on using *Regulations.gov*, including instructions for viewing public comments, viewing other supporting and related materials, and viewing the docket after the close of the comment period.
- *Viewing Comments Personally:* You may personally inspect comments at the ASC office, 1325 G Street NW, Suite 500, Washington, DC 20005. To make an appointment, please call Lori Schuster at (202) 595–7578.
- Once the 60-day comment period is closed, the ASC will post on its What's New page, a link to the comments uploaded to *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Maria Brown, Regulatory Affairs Specialist, at (202) 792–1197 or *Maria@asc.gov,* Appraisal Subcommittee, 1325 G Street NW, Suite 500, Washington, DC 20005.

SUPPLEMENTARY INFORMATION: The ASC has established new grant-making programs and is responsible for monitoring its grantees on the use of federal funds. The ASC developed this progress report for both interim and final progress reports for grants issued under ASC authority. The progress report will be submitted to the ASC semi-annually as an attachment to the Standard Form 425, *Federal Financial Report.* A draft version of the instructions and format for the reports is posted on the ASC website at *https://www.asc.gov/Documents/GrantsFundingCorrespondence/PR-FFR%20Reporting%20Instructions%20and%20Form.pdf.* The report will benefit award recipients by making it easier for them to administer federal grant and cooperative agreement programs through standardization of the types of information required in progress reports, thereby reducing their administrative effort and costs.

After obtaining and considering public comment, the ASC will prepare the format for final clearance. Comments are invited on: (a) Ways to enhance the quality, utility, and clarity of the information collected from respondents, including through the use of automated collection techniques or other forms of information technology; and (b) 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.

Burden Estimates

Type of Review: Regular.

Affected Public: ASC grantees.

Estimated Number of Respondents: 55.

Estimated burden per Response: 1 hour.

Frequency of Response: Twice per year (semi-annual and annual report).

Estimated Total Annual Burden: 110 hours.

* * * * *

By the Appraisal Subcommittee.

James R. Park,

Executive Director.

[FR Doc. 2020–25671 Filed 11–19–20; 8:45 am]

BILLING CODE 6700–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Savings and Loan Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Home Owners' Loan Act (12 U.S.C. 1461 *et seq.*) (HOLA), Regulation LL (12 CFR part 238), and Regulation MM (12 CFR part 239), and all other applicable statutes and regulations to become a savings and loan holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a savings association.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on whether the proposed transaction complies with the standards enumerated in the HOLA (12 U.S.C. 1467a(e)).

Comments regarding each of these applications must be received at the

Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than December 21, 2020.

A. Federal Reserve Bank of Cleveland (Mary S. Johnson, Vice President), 1455 East Sixth Street, Cleveland, Ohio 44101–2566. Comments can also be sent electronically to *Comments.applications@clev.frb.org:*

1. *Dollar Mutual Bancorp, Pittsburgh, Pennsylvania;* to acquire Standard AVB Financial Corp. and its subsidiary bank, Standard Bank, PaSB, both of Murrysville, Pennsylvania.

Board of Governors of the Federal Reserve System, November 17, 2020.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2020–25684 Filed 11–19–20; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington DC 20551–0001, not later than December 21, 2020.

A. Federal Reserve Bank of San Francisco (Sebastian Astrada, Director, Applications), 101 Market Street, San Francisco, California 94105–1579:

1. *DMG Bancshares, Inc., Irvine, California;* to become a bank holding company by acquiring California First National Bank, also of Irvine, California.

Board of Governors of the Federal Reserve System, November 17, 2020.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2020–25680 Filed 11–19–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Social Services Block Grant (SSBG) Post-Expenditure Report (OMB #0970–0234)

AGENCY: Office of Community Services, Administration for Children and Families, HHS.

ACTION: Request for public comment.

SUMMARY: The Administration for Children and Families (ACF) is requesting a 3-year extension of the Social Services Block Grant (SSBG) Post-Expenditure Report (OMB #0970–0234, expiration 1/31/2021). Although ACF initially proposed changes (see 85 FR 57863), after reconsideration during the initial comment period, this request is for an extension with no changes.

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: On an annual basis, states and territories are required to submit a Post-Expenditure Report that details their use of SSBG funds in each of the 29 service categories. Grantees are required to submit their Post-Expenditure Report within 6 months of the end of the period covered by the report.

OCS also allows states to use the Post-Expenditure Reporting form to provide pre-expenditure data for their annual Intended Use Plans, which provides estimates of the expenditures and number of recipients by service category.

Respondents: Agencies that administer the SSBG at the state or territory level, including the 50 States; District of Columbia; Puerto Rico; and the territories of American Samoa, Guam, the Virgin Islands, and the Commonwealth of Northern Mariana Islands.

ANNUAL BURDEN ESTIMATES

Instrument	Annual number of respondents	Annual number of responses per respondent	Average burden hours per response	Total/ annual burden hours
Post-Expenditure Reporting Form	56	1	110	6,160
Post-Expenditure Reporting Form for Pre-Expenditure Data (funding estimates for the Intended Use Plan)	56	1	2	112

Estimated Total Annual Burden Hours: 6,272.

Authority: 42 U.S.C. 1397 through 1397e.

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2020–25639 Filed 11–19–20; 8:45 am]

BILLING CODE 4184–24–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–D–0611]

Biosimilarity and Interchangeability: Additional Draft Q&As on Biosimilar Development and the Biologics Price Competition and Innovation Act of 2009; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry entitled ''Biosimilarity and Interchangeability: Additional Draft Q&As on Biosimilar Development and the BPCI Act.'' The question and answer (Q&A) format is intended to inform prospective applicants and facilitate the development of proposed biosimilars and proposed interchangeable biosimilars, as well as to describe FDA's interpretation of certain statutory requirements added by the Biologics Price Competition and Innovation Act of 2009 (BPCI Act). This draft guidance document provides new Q&As. It does not replace the draft guidance document entitled ''New and Revised Draft Q&As on Biosimilar Development and the BPCI Act (Revision 2),'' issued December 12, 2018.

DATES: Submit either electronic or written comments on the draft guidance by January 19, 2021 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2011–D–0611 for ''Biosimilarity and Interchangeability: Additional Draft Q&As on Biosimilar Development and the BPCI Act.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 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.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of this draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002, or the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Sandra Benton, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 1132, Silver Spring, MD 20993, 301–796–1042, *sandra.benton@fda.hhs.gov,* or Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911, *stephen.ripley@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Biosimilarity and Interchangeability:

Additional Draft Q&As on Biosimilar Development and the BPCI Act.'' The Q&A format is intended to inform prospective applicants and facilitate the development of proposed biosimilars and proposed interchangeable biosimilars, as well as to describe FDA's interpretation of certain statutory requirements added by the BPCI Act.

The BPCI Act created an abbreviated licensure pathway in section 351(k) of the PHS Act (42 U.S.C. 262(k)) for biological products shown to be biosimilar to, or interchangeable with, an FDA-licensed biological reference product (see sections 7001 through 7003 of the Patient Protection and Affordable Care Act (Pub. L. 111–148)). FDA believes that guidance for industry that provides answers to commonly asked questions regarding FDA's interpretation of the BPCI Act will enhance transparency and facilitate the development and approval of biosimilar and interchangeable products.

FDA has been using the format of Q&A guidance to describe the Agency's thinking on and update certain information and recommendations relevant to the development of biosimilar and interchangeable products. This draft guidance document contains only Q&As that are in draft form. After FDA has considered any comments on the Q&As contained in this draft guidance received during the relevant comment period and, as appropriate, incorporated suggested changes to the Q&A, individual Q&As will be finalized and moved to the final guidance document ''Questions and Answers on Biosimilar Development and the BPCI Act,'' which is updated as appropriate. The final guidance contains Q&As that have been through the public comment process and reflects FDA's current thinking on the topics described. A Q&A may be withdrawn and removed from the Q&A guidance documents if, for instance, the issue addressed in the Q&A has been addressed in another FDA guidance document. No such changes to currently issued draft or final guidance documents are being made in connection with the issuance of this draft guidance.

FDA has maintained the original numbering of the Q&As used in the December 2018 final guidance ''Questions and Answers on Biosimilar Development and the BPCI Act'' and the December 2018 draft guidance ''New and Revised Draft Q&As on Biosimilar Development and the BPCI Act (Revision 2).'' This draft guidance document provides new Q&As. It does not replace the draft guidance document entitled ''New and Revised Draft Q&As on Biosimilar Development and the BPCI Act (Revision 2),'' issued December 12, 2018.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The Q&As in this draft guidance, when finalized, will appear in the final guidance, and the final guidance will represent the current thinking of FDA on the Q&As posed in the ''Biosimilarity and Interchangeability: Additional Draft Q&As on Biosimilar Development and the BPCI Act.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

This draft guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). The collections of information in 21 CFR part 312 for submission of an investigational new drug application have been approved under OMB control number 0910–0014. The collections of information in 21 CFR 314.50 for submission of a new drug application have been approved under OMB control number 0910–0001. The collections of information in section 351(a) of the PHS Act and 21 CFR part 601 for submission of a biologics license application (BLA) have been approved under OMB control number 0910–0338. The collections of information in section 351(k) of the PHS Act and 21 CFR part 601 for submission of a BLA have been approved under OMB control number 0910–0719.

III. Electronic Access

Persons with access to the internet may obtain the draft guidance at either *https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm, https://www.fda.gov/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics/biologics-guidances,* or *https://www.regulations.gov.*

Dated: November 16, 2020.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2020–25606 Filed 11–19–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2020–N–1584]

Authorization of Emergency Use of Certain Medical Devices During COVID–19; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the issuance and reissuance of Emergency Use Authorizations (EUAs) (the Authorizations) for certain medical devices related to the Coronavirus Disease 2019 (COVID–19) public health emergency. FDA has issued, and in some cases reissued, the Authorizations listed in this document under the Federal Food, Drug, and Cosmetic Act (FD&C Act). These Authorizations contain, among other things, conditions on the emergency use of the authorized products. The Authorizations follow the February 4, 2020, determination by Secretary of Health and Human Services (HHS) that there is a public health emergency that has a significant potential to affect national security or the health and security of U.S. citizens living abroad, and that involves the virus that causes COVID–19, and the subsequent declarations on February 4, 2020, March 2, 2020, and March 24, 2020, that circumstances exist justifying the authorization of emergency use of in vitro diagnostics for detection and/or diagnosis of the virus that causes COVID–19, personal respiratory protective devices, and medical devices, including alternative products used as medical devices, respectively, subject to the terms of any authorization issued under the FD&C Act. These Authorizations, which include an explanation of the reasons for issuance and reissuance, are listed in this document, and are available on FDA's website at the links indicated.

DATES: These Authorizations are applicable on their date of issuance/reissuance.

ADDRESSES: Submit written requests for single copies of an EUA to the Office of Counterterrorism and Emerging Threats, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 1, Rm. 4338, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request or include a fax number to which the Authorization may be sent. See the **SUPPLEMENTARY INFORMATION**

section for electronic access to the Authorization.

FOR FURTHER INFORMATION CONTACT: Jennifer J. Ross, Office of Counterterrorism and Emerging Threats, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 1, Rm. 4332, Silver Spring, MD 20993–0002, 301–796–8510 (this is not a toll free number).

SUPPLEMENTARY INFORMATION:

I. Background

Section 564 of the FD&C Act (21 U.S.C. 360bbb–3) allows FDA to strengthen the public health protections against biological, chemical, radiological, or nuclear agent or agents. Among other things, section 564 of the FD&C Act allows FDA to authorize the use of an unapproved medical product or an unapproved use of an approved medical product in certain situations. With this EUA authority, FDA can help ensure that medical countermeasures may be used in emergencies to diagnose, treat, or prevent serious or life-threatening diseases or conditions caused by a biological, chemical, radiological, or nuclear agent or agents when there are no adequate, approved, and available alternatives.

Section 564(b)(1) of the FD&C Act provides that, before an EUA may be issued, the Secretary of HHS must declare that circumstances exist justifying the authorization based on one of the following grounds: (1) A determination by the Secretary of Homeland Security that there is a domestic emergency, or a significant potential for a domestic emergency, involving a heightened risk of attack with a biological, chemical, radiological, or nuclear agent or agents; (2) a determination by the Secretary of Defense that there is a military emergency, or a significant potential for a military emergency, involving a heightened risk to U.S. military forces, including personnel operating under the authority of title 10 or title 50 of the U.S. Code, of attack with (A) a biological, chemical, radiological, or nuclear agent or agents; or (B) an agent or agents that may cause, or are otherwise associated with, an imminently life-threatening and specific risk to U.S. military forces; [1] (3) a determination by the Secretary of HHS that there is a public health emergency, or a significant potential for a public health emergency, that affects, or has a significant potential to affect, national security or the health and security of U.S. citizens living abroad, and that involves a biological, chemical, radiological, or nuclear agent or agents, or a disease or condition that may be attributable to such agent or agents; or (4) the identification of a material threat by the Secretary of Homeland Security pursuant to section 319F–2 of the Public Health Service (PHS) Act (42 U.S.C. 247d–6b) sufficient to affect national security or the health and security of U.S. citizens living abroad.

Once the Secretary of HHS has declared that circumstances exist justifying an authorization under section 564 of the FD&C Act, FDA may authorize the emergency use of a drug, device, or biological product if the Agency concludes that the statutory criteria are satisfied. Under section 564(h)(1) of the FD&C Act, FDA is required to publish in the **Federal Register** a notice of each authorization, and each termination or revocation of an authorization, and an explanation of the reasons for the action. Section 564 of the FD&C Act permits FDA to authorize the introduction into interstate commerce of a drug, device, or biological product intended for use when the Secretary of HHS has declared that circumstances exist justifying the authorization of emergency use. Products appropriate for emergency use may include products and uses that are not approved, cleared, or licensed under section 505, 510(k), 512, or 515 of the FD&C Act (21 U.S.C. 355, 360(k), 360b, or 360e) or section 351 of the PHS Act (42 U.S.C. 262), or conditionally approved under section 571 of the FD&C Act (21 U.S.C. 360ccc). FDA may issue an EUA only if, after consultation with the HHS Assistant Secretary for Preparedness and Response, the Director of the National Institutes of Health, and the Director of the Centers for Disease Control and Prevention (to the extent feasible and appropriate given the applicable circumstances), FDA [2] concludes: (1) That an agent referred to in a declaration of emergency or threat can cause a serious or life-threatening disease or condition; (2) that, based on the totality of scientific evidence available to FDA, including data from adequate and well-controlled clinical trials, if available, it is reasonable to believe that (A) the product may be effective in diagnosing, treating, or preventing (i) such disease or condition; or (ii) a serious or life-threatening disease or condition caused by a product authorized under section 564, approved or cleared under the FD&C Act, or licensed under section 351 of the PHS Act, for diagnosing, treating, or preventing such a disease or condition caused by such an agent; and (B) the known and potential benefits of the product, when used to diagnose, prevent, or treat such disease or condition, outweigh the known and potential risks of the product, taking into consideration the material threat posed by the agent or agents identified in a declaration under section 564(b)(1)(D) of the FD&C Act, if applicable; (3) that there is no adequate, approved, and available alternative to the product for diagnosing, preventing, or treating such disease or condition; (4) in the case of a determination described in section 564(b)(1)(B)(ii), that the request for emergency use is made by the Secretary of Defense; and (5) that such other criteria as may be prescribed by regulation are satisfied.

No other criteria for issuance have been prescribed by regulation under section 564(c)(4) of the FD&C Act.

III. Electronic Access

An electronic version of this document and the full text of the Authorizations are available on the internet at *https://www.fda.gov/emergency-preparedness-and-response/mcm-legal-regulatory-and-policy-framework/emergency-use-authorization.*

IV. The Authorizations

Having concluded that the criteria for the issuance and, in some cases reissuance, of the following Authorizations under section 564(c) of the FD&C Act are met, FDA has authorized the emergency use of the following products for diagnosing, treating, or preventing COVID–19 subject to the terms of each Authorization. The Authorizations in their entirety, including any authorized fact sheets and other written materials, are available on the internet from the FDA web page entitled ''Emergency Use Authorization,'' available at *https://www.fda.gov/emergency-preparedness-and-response/mcm-legal-regulatory-and-policy-framework/emergency-use-authorization.* The lists that follow include Authorizations issued, in some cases reissued, from May 16, 2020, through September 14, 2020, and we have included explanations of the reasons for their issuance, as required by section 564(h)(1) of the FD&C Act. FDA is hereby announcing the following Authorizations for molecular diagnostic

[1] In the case of a determination by the Secretary of Defense, the Secretary of HHS shall determine within 45 calendar days of such determination, whether to make a declaration under section 564(b)(1) of the FD&C Act, and, if appropriate, shall promptly make such a declaration.

[2] The Secretary of HHS has delegated the authority to issue an EUA under section 564 of the FD&C Act to the Commissioner of Food and Drugs.

and antigen tests for COVID–19, excluding multianalyte tests: [3]

- Color Genomics, Inc.'s Color SARS–CoV–2 LAMP Diagnostic Assay, issued May 18, 2020, and reissued July 24, 2020;
- Quidel Corp.'s Lyra Direct SARS–CoV–2 Assay, issued May 18, 2020;
- P23 Labs, LLC's P23 Labs TaqPath SARSd–CoV–2 Assay, issued May 21, 2020, and reissued July 10, 2020;
- SEASUN BIOMATERIALS, Inc.'s AQ–TOP COVID–19 Rapid Detection Kit, issued May 21, 2020;
- SolGent Co., Ltd.'s DiaPlexQ Novel Coronavirus (2019–nCoV) Detection Kit, issued May 21, 2020;
- BioCore Co., Ltd.'s BioCore 2019–nCoV Real Time PCR Kit, issued May 21, 2020;
- Exact Sciences Laboratories' SARSd–CoV–2 (N gene detection) Test, issued May 22, 2020, and reissued August 3, 2020;
- dba SpectronRx's Hymon SARSd–CoV–2 Test Kit, issued May 22, 2020;
- PrivaPath Diagnostics, Inc.'s LetsGetChecked Coronavirus (COVID–19) Test, issued May 28, 2020, and reissued August 14, 2020;
- Gravity Diagnostics, LLC's Gravity Diagnostics COVID–19 Assay, issued June 1, 2020;
- Phosphorus Diagnostics LLC's Phosphorus COVID–19 RT–qPCR Test, issued June 4, 2020;
- Genetron Health (Beijing) Co., Ltd.'s Genetron SARSd–CoV–2 RNA Test, issued June 5, 2020;
- Euroimmun US Inc.'s EURORealTime SARSd–CoV–2, issued June 8, 2020;
- ChromaCode Inc.'s HDPCR SARSd–CoV–2 Assay, issued June 9, 2020;
- Illumina, Inc.'s Illumina COVIDSeq Test, issued June 9, 2020;
- Tide Laboratories, LLC's DTPM COVID–19 RT–PCR Test, issued June 10, 2020;
- TBG Biotechnology Corp.'s ExProbe SARSd–CoV–2 Testing Kit, issued June 10, 2020;
- Cue Health, Inc.'s Cue COVID–19 Test, issued June 10, 2020;
- RTA Laboratories Biological Products Pharmaceutical and Machinery Industry's Diagnovital SARSd–CoV–2 Real-Time PCR Kit, issued June 12, 2020;
- Kaiser Permanente Mid-Atlantic States's KPMAS COVID–19 Test, issued June 13, 2020, and reissued September 9, 2020;
- Applied BioCode, Inc.'s BioCode SARSd–CoV–2 Assay, issued June 15, 2020;
- The Ohio State University Wexner Medical Center's OSUWMC COVID–19 RT–PCR test, issued June 17, 2020;
- Omnipathology Solutions Medical Corp.'s Omni COVID–19 Assay by RT–PCR, issued June 17, 2020;
- Jiangsu Bioperfectus Technologies Co., Ltd.'s COVID–19 Coronavirus Real Time PCR Kit, issued June 18, 2020;
- 3B Blackbio Biotech India Ltd., a subsidiary of Kilpest India Ltd.'s TRUPCR SARSd–CoV–2 Kit, issued June 18, 2020;
- HealthQuest Esoterics's HealthQuest Esoterics TaqPath SARSd–CoV–2 Assay, issued June 23, 2020;
- University of Alabama at Birmingham Fungal Reference Lab's FRL SARS CoV–2 Test, issued June 23, 2020;
- Gencurix, Inc.'s GenePro SARSd–CoV–2 Test, issued June 23, 2020;
- University of Texas MD Anderson Cancer Center, Molecular Diagnostics Laboratory's MD Anderson High-throughput SARSd–CoV–2 RT–PCR Assay, issued June 24, 2020;
- Diagnostic Solutions Laboratory, LLC's DSL COVID–19 Assay, issued June 25, 2020;
- PreciGenome LLC's FastPlex Triplex SARSd–CoV–2 detection kit (RT–Digital PCR), issued June 25, 2020;
- PlexBio Co., Ltd.'s IntelliPlex SARSd–CoV–2 Detection Kit, issued June 25, 2020;
- Inform Diagnostics, Inc.'s Inform Diagnostics SARSd–CoV–2 RT–PCR Assay, issued June 26, 2020;
- Acupath Laboratories, Inc.'s Acupath COVID–19 Real-Time (RT–PCR) Assay, issued June 29, 2020;
- LifeHope Labs' LifeHope 2019–nCoV Real-Time RT–PCR Diagnostic Panel, issued June 29, 2020;
- Psomagen, Inc.'s Psoma COVID–19 RT Test, issued June 30, 2020;
- TNS Co., Ltd.'s (Bio TNS) COVID–19 RT–PCR Peptide Nucleic Acid (PNA) kit, issued June 30, 2020;
- The Kroger Co.'s Kroger Health COVID–19 Test Home Collection Kit, issued June 30, 2020;
- CENTOGENE US, LLC's CentoFast–SARSd–CoV–2 RT–PCR Assay, issued July 1, 2020;
- Becton, Dickinson and Co.'s BD Veritor System for Rapid Detection of SARSd–CoV–2, issued July 2, 2020;
- Laboratorio Clinico Toledo's Laboratorio Clinico Toledo SARSd–CoV–2 Assay, issued July 6, 2020;
- Gene By Gene's Gene By Gene SARSd–CoV–2 Detection Test, issued July 7, 2020;
- Access Bio, Inc.'s CareStart COVID–19 MDx RT–PCR, issued July 7, 2020;
- Enzo Life Sciences, Inc.'s AMPIPROBE SARSd–CoV–2 Test System, issued July 7, 2020;
- Clinical Research Sequencing Platform (CRSP), LLC at the Broad Institute of MIT and Harvard's CRSP SARSd–CoV–2 Real-time Reverse Transcriptase (RT)–PCR Diagnostic Assay, issued July 8, 2020;
- BioSewoom, Inc.'s Real-Q 2019–nCoV Detection Kit, issued July 9, 2020;
- UCSF Health Clinical Laboratories, UCSF Clinical Labs at China Basin's SARSd–CoV–2 RNA DETECTR Assay, issued July 9, 2020;
- Boston Medical Center's BMC–CReM COVID–19 Test, issued July 10, 2020;
- KogeneBiotech Co., Ltd.'s PowerChek 2019–nCoV Real-time PCR Kit, issued July 13, 2020;
- Trax Management Services Inc.'s PhoenixDx SARSd–CoV–2 Multiplex, issued July 13, 2020;
- Compass Laboratory Services, LLC's Compass Laboratory Services SARSd–CoV2 Assay, issued July 13, 2020;
- Quest Diagnostics Infectious Disease, Inc.'s Quest Diagnostics PF SARSd–CoV–2 Assay, issued July 15, 2020, and reissued August 21, 2020;
- Quest Diagnostics Infectious Disease, Inc.'s Quest Diagnostics RC SARSd–CoV–2 Assay, issued July 15, 2020, and reissued August 21, 2020;
- Quest Diagnostics Infectious Disease, Inc.'s Quest Diagnostics HA SARSd–CoV–2 Assay, issued July 15, 2020, and reissued August 21, 2020;
- Boston Heart Diagnostics' Boston Heart COVID–19 RT–PCR Test, issued July 16, 2020;
- Access Genetics, LLC's OraRisk COVID–19 RT–PCR, issued July 17, 2020;
- DiaCarta, Inc.'s QuantiVirus SARSd–CoV–2 Multiplex Test Kit, issued July 21, 2020;
- Helix OpCo LLC's (dba Helix's) Helix COVID–19 Test, issued July 23, 2020;
- Jiangsu CoWin Biotech Co., Ltd.'s Novel Coronavirus (SARSd–CoV–2) Fast Nucleic Acid Detection Kit (PCR-Fluorescence Probing), issued July 24, 2020;
- LabCorp's COVID–19 RT–PCR Test, reissued July 24, 2020 (original issuance March 16, 2020);
- Eli Lilly and Co.'s Lilly SARSd–CoV–2 Assay, issued July 27, 2020;

[3] As set forth in the EUAs for these products, FDA has concluded that: (1) SARS–CoV–2, the virus that causes COVID–19, can cause a serious or life-threatening disease or condition, including severe respiratory illness, to humans infected by this virus; (2) based on the totality of scientific evidence available to FDA, it is reasonable to believe that the products may be effective in diagnosing COVID–19, and that the known and potential benefits of the products, when used for diagnosing COVID–19, outweigh the known and potential risks of such products; and (3) there is no adequate, approved, and available alternative to the emergency use of the products.

- Sandia National Laboratories' SNL–NM 2019 nCoV Real-Time RT–PCR Diagnostic Assay, issued July 27, 2020;
- Clinical Reference Laboratory, Inc.'s CRL Rapid Response, issued July 30, 2020;
- University of California San Diego Health's UCSD RC SARSd–CoV–2 Assay, issued July 31, 2020;
- Xiamen Zeesan Biotech Co., Ltd.'s SARSd–CoV–2 Test Kit (Real-time PCR), issued July 31, 2020;
- ISPM Labs, LLC dba Capstone Healthcare's Genus SARSd–CoV–2 Assay, issued August 3, 2020;
- Poplar Healthcare's Poplar SARSd–CoV–2 TMA Pooling assay, issued August 3, 2020;
- Cleveland Clinic Robert J. Tomsich Pathology and Laboratory Medicine Institute's Cleveland Clinic SARSd–CoV–2 Assay, issued August 3, 2020;
- Ethos Laboratories' Ethos Laboratories SARSd–CoV–2 MALDI–TOF Assay, issued August 3, 2020;
- Wren Laboratories LLC's Wren Laboratories COVID–19 PCR Test, issued August 3, 2020;
- Vela Operations Singapore Pte Ltd.'s ViroKey SARSd–CoV–2 RT–PCR Test, issued August 5, 2020;
- Helix OpCo LLC's (dba Helix) Helix COVID–19 NGS Test, issued August 6, 2020;
- George Washington University Public Health Laboratory's GWU SARSd–CoV–2 RT–PCR Test, issued August 7, 2020;
- Quest Diagnostics Infectious Disease, Inc.'s SARSd–CoV–2 RNA, Qualitative Real-Time RT–PCR, reissued August 7, 2020 (original issuance March 17, 2020);
- Alpha Genomix Laboratories' Alpha Genomix TaqPath SARSd–CoV–2 Combo Assay, issued August 10, 2020;
- Solaris Diagnostics' Solaris Multiplex SARSd–CoV–2 Assay, issued August 10, 2020;
- Biomeme, Inc.'s Biomeme SARSd–CoV–2 Real-Time RT–PCR Test, issued August 11, 2020;
- LumiraDx UK Ltd.'s LumiraDx SARS–CoV–2 RNA STAR, issued August 11, 2020;
- Pro-Lab Diagnostics' Pro-AmpRT SARSd–CoV–2 Test, issued August 13, 2020;
- Yale School of Public Health, Department of Epidemiology of Microbial Diseases' SalivaDirect, issued August 15, 2020, and reissued August 28, 2020;
- ZhuHai Sinochips Bioscience Co., Ltd.'s COVID–19 Nucleic Acid RT–PCR Test Kit, issued August 17, 2020;
- LumiraDx UK Ltd.'s LumiraDx SARSd–CoV–2 Ag Test, issued August 18, 2020;
- Assurance Scientific Laboratories' Assurance SARSd–CoV–2 Panel, reissued August 19, 2020 (original issuance May 15, 2020);
- Guardant Health, Inc.'s Guardant-19, issued August 21, 2020;
- DxTerity Diagnostics, Inc.'s DxTerity SARSd–CoV–2 RT–PCR Test, issued August 21, 2020;
- Texas Department of State Health Services, Laboratory Services Section's Texas Department of State Health Services SARSd–CoV–2 Assay, issued August 21, 2020;
- Fluidigm Corp.'s Advanta Dx SARSd–CoV–2 RT–PCR Assay, issued August 25, 2020;
- QDx Pathology Services' QDX SARSd–CoV–2 Assay, issued August 25, 2020;
- Cuur Diagnostics' Cuur Diagnostics SARSd–CoV–2 Molecular Assay, issued August 26, 2020;
- Abbott Diagnostics Scarborough, Inc.'s BinaxNOW COVID–19 Ag Card, issued August 26, 2020;
- Patients Choice Laboratories, LLC's PCL SARSd–CoV–2 Real-Time RT–PCR Assay, issued August 28, 2020;
- DxTerity Diagnostics, Inc.'s DxTerity SARSd–CoV–2 RT PCR CE Test, issued August 28, 2020;
- T2 Biosystems, Inc.'s T2SARSd–CoV–2 Panel, issued August 31, 2020;
- MiraDx's MiraDx SARSd–CoV–2 RT–PCR assay, issued August 31, 2020;
- Mammoth Biosciences, Inc.'s SARSd–CoV–2 DETECTR Reagent Kit, issued August 31, 2020;
- BayCare Laboratories, LLC's BayCare SARSd–CoV–2 RT PCR Assay, issued August 31, 2020;
- Detectachem Inc.'s MobileDetect Bio BCC19 (MD-Bio BCC19) Test Kit, issued September 1, 2020;
- OPTOLANE Technologies, Inc.'s Kaira 2019–nCoV Detection Kit, issued September 1, 2020;
- Bioeksen R&D Technologies Ltd.'s Bio-Speedy Direct RT–qPCR SARSd–CoV–2, issued September 2, 2020;
- BillionToOne, Inc.'s qSanger-COVID–19 Assay, issued September 4, 2020;
- Verily Life Sciences' Verily COVID–19 RT–PCR Test, issued September 8, 2020; and
- Beijing Wantai Biological Pharmacy Enterprise Co., Ltd.'s Wantai SARSd–CoV–2 RT–PCR Kit, issued September 9, 2020.

FDA is hereby announcing the following Authorizations for serology tests: [4]

- Healgen Scientific LLC's COVID–19 IgG/IgM Rapid Test Cassette (Whole Blood/Serum/Plasma), issued May 29, 2020;
- Siemens Healthcare Diagnostics Inc.'s Atellica IM SARSd–CoV–2 Total (COV2T), issued May 29, 2020;
- Siemens Healthcare Diagnostics Inc.'s ADVIA Centaur SARSd–CoV–2 Total (COV2T), issued May 29, 2020;
- Hangzhou Biotest Biotech Co., Ltd.'s RightSign COVID–19 IgG/IgM Rapid Test Cassette, issued June 4, 2020;
- Vibrant America Clinical Labs' Vibrant COVID–19 Ab Assay, issued June 4, 2020;
- Siemens Healthcare Diagnostics Inc.'s Dimension Vista SARSd–CoV–2 Total antibody assay (COV2T), issued June 8, 2020;
- Siemens Healthcare Diagnostics Inc.'s Dimension EXL SARSd–CoV–2 Total antibody assay (CV2T), issued June 8, 2020;
- InBios International, Inc.'s SCoV–2 Detect IgG ELISA [enzyme-linked immunosorbent assay], issued June 10, 2020;
- Cellex Inc.'s qSARSd–CoV–2 IgG/IgM Rapid Test, reissued June 12, 2020 (original issuance April 1, 2020);
- Emory Medical Laboratories' SARSd–CoV–2 RBD IgG test, issued June 15, 2020;
- Biohit Healthcare (Hefei) Co. Ltd.'s Biohit SARSd–CoV–2 IgM/IgG Antibody Test Kit, issued June 18, 2020;
- Hangzhou Laihe Biotech Co., Ltd.'s LYHER Novel Coronavirus (2019–nCoV) IgM/IgG Antibody Combo Test Kit (Colloidal Gold), issued June 19, 2020;
- Babson Diagnostics, Inc.'s Babson Diagnostics aC19G1, issued June 23, 2020;
- Beckman Coulter, Inc.'s Access SARSd–CoV–2 IgG, issued June 26, 2020;
- InBios International, Inc.'s SCoV–2 Detect IgM ELISA, issued June 30, 2020;
- Assure Tech.'s (Hangzhou Co., Ltd.) Assure COVID–19 IgG/IgM Rapid Test Device, issued July 6, 2020;
- Diazyme Laboratories, Inc.'s Diazyme DZ-Lite SARSd–CoV–2 IgG CLIA Kit, issued July 8, 2020;
- Beijing Wantai Biological Pharmacy Enterprise Co., Ltd.'s WANTAI SARSd–CoV–2 Ab Rapid Test, July 10, 2020;

[4] As set forth in the EUAs for these products, FDA has concluded that: (1) SARSd–CoV–2 can cause a serious or life-threatening disease or condition, including severe respiratory illness, to humans infected by this virus; (2) based on the totality of scientific evidence available to FDA, it is reasonable to believe that the products may be effective in diagnosing recent or prior infection with SARSd–CoV–2 by identifying individuals with an adaptive immune response to the virus that causes COVID–19, and that the known and potential benefits of the products when used for such use, outweigh the known and potential risks of the products; and (3) there is no adequate, approved, and available alternative to the emergency use of the products.

- Salofa Oy's Sienna-Clarity COVIBLOCK COVID–19 IgG/IgM Rapid Test Cassette, issued July 13, 2020;
- Luminex Corp.'s xMAP SARSd–CoV–2 Multi-Antigen IgG Assay, issued July 16, 2020;
- Megna Health, Inc.'s Rapid COVID–19 IgM/IgG Combo Test Kit, issued July 17, 2020;
- Access Bio, Inc.'s CareStart COVID–19 IgM/IgG, issued July 24, 2020;
- Xiamen Biotime Biotechnology Co., Ltd.'s BIOTIME SARSd–CoV–2 IgG/IgM Rapid Qualitative Test, issued July 24, 2020;
- Siemens Healthcare Diagnostics Inc.'s ADVIA Centaur SARSd–CoV–2 IgG (COV2G), issued July 31, 2020;
- Siemens Healthcare Diagnostics Inc.'s Atellica IM SARSd–CoV–2 IgG (COV2G), issued July 31, 2020;
- Beijing Wantai Biological Pharmacy Enterprise Co., Ltd.'s WANTAI SARSd–CoV–2 Ab ELISA, issued August 5, 2020;
- bioMérieux SA's VIDAS SARSd–CoV–2 IgM, issued August 6, 2020;
- bioMérieux SA's VIDAS SARSd–CoV–2 IgG, issued August 6, 2020;
- Diazyme Laboratories, Inc.'s Diazyme DZ-Lite SARSd–CoV–2 IgM CLIA Kit, issued August 17, 2020;
- BioCheck, Inc.'s BioCheck SARSd–CoV–2 IgG and IgM Combo Test, issued August 17, 2020;
- Biocan Diagnostics Inc.'s Tell Me Fast Novel Coronavirus (COVID–19) IgG/IgM Antibody Test, issued August 25, 2020;
- TBG Biotechnology Corp.'s TBG SARSd–CoV–2 IgG/IgM Rapid Test Kit, issued August 31, 2020;
- University of Arizona Genetics Core for Clinical Services' COVID–19 ELISA pan-Ig Antibody Test, issued August 31, 2020;
- Sugentech, Inc.'s SGTi-flex COVID–19 IgG, issued September 3, 2020;
- BioCheck, Inc.'s BioCheck SARS–CoV–2 IgG Antibody Test Kit, issued September 9, 2020;
- BioCheck, Inc.'s BioCheck SARS–CoV–2 IgM Antibody Test Kit, issued September 9, 2020; and
- Shenzhen New Industries Biomedical Engineering Co., Ltd.'s MAGLUMI 2019–nCoV IgM/IgG, issued September 14, 2020.

FDA is hereby announcing the following Authorizations for multianalyte in vitro diagnostics: [5]

- Centers for Disease Control and Prevention's Influenza SARS–CoV–2 (Flu SC2) Multiplex Assay, issued July 2, 2020;
- Roche Molecular Systems, Inc.'s cobas SARS–CoV–2 & Influenza A/B, issued September 3, 2020; and
- Roche Molecular Systems, Inc.'s cobas SARS–CoV–2 & Influenza A/B Nucleic Acid Test for use on the cobas Liat System, issued September 14, 2020.

FDA is hereby announcing the following Authorizations for personal respiratory protective devices: [6]

- Certain Non-National Institute of Industrial and Occupational Safety (NIOSH)-Approved Disposable Filtering Facepiece Respirators Manufactured in China, reissued June 6, 2020 (original issuance April 3, 2020). A current list of respirator models authorized by this EUA is available at *https://www.fda.gov/medical-devices/coronavirus-disease-2019-covid-19-emergency-use-authorizations-medical-devices/personal-protective-equipment-euas#appendixa;* and
- Certain Imported, Non-NIOSH Approved Disposable Filtering Facepiece Respirators, reissued June 6, 2020 (original issuance March 24, 2020). A current list of respirator models authorized by this EUA is available at *https://www.fda.gov/medical-devices/coronavirus-disease-2019-covid-19-emergency-use-authorizations-medical-devices/personal-protective-equipment-euas#exhibit1.*

FDA is hereby announcing the following Authorizations for other medical devices:

- Baxter Healthcare Corp.'s Prismaflex ST Set, issued May 20, 2020; [7]
- STERIS Corp.'s AMSCO Medium Steam Sterilizers + the STERIS STEAM Decon Cycle, issued May 21, 2020; [8]
- Certain Gowns and Other Apparel, issued May 22, 2020; [9]
- CLEW Medical Ltd.'s CLEWICU System, issued May 26, 2020; [10]
- Abiomed, Inc.'s Impella RP System, issued May 29, 2020; [11]

[5] As set forth in the EUAs, FDA has concluded that: (1) SARS–CoV–2 can cause a serious or life-threatening disease or condition, including severe respiratory illness, to humans infected by this virus; (2) based on the totality of scientific evidence available to FDA, it is reasonable to believe that the products may be effective in diagnosing COVID–19 through the simultaneous detection and differentiation of SARS–CoV–2, influenza A virus, and/or influenza B virus nucleic acids and that the known and potential benefits of the products when used for such a use, outweigh the known and potential risks of the products; and (3) there is no adequate, approved, and available alternative to the emergency use of the products.

[6] As set forth in the EUAs, FDA has concluded that: (1) SARS–CoV–2 can cause a serious or life-threatening disease or condition, including severe respiratory illness, to humans infected by this virus; (2) based on the totality of scientific evidence available to FDA, it is reasonable to believe that the authorized respirators may be effective in preventing healthcare personnel (HCP) exposure to pathogenic biological airborne particulates during Filtering Facepiece Respirator (FFR) shortages, and that the known and potential benefits of the authorized respirators, when used to prevent HCP exposure to such particulates during FFR shortages during COVID–19, outweigh the known and potential risks of such products; and (3) there is no adequate, approved, and available alternative to the emergency use of this product.

[7] As set forth in the EUA, FDA has concluded that: (1) SARS–CoV–2, the virus that causes COVID–19, can cause a serious or life-threatening disease or condition, including severe respiratory illness, to humans infected by this virus; (2) based on the totality of scientific evidence available to FDA, it is reasonable to believe that the Prismaflex ST Set may be effective to treat patients in an acute care environment during the COVID–19 pandemic, and that the known and potential benefits of the Prismaflex ST Set, when used for such use, outweigh the known and potential risks of the Prismaflex ST Set; and (3) there is no adequate, approved, and available alternative to the emergency use of the product.

[8] As set forth in the EUA, FDA has concluded that: (1) SARS–CoV–2, the virus that causes COVID–19, can cause a serious or life-threatening disease or condition, including severe respiratory illness, to humans infected by this virus; (2) based on the totality of scientific evidence available to FDA, it is reasonable to believe that the STERIS STEAM Decon Cycle in AMSCO Medium Steam Sterilizers may be effective at decontaminating compatible N95 respirators for single-user reuse by HCPs to prevent exposure to SARS–CoV–2 and other pathogenic biological airborne particulates for a maximum of 10 decontamination cycles per respirator, and that the known and potential benefits of this product, when used as described, outweigh the known and potential risks of the use of such product; and (3) there is no adequate, approved, and available alternative to the emergency use of the product.

[9] As set forth in the EUA, FDA has concluded that: (1) SARS–CoV–2, the virus that causes COVID–19, can cause a serious or life-threatening disease or condition, including severe respiratory illness, to humans infected by this virus; (2) based on the totality of scientific evidence available to FDA, it is reasonable to believe that the authorized gowns and other apparel worn by HCPs may be effective at preventing the transfer of microorganisms, bodily fluids, and particulate material in low or minimal risk situations by providing minimal-to-low barrier protection to HCP and patients to prevent the spread of COVID–19, and that the known and potential benefits of gowns and other apparel for such use, outweigh the known and potential risks of such products; and (3) there is no adequate, approved, and available alternative to the emergency use of these products.

[10] As set forth in the EUA, FDA has concluded that: (1) SARS–CoV–2, the virus that causes COVID–19, can cause a serious or life-threatening disease or condition, including severe respiratory illness, to humans infected by this virus; (2) based on the totality of scientific evidence available to FDA, it is reasonable to believe that the CLEWICU System may be effective in treating COVID–19, when used by HCP in the intensive care unit (ICU) as a diagnostic aid to assist with the early identification of adult patients who are likely to be diagnosed with respiratory failure or hemodynamic instability which are common complications associated with COVID–19, and that the known and potential benefits of the CLEWICU System, for such use, outweigh the known and potential risks; and (3) there is no adequate, approved, and available alternative to the emergency use of the product.

[11] As set forth in the EUA, FDA has concluded that: (1) SARS–CoV–2, the virus that causes COVID–19, can cause a serious or life-threatening disease or condition, including severe respiratory illness, to humans infected by this virus; (2) based on the totality of scientific evidence available to FDA, it is reasonable to believe that the Impella RP may be effective in providing temporary right

• Roche Diagnostics' Elecsys IL–6, issued on June 2, 2020; [12]

• Battelle Memorial Institute's Battelle CCDS Critical Care Decontamination System (''Batelle Decontamination System''), reissued June 6, 2020 [13] (original issuance March 29, 2020);

• STERIS Corp.'s STERIS Sterilization System, reissued June 6, 2020 [14] (original issuance April 9, 2020);

• Stryker Instruments' STERIZONE VP4 N95 Respirator Decontamination Cycle, reissued June 6, 2020 [15] (original issuance on April 14, 2020);

• Advanced Sterilization Products, Inc.'s (ASP) STERRAD 100S, NX, and 100NX Sterilization Systems (''ASP STERRAD Sterilization Systems''), reissued June 6, 2020 [16] (original issuance April 11, 2020);

• Stryker Sustainability Solutions' (SSS) SSS VHP N95 Respirator Decontamination System, issued May 27, 2020, reissued June 6, 2020; [17]

• Sterilucent, Inc.'s Sterilucent HC 80TT Hydrogen Peroxide Sterilizer (''Sterilucent Sterilization System''), reissued June 6, 2020 [18] (original issuance April 20, 2020);

• Duke University Health System's Duke Decontamination System for Decontamination and Reuse of N95 Respirators with Hydrogen Peroxide Vapor (''Duke Decontamination System''), reissued June 6, 2020 [19] (original issuance May 7, 2020);

• Technical Safety Services LLC's 20–CS Decontamination System, issued June 13, 2020; [20]

• Oceanetics, Inc.'s Negative-pressure Respiratory System with Advanced Ventilation Return (''NRSAVR–100''), issued June 13, 2020; [21]

• US Army and MHS's COVID–19 Airway Management Isolation Chamber (CAMIC), issued May 19, 2020 and reissued to US Army Medical Research Development Command June 22, 2020; [22]

ventricular support for up to 14 days in critical care patients with a body surface area ≥1.5 m2, for the treatment of acute right heart failure or decompensation caused by complications related COVID–19, including pulmonary embolism, and that the known and potential benefits of the Impella RP, for such use, outweigh the known and potential risks; and (3) there is no adequate, approved, and available alternative to the emergency use of the product.

[12] As set forth in the EUA, FDA has concluded that: (1) SARS–CoV–2, the virus that causes COVID–19, can cause a serious or life-threatening disease or condition, including severe respiratory illness, to humans infected by this virus; (2) based on the totality of scientific evidence available to FDA, it is reasonable to believe that the product may be effective in treating COVID–19, by assisting in identifying severe inflammatory response in patients with confirmed COVID–19 illness to aid in determining the risk of intubation with mechanical ventilation, and that the known and potential benefits of this product when used for such use, outweigh the known and potential risks of this product; and (3) there is no adequate, approved, and available alternative to the emergency use of the product.

[13] As set forth in the EUA, FDA has concluded that: (1) SARS–CoV–2, the virus that causes COVID–19, can cause a serious or life-threatening disease or condition, including severe respiratory illness, to humans infected by this virus; (2) based on the totality of scientific evidence available to FDA, it is reasonable to believe that the Battelle Decontamination System may be effective at decontaminating compatible N95 respirators for multiple-user reuse by HCPs to prevent exposure to SARS–CoV–2 and other pathogenic biological airborne particulates, and that the known and potential benefits of this product, when used for such use, outweigh the known and potential risks of the use of such product; and (3) there is no adequate, approved, and available alternative to the emergency use of the product.

[14] As set forth in the EUA, FDA has concluded that: (1) SARS–CoV–2, the virus that causes COVID–19, can cause a serious or life-threatening disease or condition, including severe respiratory illness, to humans infected by this virus; (2) based on the totality of scientific evidence available to FDA, it is reasonable to believe that the STERIS Sterilization Systems may be effective at decontaminating compatible N95 respirators for single-user reuse by HCPs to prevent exposure to SARS–CoV–2 and other pathogenic biological airborne particulates, and that the known and potential benefits of this product, when used for such use, outweigh the known and potential risks of the use of such product; and (3) there is no adequate, approved, and available alternative to the emergency use of the product.

[15] As set forth in the EUA, FDA has concluded that: (1) SARS–CoV–2, the virus that causes COVID–19, can cause a serious or life-threatening disease or condition, including severe respiratory illness, to humans infected by this virus; (2) based on the totality of scientific evidence available to FDA, it is reasonable to believe that the STERIZONE VP4 N95 Respirator Decontamination Cycle may be effective at preventing exposure to pathogenic biological airborne particulates by decontaminating, for a maximum of 2 decontamination cycles per respirator, comparable N95 respirators that are contaminated with SARS–CoV–2 or other pathogenic microorganisms, and that the known and potential benefits of this product, when used as described, outweigh the known and potential risks; and (3) there is no adequate, approved, and available alternative to the emergency use of the product.

[16] As set forth in this EUA, FDA has concluded that: (1) SARS–CoV–2, the virus that causes COVID–19, can cause a serious or life-threatening disease or condition, including severe respiratory illness, to humans infected by this virus; (2) based on the totality of scientific evidence available to FDA, it is reasonable to believe that the ASP STERRAD Sterilization Systems may be effective at decontaminating, for a maximum of 2 decontamination cycles per respirator, compatible N95 respirators for single-user reuse by HCP to prevent exposure to SARS–CoV–2 and other pathogenic biological airborne particulates, and that the known and potential benefits of the ASP STERRAD Sterilization Systems, when used for such use, outweigh the known and potential risks of the use of such product; and (3) there is no adequate, approved, and available alternative to the emergency use of the product.

[17] As set forth in the EUA, FDA has concluded that: (1) SARS–CoV–2, the virus that causes COVID–19, can cause a serious or life-threatening disease or condition, including severe respiratory illness, to humans infected by this virus; (2) based on the totality of scientific evidence available to FDA, it is reasonable to believe that the SSS VHP N95 Respirator Decontamination may be effective at decontaminating compatible N95 respirators for multiple-user reuse by HCP to prevent exposure to SARS–CoV–2 and other pathogenic biological airborne particulates, and that the known and potential benefits of this product, when used as described, outweigh the known and potential risks; and (3) there is no adequate, approved, and available alternative to the emergency use of the product.

[18] As set forth in the EUA, FDA has concluded that: (1) SARS–CoV–2, the virus that causes COVID–19, can cause a serious or life-threatening disease or condition, including severe respiratory illness, to humans infected by this virus; (2) based on the totality of scientific evidence available to FDA, it is reasonable to believe that the Sterilucent Sterilization System may be effective at decontaminating compatible N95 respirators for single-user reuse by HCP to prevent exposure to pathogenic biological airborne particulates, and that the known and potential benefits of this device, when used for such use, outweigh the known and potential risks of the use of such product; and (3) there is no adequate, approved, and available alternative to the emergency use of the product.

[19] As set forth in the EUA, FDA has concluded that: (1) SARS–CoV–2, the virus that causes COVID–19, can cause a serious or life-threatening disease or condition, including severe respiratory illness, to humans infected by this virus; (2) based on the totality of scientific evidence available to FDA, it is reasonable to believe that the Duke Decontamination System may be effective at decontaminating compatible N95 respirators for multiple-user reuse by HCP to prevent exposure to SARS–CoV–2 and other pathogenic biological airborne particulates, and that the known and potential benefits of this product, when used for such use, outweigh the known and potential risks of the use of such product; and (3) there is no adequate, approved, and available alternative to the emergency use of the product.

[20] As set forth in the EUA, FDA has concluded that: (1) SARS–CoV–2, the virus that causes COVID–19, can cause a serious or life-threatening disease or condition, including severe respiratory illness, to humans infected by this virus; (2) based on the totality of scientific evidence available to FDA, it is reasonable to believe that the 20–CS Decontamination System may be effective at decontaminating compatible N95 respirators for multiple-user reuse by HCPs to prevent exposure to SARS–CoV–2 and other pathogenic biological airborne particulates, and that the known and potential benefits of this product, when used as described, outweigh the known and potential risks of the use of such product; and (3) there is no adequate, approved, and available alternative to the emergency use of the product.

[21] As set forth in the EUA, FDA has concluded that: (1) SARS–CoV–2, can cause a serious or life-threatening disease or condition, including severe respiratory illness, to humans infected by this virus; (2) based on the totality of scientific evidence available to FDA, it is reasonable to believe that the NRSAVR–100 may be effective in preventing HCP exposure to pathogenic biological airborne particulates by providing an extra layer of barrier protection in addition to PPE, at the time of definitive airway management, or when performing medical procedures, or during transport of patients with suspected or confirmed diagnosis of COVID–19 and that the known and potential benefits of the NRSAVR–100 for such use outweigh its known and potential risks; and (3) there is no adequate, approved available alternative to the emergency use of this product.

[22] As set forth in the EUA, FDA has concluded that: (1) SARS–CoV–2, can cause a serious or life-threatening disease or condition, including severe respiratory illness, to humans infected by this virus;

Continued

• electroCore, Inc.'s gammaCore Sapphire CV, issued July 10, 2020; [23]

• Michigan State University Animal Care Program's MSU Decontamination System, issued July 24, 2020; [24]

• IkonX, Inc.'s Airway Dome, issued July 24, 2020; [25]

• Abiomed, Inc.'s Impella Left Ventricular (LV) Support Systems, issued August 3, 2020; [26]

• Disposable, single-use surgical masks, issued August 5, 2020.[27] A current list of surgical masks authorized by this EUA is available here: *https://www.fda.gov/medical-devices/coronavirus-disease-2019-covid-19-emergency-use-authorizations-medical-devices/personal-protective-equipment-euas#appendixasurgicalmasks;*

• Baxter Healthcare Corp.'s Prismaflex HF20 Set, issued August 10, 2020; [28]

• NovaSterilis, Inc.'s Nova2200 using the NovaClean decontamination process for decontaminating compatible N95 respirators, issued August 20, 2020; [29] and

• Color Genomics, Inc.'s Color COVID–19 Self-Swab Collection Kit, issued August 31, 2020.[30]

Dated: November 13, 2020.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2020–25603 Filed 11–19–20; 8:45 am]

BILLING CODE 4164–01–P

(2) based on the totality of scientific evidence available to FDA, it is reasonable to believe that the CAMIC may be effective in preventing HCP exposure to pathogenic biological airborne particulates by providing an extra layer of barrier protection in addition to PPE when transporting or performing medical procedures on patients who are known or suspected to have COVID–19, and that the known and potential benefits of the CAMIC for such use outweigh its known and potential risks; and (3) there is no adequate, approved available alternative to the emergency use of the product.

[23] As set forth in the EUA, FDA has concluded that: (1) SARS–CoV–2, the virus that causes COVID–19, can cause a serious or life-threatening disease or condition, including severe respiratory illness, to humans infected by this virus; (2) based on the totality of scientific evidence available to FDA, it is reasonable to believe that the gammaCore Sapphire CV may be effective for acute emergency use at home or in a healthcare setting to treat adult patients with known or suspected COVID–19 who are experiencing exacerbation of asthma-related dyspnea and reduced airflow, and for whom approved drug therapies are not tolerated or provide insufficient symptom relief as assessed by their HCP, by using non-invasive Vagus Nerve Stimulation (nVNS) on either side of the patients neck, and that the known and potential benefits of this product for such use outweigh the known and potential risks of such product; and (3) there is no adequate, approved, and available alternative to the emergency use of the product.

[24] As set forth in the EUA, FDA has concluded that: (1) SARS–CoV–2, the virus that causes COVID–19, can cause a serious or life-threatening disease or condition, including severe respiratory illness, to humans infected by this virus; (2) based on the totality of scientific evidence available to FDA, it is reasonable to believe that the MSU Decontamination System may be effective at decontaminating compatible N95 respirators for single-user reuse by HCP to prevent exposure to SARS–CoV–2 and other pathogenic biological airborne particulates, and that the known and potential benefits of this product, when used for such use, outweigh the known and potential risks of the use of such product; and (3) there is no adequate, approved, and available alternative to the emergency use of the product.

[25] As set forth in the EUA, FDA has concluded that: (1) SARS–CoV–2, the virus that causes COVID–19, can cause a serious or life-threatening disease or condition, including severe respiratory illness, to humans infected by this virus; (2) based on the totality of scientific evidence available to FDA, it is reasonable to believe that the Airway Dome may be effective in preventing HCP exposure to pathogenic biological airborne particulates by providing an extra layer of barrier protection in addition to PPE, at the time of definitive airway management, when performing airway-related medical procedures or during certain transport of patients with suspected or confirmed diagnosis of COVID–19 and that the known and potential benefits of the Airway Dome for such use outweigh its known and potential risks; and (3) there is no adequate, approved, and available alternative to the emergency use of the product.

[26] As set forth in the EUA, FDA has concluded that: (1) SARS–CoV–2, the virus that causes COVID–19, can cause a serious or life-threatening disease or condition, including severe respiratory illness, to humans infected by this virus; (2) based on the totality of scientific evidence available to FDA, it is reasonable to believe that the Impella LV Support Systems may be effective when used by HCP in the hospital setting for providing temporary LV unloading and support to treat critical care patients with confirmed COVID–19 infection who are undergoing ECMO treatment and who develop pulmonary edema while on V–A ECMO support or late cardiac decompensation from myocarditis while on V–V ECMO support, and that the known and potential benefits of the Impella LV Support System, for such use, outweigh the known and potential risks; and (3) there is no adequate, approved, and available alternative to the emergency use of the product.

[27] As set forth in the EUA, FDA has concluded that: (1) SARS–CoV–2, the virus that causes COVID–19, can cause a serious or life-threatening disease or condition, including severe respiratory illness, to humans infected by this virus; (2) based on the totality of scientific evidence available to FDA, it is reasonable to believe that the authorized surgical masks may be effective for use in healthcare settings by HCPs as PPE to provide a physical barrier to fluids and particulate materials to prevent HCP exposure to respiratory droplets and large particles during surgical mask shortages resulting from the COVID–19 pandemic, and that the known and potential benefits of the authorized surgical masks, when used consistent with the scope of the authorization, outweigh the known and potential risks of such product; and (3) there is no adequate, approved, and available alternative to the emergency use of the products.

[28] As set forth in the EUA, FDA has concluded that: (1) SARS–CoV–2, the virus that causes COVID–19, can cause a serious or life-threatening disease or condition, including severe respiratory illness and multiple organ failure, including acute kidney injury, to humans infected by this virus; (2) Based on the totality of scientific evidence available to FDA, it is reasonable to believe that the Prismaflex HF20 Set (cartridge, including hemodialyzer plus tubing set) may be effective at providing continuous renal replacement therapy (CRRT) to treat low weight patients who have low blood volume and who have acute renal failure, fluid overload, or both, and who cannot tolerate a larger extracorporeal circuit volume in an acute care environment during the COVID–19 emergency and that the known and potential benefits of the Prismaflex HF20 Set, when used for such use, outweigh the known and potential risks of the Prismaflex HF20 Set; and (3) there is no adequate, approved, and available alternative to the emergency use of the product.

[29] As set forth in the EUA, FDA has concluded that: (1) SARS–CoV–2, can cause a serious or life-threatening disease or condition, including severe respiratory illness, to humans infected by this virus; (2) based on the totality of scientific evidence available to FDA, it is reasonable to believe that the Nova2200 may be effective at decontaminating compatible N95 respirators for single-user reuse by HCP to prevent exposure to SARS–CoV–2 and other pathogenic biological airborne particulates, and that the known and potential benefits of this product, when used for such use, outweigh the known and potential risks of the use of such product; and (3) there is no adequate, approved, and available alternative to the emergency use of the product.

[30] As set forth in the EUA, FDA has concluded that: (1) SARS–CoV–2, can cause a serious or life-threatening disease or condition, including severe respiratory illness, to humans infected by this virus; (2) based on the totality of scientific evidence available to FDA, it is reasonable to believe that this product may be effective in diagnosing COVID–19 by serving as an appropriate means to collect and transport human specimens so that an authorized laboratory can detect SARS–CoV–2 RNA from the self-collected human specimen, and that the known and potential benefits of this product when used for such use, outweigh the known and potential risks of this product; and (3) there is no adequate, approved, and available alternative to the emergency use of the product.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2020–D–2107]

Cross Labeling Oncology Drugs in Combination Drug Regimens; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry entitled ''Cross Labeling Oncology Drugs in Combination Drug Regimens.'' This guidance describes FDA's current recommendations on including relevant information in labeling for oncology drugs approved for use in combination drug regimens.

DATES: Submit either electronic or written comments on the draft guidance by January 19, 2021 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2020–D–2107 for ''Cross Labeling Oncology Drugs in Combination Drug Regimens.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 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.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002; or the Office of Communication, Outreach, and Development, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Marc Theoret, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 301–796–4099; or Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Cross Labeling Oncology Drugs in Combination Drug Regimens.'' This guidance describes FDA's current recommendations on including relevant information in labeling for oncology drugs approved for use in combination drug regimens.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on ''Cross Labeling Oncology Drugs in Combination Drug Regimens.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

While this guidance contains no collection of information, it does refer to previously approved FDA collections of information. Therefore, clearance by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521) is not required for this guidance. The previously approved collections of information are subject to review by OMB under the PRA. The collection of information in 21 CFR part 314, including the submission of labeling under 21 CFR 314.50(e)(2)(ii) and (l)(1)(i), and the submission of new drug applications (NDAs) and supplemental NDAs, has been approved under OMB control number 0910–0001. The content and format of prescription drug labeling under 21 CFR 201.56 and 201.57 has been approved under OMB control number 0910–0572. The collection of information in the Guidance for Industry on Formal Meetings between FDA and Sponsors and Applicants for PDUFA Products has been approved under OMB control number 0910–0429.

III. Electronic Access

Persons with access to the internet may obtain the draft guidance at either *https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs, https://www.fda.gov/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics,* or *https://www.regulations.gov.*

Dated: November 9, 2020.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2020–25737 Filed 11–19–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

National Urban Indian Behavioral Health Awareness

Announcement Type: New/Competing Continuation.

Funding Announcement Number: HHS–2020–IHS–UIHP3–0001.

Assistance Listing (Catalog of Federal Domestic Assistance or CFDA) Number: 93.193.

Key Dates

Application Deadline Date: December 21, 2020.

Earliest Anticipated Start Date: January 4, 2021.

I. Funding Opportunity Description

Statutory Authority

The Indian Health Service (IHS) is accepting applications for a cooperative agreement for Urban Indian Behavioral Health. This program is authorized under: Snyder Act, codified at 25 U.S.C. 13; the Transfer Act, codified at 42 U.S.C. 2001; the Consolidated Appropriations Act, 2020, Public Law 116–94, 133 Stat. 2534 (2020). This program is described in the Catalog of Federal Domestic Assistance (CFDA) under 93.193.

Background

The Office of Clinical and Preventive Services, Division of Behavioral Health (DBH) serves as the primary source of national advocacy, policy development, management and administration of behavioral health, alcohol and substance abuse, and family violence prevention programs. Working in partnership with Tribes, Tribal organizations, and Urban Indian Organizations (UIO), DBH coordinates national efforts to share knowledge and build capacity through the development and implementation of evidence/practice based and cultural-based practices in Indian Country.

Purpose

The purpose of this IHS program is to increase the awareness, visibility, advocacy, and education for behavioral health issues on a national scale and in the interest of improving urban Indian health care. This program is in alignment with the 2019–2023 IHS Strategic Plan Goal 1: To ensure that comprehensive, culturally appropriate personal and public health services are available and accessible to American Indian and Alaska Native (AI/AN) people, Objective 1.2: Build, strengthen, and sustain collaborative relationships; and Goal 2: To promote excellence and quality through innovation of the Indian health system into an optimally performing organization, Objective 2.2: Provide care to better meet the health care needs of American Indian and Alaska Native communities. Urban Indian Organizations are defined by 25 U.S.C. 1603(29) as a nonprofit corporate body situated in an urban center, governed by an urban Indian controlled board of directors, and providing for the maximum participation of all interested Indian groups and individuals, which body is capable of legally cooperating with other public and private entities for the purpose of performing the activities describes in 25 U.S.C. 1653(a). The awardee's activities funded under this cooperative agreement must be intended to support all organizations that meet the statutory definition of UIO.

Pre-Conference Grant Requirements

The awardee is required to comply with the ''HHS Policy on Promoting Efficient Spending: Use of Appropriated Funds for Conferences and Meeting Space, Food, Promotional Items, and Printing and Publications,'' dated January 23, 2015 (Policy), as applicable to conferences funded by grants and cooperative agreements. The Policy is available at *https://www.hhs.gov/grants/contracts/contract-policies-regulations/efficient-spending/index.html?language=es.*

The awardee is required to:

Provide a separate detailed budget justification and narrative for each conference anticipated. The cost categories to be addressed are as follows: (1) Contract/Planner, (2) Meeting Space/Venue, (3) Registration website, (4) Audio Visual, (5) Speakers Fees, (6) Non-Federal Attendee Travel, (7) Registration Fees, (8) Other (explain in detail and cost breakdown). For additional questions please contact Sarah Tillman at (301) 605–3504 or email her at *sarah.tillman@ihs.gov.*

II. Award Information

Funding Instrument

Cooperative Agreement.

Estimated Funds Available

The total funding identified for fiscal year (FY) 2020 is approximately $75,000. The funding available for competing and subsequent continuation award issued under this announcement is subject to the availability of appropriations and budgetary priorities of the Agency. The IHS is under no obligation to make awards that are selected for funding under this announcement.

Anticipated Number of Awards

One award will be issued under this program announcement.

Project Period

The project period is for three years.

Cooperative Agreement

Cooperative agreements awarded by the Department of Health and Human Services (HHS) are administered under the same policies as a grant. However, the funding agency, IHS, is required to have substantial programmatic involvement in the project during the entire award segment. Below is a detailed description of the level of involvement from IHS.

Substantial Involvement Description for Cooperative Agreement

IHS Programmatic Involvement

The IHS assigned program official will monitor the overall progress of the awardee's execution of the requirements of the award noted below as well as their adherence to the terms and conditions of the cooperative agreements. This includes providing guidance for required reports, developing tools and other products, interpreting program findings, assisting with evaluations, and overcoming any difficulties or performance issues encountered. The IHS assigned program official must approve all presentations, electronic content, mass emails, and other materials developed by awardee pursuant to this award and any supplemental award prior to the presentation or dissemination of such materials to any party.

III. Eligibility Information

1. Eligibility

To be eligible for this ''New/Competing Continuation Announcement'' an eligible applicant must be a 501(c)(3) organization that has demonstrated expertise as follows:

- Representing urban Indians and providing a variety of services to urban Indians and Federal agencies with an established major role in focusing attention on urban Indian health care needs.
- Promoting and supporting health education for urban Indians and

coordinating efforts to inform urban Indians of Federal decisions that affect the improvement of Indian health care.

- Administering national health policy and health programs.
- Maintaining a national AI/AN constituency and clearly supporting critical services and activities within the IHS mission of improving the quality of health care for AI/AN people.
- Supporting improved healthcare in Indian Country.

Note: Please refer to Section IV.2 (Application and Submission Information/ Subsection 2, Content and Form of Application Submission) for additional proof of applicant status documents required, such as Tribal Resolutions, proof of non-profit status, etc.

2. Cost Sharing or Matching

The IHS does not require matching funds or cost sharing for grants or cooperative agreements.

3. Other Requirements

Applications with budget requests that exceed the highest dollar amount outlined under Section II Award Information, Estimated Funds Available, or exceed the Period of Performance outlined under Section II Award Information, Period of Performance, will be considered not responsive and will not be reviewed. The Division of Grants Management (DGM) will notify the applicant.

Proof of Non-Profit Status

Organizations claiming non-profit status must submit a current copy of the 501(c)(3) Certificate with the application.

IV. Application and Submission Information

1. Obtaining Application Materials

The application package and detailed instructions for this announcement can be found at *http://www.Grants.gov.*

Please direct questions regarding the application process to Mr. Paul Gettys at (301) 443–2114 or (301) 443–5204.

2. Content and Form Application Submission

The applicant must include the project narrative as an attachment to the application package. Mandatory documents for all applicants include:

- Abstract (one page) summarizing the project.
- Application forms:

1. SF–424, Application for Federal Assistance.

2. SF–424A, Budget Information—Non-Construction Programs.

3. SF–424B, Assurances—Non-Construction Programs.

- Project Narrative (not to exceed 10 pages). See Section IV.2.A Project Narrative for instructions.

1. Background information on the organization.

2. Proposed scope of work, objectives, and activities that provide a description of what applicant plans to accomplish.

- Time Frame (one page).
- Budget Justification and Narrative (not to exceed 4 pages). See Section IV.2.B Budget Narrative for instructions.
- Letters of Support from organization's Board of Directors.
- 501(c)(3) Certificate (if applicable).
- Biographical sketches for all Key Personnel.
- Contractor/Consultant resumes or qualifications and scope of work.
- Disclosure of Lobbying Activities (SF–LLL).
- Certification Regarding Lobbying (GG-Lobbying Form).
- Copy of current Negotiated Indirect Cost rate (IDC) agreement (required in order to receive IDC).
- Organizational Chart (optional).
- Documentation of current Office of Management and Budget (OMB) Financial Audit (if applicable).

Acceptable forms of documentation include:

1. Email confirmation from Federal Audit Clearinghouse (FAC) that audits were submitted; or

2. Face sheets from audit reports. Applicants can find these on the FAC website: *https://harvester.census.gov/facdissem/Main.aspx.*

Public Policy Requirements

All Federal public policies apply to IHS grants and cooperative agreements with the exception of the Discrimination policy.

Requirements for Project and Budget Narratives

A. *Project Narrative:* This narrative should be a separate document that is no more than 10 pages and must: (1) Have consecutively numbered pages; (2) use black font 12 points or larger; (3) be single-spaced; (4) and be formatted to fit standard letter paper (8–1/2 x 11 inches).

Be sure to succinctly answer all questions listed under the evaluation criteria (refer to Section V.1, Evaluation Criteria) and place all responses and required information in the correct section noted below or they will not be considered or scored. If the narrative exceeds the page limit, the application will be considered not responsive and not be reviewed. The 10-page limit for the narrative does not include the work plan, standard forms, Tribal Resolutions, table of contents, budget, budget justifications, narratives, and/or other appendix items.

There are three parts to the narrative:

Part A—Program Information;

Part B—Program Planning and Evaluation; and

Part C—Program Report.

See below for additional details about what must be included in the narrative. The page limitations below are for each narrative and budget submitted.

Part A: Program Information (Limit—2 Pages)

Need for Assistance

Describe the organization's current behavioral health program activities, how long the organization has been operating, and how the organization has determined it has the administrative infrastructure to support the cooperative agreement award activities outlined in this announcement. This section must succinctly answer the questions listed under the evaluation criteria listed in Section V.1.A. Need for Assistance.

Part B: Program Planning and Evaluation (Limit—6 Pages)

Program Plan and Approach

Describe fully and clearly the direction the organization plans to take, including how it plans to demonstrate raising the awareness and visibility of behavioral health issues and deliver each activity required under the cooperative agreement. Include proposed timelines for activities. This section must succinctly answer the questions listed under the evaluation criteria listed in Section V.1.B. Program Plan and Approach.

Program Evaluation

Describe fully and clearly the improvements that will be made by the organization to raise the awareness and visibility of behavioral health issues among urban Indians. Include how the grantee will provide an evaluation of their activities, demonstrate impact, and convey accomplishments. This section must succinctly answer the questions listed under the evaluation criteria listed in Section V.1.C. Program Evaluation.

Part C: Program Report (Limit—2 Pages)

Organizational Capabilities, Key Personnel, and Qualifications

Describe your organization's significant program activities and accomplishments over the past five years associated with the outlined goals under the Grantee Cooperative Agreement Award Activities (refer to Section V.1 B). This section must succinctly answer the questions listed

under the evaluation criteria listed in Section V.1.D. Organizational Capabilities, Key Personnel, and Qualifications.

B. Budget Narrative (Limit—4 Pages)

Provide a budget narrative that explains the amounts requested for each line item of the budget. The budget narrative should specifically describe how each item will support the achievement of proposed objectives. Be very careful about showing how each item in the ''Other'' category is justified. For subsequent budget years, the narrative should highlight the changes from year 1 or clearly indicate that there are no substantive budget changes during the period of performance. Do NOT use the budget narrative to expand the project narrative.

3. Submission Dates and Times

Applications must be submitted electronically through *Grants.gov* by 11:59 p.m. Eastern Daylight Time (EDT) on the Application Deadline Date. Any application received after the application deadline will not be accepted for review. *Grants.gov* will notify the applicant via email if the application is rejected. If technical challenges arise and assistance is required with the application process, contact *Grants.gov* Customer Support (see contact information at *https://www.grants.gov*). If problems persist, contact Mr. Paul Gettys (*Paul.Gettys@ihs.gov*), Acting Director, DGM, by telephone at (301) 443–2114 or (301) 443–5204. Please be sure to contact Mr. Gettys at least ten days prior to the application deadline. Please do not contact the DGM until you have received a *Grants.gov* tracking number. In the event you are not able to obtain a tracking number, call the DGM as soon as possible.

IHS will not acknowledge receipt of applications.

4. Intergovernmental Review

Executive Order 12372 requiring intergovernmental review is not applicable to this program.

5. Funding Restrictions

- Pre-award costs are allowable up to 90 days before the start date of the award provided the costs are otherwise allowable if awarded. Pre-award costs are incurred at the risk of the applicant.
- The available funds are inclusive of direct and appropriate indirect costs.
- Only one cooperative agreement will be awarded per applicant.

6. Electronic Submission Requirements

All applications must be submitted via *Grants.gov*. Please use the *https://www.Grants.gov* website to submit an application. Find the application by selecting the ''Search Grants'' link on the homepage. Follow the instructions for submitting an application under the Package tab. No other method of application submission is acceptable.

If the applicant cannot submit an application through *Grants.gov*, a waiver must be requested. Prior approval must be requested and obtained from Mr. Paul Gettys, Acting Director, DGM. A written waiver request must be sent to *GrantsPolicy@ihs.gov* with a copy to *Paul.Gettys@ihs.gov.* The waiver request must: (1) Be documented in writing (emails are acceptable) before submitting an application by some other method, and (2) include clear justification for the need to deviate from the required application submission process.

Once the waiver request has been approved, the applicant will receive a confirmation of approval email containing submission instructions. A copy of the written approval must be included with the application that is submitted to the DGM. Applications that are submitted without a copy of the signed waiver from the Acting Director of the DGM will not be reviewed. The Grants Management Officer of the DGM will notify the applicant via email of this decision. Applications submitted under waiver must be received by the DGM no later than 5:00 p.m., EDT, on the Application Deadline Date. Late applications will not be accepted for processing. Applicants that do not register for both the System for Award Management (SAM) and *Grants.gov* and/or fail to request timely assistance with technical issues will not be considered for a waiver to submit an application via alternative method.

Please be aware of the following:

- Please search for the application package in *https://www.Grants.gov* by entering the Assistance Listing (CFDA) number or the Funding Opportunity Number. Both numbers are located in the header of this announcement.
- If you experience technical challenges while submitting your application, please contact *Grants.gov* Customer Support (see contact information at *https://www.grants.gov*).
- Upon contacting *Grants.gov*, obtain a tracking number as proof of contact. The tracking number is helpful if there are technical issues that cannot be resolved and a waiver from the agency must be obtained.
- Applicants are strongly encouraged not to wait until the deadline date to begin the application process through *Grants.gov* as the registration process for SAM and *Grants.gov* could take up to twenty working days.
- Please follow the instructions on *Grants.gov* to include additional documentation that may be requested by this funding announcement.
- Applicants must comply with any page limits described in this funding announcement.
- After submitting the application, the applicant will receive an automatic acknowledgment from *Grants.gov* that contains a *Grants.gov* tracking number. IHS will not notify the applicant that the application has been received.

Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) Applicants and grantee organizations are required to obtain a DUNS number and maintain an active registration in the SAM database. The DUNS number is a unique 9-digit identification number provided by D&B that uniquely identifies each entity. The DUNS number is site specific; therefore, each distinct performance site may be assigned a DUNS number. Obtaining a DUNS number is easy, and there is no charge. To obtain a DUNS number, please access the request service through *https://fedgov.dnb.com/webform,* or call (866) 705–5711. The Federal Funding Accountability and Transparency Act of 2006, as amended (''Transparency Act''), requires all HHS recipients to report information on sub-awards. Accordingly, all IHS grantees must notify potential first-tier sub-recipients that no entity may receive a first-tier sub-award unless the entity has provided its DUNS number to the prime grantee organization. This requirement ensures the use of a universal identifier to enhance the quality of information available to the public pursuant to the Transparency Act.

System for Award Management (SAM)

Organizations that are not registered with SAM must have a DUNS number first, then access the SAM online registration through the SAM home page at *https://www.sam.gov/SAM/* (U.S. organizations will also need to provide an Employer Identification Number from the Internal Revenue Service that may take an additional 2–5 weeks to become active). Please see *SAM.gov* for details on the registration process and timeline. Registration with the SAM is free of charge, but can take several weeks to process. Applicants may register online at *https://www.sam.gov/SAM/.*

Additional information on implementing the Transparency Act, including the specific requirements for

DUNS and SAM, are available on the DGM Grants Management, Policy Topics web page: *https://www.ihs.gov/dgm/policytopics/.*

V. Application Review Information

Weights assigned to each section are noted in parentheses. The 10-page project narrative should include only the first year of activities; information for multi-year projects should be included as an appendix. See ''Multi-year Project Requirements'' at the end of this section for more information. The narrative section should be written in a manner that is clear to outside reviewers unfamiliar with prior related activities of the applicant. It should be well organized, succinct, and contain all information necessary for reviewers to understand the project fully. Points will be assigned to each evaluation criteria adding up to a total of 100 possible points. Points are assigned as follows:

1. Criteria

A. Introduction and Need for Assistance (10 Points)

1. Describe the needs, or problems, the organization is currently addressing.

2. Describe the current unmet needs/gaps in awareness of behavioral health in urban Indian communities, and the potential impact of not having a national program with this scope.

3. Describe how this cooperative agreement would benefit the mission of the organization and help achieve the mission of the IHS, as it relates to behavioral health.

4. Provide examples of current, or previous, related experience (grant funded or not) that supports the project and justifies the approach.

B. Project Objective(s), Work Plan and Approach (40 Points)

Describe the purpose of the proposed project, including a clear statement of the project goal(s). The proposed project narrative is required to address how the organization will accomplish all six required activities listed below.

1. Facilitate a national forum such as a Behavioral Health Urban Indian Listening Session where concerns and suggestions related to behavioral health care policy, service delivery, and program development can be heard from all urban Indian organizations.

2. Provide urban Indian leadership by participating as active members and representing Urban Indian Health Programs for the National Action Alliance for Suicide Prevention's American Indian/Alaska Native Task Force.

3. Increase awareness and visibility of urban Indian behavioral health issues through representation and participation at appropriate national conferences.

4. Provide culturally competent educational and technical assistance on strategic planning and grant writing to increase the capacity of urban Indian organizations.

5. Develop and maintain comprehensive information on urban Indian organizations. Disseminate information on behavioral health programs, best practices, service delivery, quality improvement, and strategies to all urban Indian organizations through such means as an e-newsletter, website, traditional media or other social media platforms.

6. Develop a quality improvement process, including appropriate evaluation tools to ensure the information developed and disseminated through the project is appropriate, responsive, and useful for addressing the behavioral health needs of urban Indian communities.

C. Program Evaluation (10 Points)

1. Describe plans to monitor activities such as the success indicators and how the applicant will measure the degree to which objectives have been met that demonstrate progress towards program outcomes and inform future program decisions over the 3-year project period.

2. Describe both process and outcome indicators, where possible:

a. Process examples may include activities such as, but not limited to, delivering X number of training workshops in the urban centers of the country, or producing a technical manual for a grant writing workshop. Note: 25 U.S.C. 1603(27). The term ''urban center'' means any community which has a sufficient urban Indian population with unmet health needs to warrant assistance under subchapter IV, as determined by the HHS Secretary.

b. Outcome examples may include measures such as, but not limited to, changes in awareness of behavioral health issues impacting urban Indians, or changes in urban Indian participation in suicide prevention activities (for example, increased Hope for Life participation).

3. Describe the data to be collected and the proposed method for collecting it (surveys, questionnaires, observations, focus groups) and how you will use the data to answer evaluation questions.

4. Identify which position(s) will be responsible for collecting data, measuring progress, and reporting.

5. Describe methods for analyzing the data collected during the cooperative agreement in order to produce evaluation findings.

D. Organizational Capabilities, Key Personnel and Qualifications (25 Points)

1. Describe the management capability and experience of the applicant organization, and other participating organizations, in administering similar grants and projects.

2. Discuss the organization's experience and capacity to provide culturally appropriate/competent services to urban Indian communities across the nation.

3. Describe the resources available for the proposed project (*e.g.,* facilities, equipment, IT systems, and financial management systems).

4. Describe how program continuity will be maintained if/when there is a change in the operational environment (*e.g.,* staff turnover, change in project leadership, change in board membership or elected leaders) to ensure stability over the life of the cooperative agreement to achieve the project's objectives.

5. Provide a complete list of staff positions for the project, including the Project Director (suggested at a minimum of 0.75 FTE) and other key personnel, showing the role of each and their level of effort and qualifications. Describe any strategies to recruit new staff, as needed.

E. Categorical Budget and Budget Justification (15 Points)

1. Include a line item budget for all expenditures and cost categories, identifying reasonable and allowable costs necessary to accomplish the activities outlined in the project narrative. The budget expenditures should correlate with the scope of work described in the project narrative.

2. Provide a narrative justification of the budget line items, as well as a description of existing resources and other support the applicant expects to receive for the proposed project. Other support is defined as funds or resources, whether Federal, non-Federal or institutional, in direct support of activities through fellowships, gifts, prizes, in-kind contributions or non-Federal means. (This should correspond to Item #18 on the applicant's SF–424, Estimated Funding, and SF–424A Budget Information, Section C Non-Federal resources.)

Multi-Year Project Requirements

Applications must include a brief project narrative and budget (one additional page per year) addressing the developmental plans for each additional year of the project. This attachment will not count as part of the project narrative or the budget narrative.

Additional documents can be uploaded as Appendix Items in *Grants.gov.*

- Work plan, logic model and/or time line for proposed objectives.
- Position descriptions for key staff.
- Resumes of key staff that reflect current duties.
- Consultant or contractor proposed scope of work and letter of commitment (if applicable).
- Current Indirect Cost Agreement.
- Organizational chart.
- Map of area identifying project location(s).
- Additional documents to support narrative (for example, data tables, relevant news articles).

2. Review and Selection

Each application will be prescreened for eligibility and completeness as outlined in the funding announcement. Applications that meet the eligibility criteria shall be reviewed for merit by the Objective Review Committee (ORC) based on evaluation criteria. Incomplete applications and applications that are not responsive to the administrative thresholds will not be referred to the ORC and will not be funded. The applicant will be notified of this determination. Applicants must address all program requirements and provide all required documentation.

3. Notifications of Disposition

All applicants will receive an Executive Summary Statement from the IHS DBH within 30 days of the conclusion of the ORC outlining the strengths and weaknesses of their application. The summary statement will be sent to the Authorizing Official identified on the face page (SF–424) of the application.

A. Award Notices for Funded Applications

The Notice of Award (NoA) is the authorizing document for which funds are dispersed to the approved entities and reflects the amount of Federal funds awarded, the purpose of the grant, the terms and conditions of the award, the effective date of the award, and the budget/project period. Each entity approved for funding must have a user account in GrantSolutions in order to retrieve the NoA. Please see the Agency Contacts list in Section VII for the systems contact information.

B. Approved but Unfunded Applications

Approved applications not funded due to lack of available funds will be held for one year. If funding becomes available during the course of the year, the application may be reconsidered.

Note: Any correspondence other than the official NoA executed by an IHS grants management official announcing to the project director that an award has been made to their organization is not an authorization to implement their program on behalf of the IHS.

VI. Award Administration Information

1. Administrative Requirements

Cooperative agreements are administered in accordance with the following regulations and policies:

A. The criteria as outlined in this program announcement.

B. Administrative Regulations for Grants:

- Uniform Administrative Requirements for HHS Awards, located at 45 CFR part 75.

C. Grants Policy:

- HHS Grants Policy Statement, Revised 01/07.

D. Cost Principles:

- Uniform Administrative Requirements for HHS Awards, ''Cost Principles,'' located at 45 CFR part 75, subpart E.

E. Audit Requirements:

- Uniform Administrative Requirements for HHS Awards, ''Audit Requirements,'' located at 45 CFR part 75, subpart F.

2. Indirect Costs

This section applies to all recipients that request reimbursement of indirect costs (IDC) in their application budget. In accordance with HHS Grants Policy Statement, Part II–27, IHS requires applicants to obtain a current IDC rate agreement, and submit it to DGM, prior to DGM issuing an award. The rate agreement must be prepared in accordance with the applicable cost principles and guidance as provided by the cognizant agency or office. A current rate covers the applicable grant activities under the current award's budget period. If the current rate agreement is not on file with the DGM at the time of award, the IDC portion of the budget will be restricted. The restrictions remain in place until the current rate agreement is provided to the DGM.

Available funds are inclusive of direct and appropriate indirect costs. Approved indirect funds are awarded as part of the award amount, and no additional funds will be provided.

Generally, IDC rates for IHS grantees are negotiated with the Division of Cost Allocation (DCA) *https://rates.psc.gov/* or the Department of the Interior (Interior Business Center) *https://ibc.doi.gov/ICS/tribal.* For questions regarding the indirect cost policy, please call the Grants Management Specialist listed under ''Agency Contacts'' or the main DGM office at (301) 443–5204.

3. Reporting Requirements

The awardee must submit required reports consistent with the applicable deadlines. Failure to submit required reports within the time allowed may result in suspension or termination of an active grant, withholding of additional awards for the project, or other enforcement actions such as withholding of payments or converting to the reimbursement method of payment. Continued failure to submit required reports may result in one or both of the following: (1) The imposition of special award provisions; and (2) the non-funding or non-award of other eligible projects or activities. This requirement applies whether the delinquency is attributable to the failure of the awardee organization or the individual responsible for preparation of the reports. Per DGM policy, all reports are required to be submitted electronically by attaching them as a ''Grant Note'' in GrantSolutions. Personnel responsible for submitting reports will be required to obtain a login and password for GrantSolutions. Please see the Agency Contacts list in Section VII for the systems contact information.

The reporting requirements for this program are noted below.

A. Progress Reports

Program progress reports are required annually, within 30 days after the budget period ends (specific dates will be listed in the NoA Terms and Conditions). These reports must include a brief comparison of actual accomplishments to the goals established for the period, a summary of progress to date or, if applicable, provide sound justification for the lack of progress, and other pertinent information as required. A final report must be submitted within 90 days of expiration of the period of performance.

B. Financial Reports

Federal Financial Report (FFR or SF–425), Cash Transaction Reports are due 30 days after the close of every calendar quarter to the Payment Management Services, HHS at *https://pms.psc.gov.* The applicant is also requested to upload a copy of the FFR (SF–425) into our grants management system, GrantSolutions. Failure to submit timely reports may result in adverse award actions blocking access to funds.

Grantees are responsible and accountable for accurate information being reported on all required reports: The Progress Reports and Federal Financial Report.

C. Post Conference Grant Reporting

The following requirements were enacted in Section 3003 of the Consolidated Continuing Appropriations Act, 2013, Public Law 113–6, 127 Stat. 198, 435 (2013), and; *Office of Management and Budget Memorandum M–17–08, Amending OMB Memorandum M–12–12:* All HHS/IHS awards containing grants funds allocated for conferences will be required to complete a mandatory post award report for all conferences. Specifically: The total amount of funds provided in this award/cooperative agreement that were spent for ''Conference X'', must be reported in final detailed actual costs within 15 calendar days of the completion of the conference. Cost categories to address should be: (1) Contract/Planner, (2) Meeting Space/Venue, (3) Registration website, (4) Audio Visual, (5) Speakers Fees, (6) Non-Federal Attendee Travel, (7) Registration Fees, and (8) Other.

D. Federal Sub-Award Reporting System (FSRS)

This award may be subject to the Transparency Act sub-award and executive compensation reporting requirements of 2 CFR part 170.

The Transparency Act requires the OMB to establish a single searchable database, accessible to the public, with information on financial assistance awards made by Federal agencies. The Transparency Act also includes a requirement for recipients of Federal grants to report information about first-tier sub-awards and executive compensation under Federal assistance awards. IHS has implemented a Term of Award into all IHS Standard Terms and Conditions, NoAs and funding announcements regarding the FSRS reporting requirement. This IHS Term of Award is applicable to all IHS grant and cooperative agreements issued on or after October 1, 2010, with a $25,000 sub-award obligation dollar threshold met for any specific reporting period. Additionally, all new (discretionary) IHS awards (where the period of performance is made up of more than one budget period) and where: (1) The period of performance start date was October 1, 2010 or after, and (2) the primary awardee will have a $25,000 sub-award obligation dollar threshold during any specific reporting period will be required to address the FSRS reporting.

For the full IHS award term implementing this requirement and additional award applicability information, visit the DGM Grants Policy website at *https://www.ihs.gov/dgm/policytopics/.*

E. Compliance With Executive Order 13166 Implementation of Services Accessibility Provisions for All Grant Application Packages and Funding Opportunity Announcements

Recipients of Federal financial assistance (FFA) from HHS must administer their programs in compliance with Federal civil rights laws that prohibit discrimination on the basis of race, color, national origin, disability, age and, in some circumstances, religion, conscience, and sex. This includes ensuring programs are accessible to persons with limited English proficiency. The HHS Office for Civil Rights provides guidance on complying with civil rights laws enforced by HHS. *https://www.hhs.gov/civil-rights/for-providers/provider-obligations/index.html* and *http://www.hhs.gov/ocr/civilrights/understanding/section1557/index.html.*

- Recipients of FFA must ensure that their programs are accessible to persons with limited English proficiency. HHS provides guidance to recipients of FFA on meeting their legal obligation to take reasonable steps to provide meaningful access to their programs by persons with limited English proficiency. Please see *https://www.hhs.gov/civil-rights/for-individuals/special-topics/limited-english-proficiency/fact-sheet-guidance/index.html* and *https://www.lep.gov.* For further guidance on providing culturally and linguistically appropriate services, recipients should review the National Standards for Culturally and Linguistically Appropriate Services in Health and Health Care at *https://minorityhealth.hhs.gov/omh/browse.aspx?lvl=2&lvlid=53.*
- Recipients of FFA also have specific legal obligations for serving qualified individuals with disabilities. Please see *http://www.hhs.gov/ocr/civilrights/understanding/disability/index.html.*
- HHS funded health and education programs must be administered in an environment free of sexual harassment. Please see *https://www.hhs.gov/civil-rights/for-individuals/sex-discrimination/index.html; https://www2.ed.gov/about/offices/list/ocr/docs/shguide.html;* and *https://www.eeoc.gov/eeoc/publications/fs-sex.cfm.*
- Recipients of FFA must also administer their programs in compliance with applicable Federal religious nondiscrimination laws and applicable Federal conscience protection and associated anti-discrimination laws. Collectively, these laws prohibit exclusion, adverse treatment, coercion, or other discrimination against persons or entities on the basis of their consciences, religious beliefs, or moral convictions. Please see *https://www.hhs.gov/conscience/conscience-protections/index.html* and *https://www.hhs.gov/conscience/religious-freedom/index.html.*

Please contact the HHS Office for Civil Rights for more information about obligations and prohibitions under Federal civil rights laws at *https://www.hhs.gov/ocr/about-us/contact-us/index.html* or call 1–800–368–1019 or TDD 1–800–537–7697.

F. Federal Awardee Performance and Integrity Information System (FAPIIS)

The IHS is required to review and consider any information about the applicant that is in the Federal Awardee Performance and Integrity Information System (FAPIIS), at *https://www.fapiis.gov,* before making any award in excess of the simplified acquisition threshold (currently $150,000) over the period of performance. An applicant may review and comment on any information about itself that a Federal awarding agency previously entered. IHS will consider any comments by the applicant, in addition to other information in FAPIIS in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants as described in 45 CFR 75.205.

As required by 45 CFR part 75 Appendix XII of the Uniform Guidance, non-Federal entities (NFEs) are required to disclose in FAPIIS any information about criminal, civil, and administrative proceedings, and/or affirm that there is no new information to provide. This applies to NFEs that receive Federal awards (currently active grants, cooperative agreements, and procurement contracts) greater than $10,000,000 for any period of time during the period of performance of an award/project.

Mandatory Disclosure Requirements

As required by 2 CFR part 200 of the Uniform Guidance, and the HHS implementing regulations at 45 CFR part 75, the IHS must require a non-Federal entity or an applicant for a Federal award to disclose, in a timely manner, in writing to the IHS or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award.

Submission is required for all applicants and recipients, in writing, to

the IHS and to the HHS Office of Inspector General all information related to violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. 45 CFR 75.113.

Disclosures must be sent in writing to:

U.S. Department of Health and Human Services, Indian Health Service, Division of Grants Management, ATTN: Paul Gettys, Acting Director, 5600 Fishers Lane, Mail Stop: 09E70, Rockville, MD 20857, (Include ''Mandatory Grant Disclosures'' in subject line), Office: (301) 443–5204, Fax: (301) 594–0899, Email: *Paul.Gettys@ihs.gov*.

AND

U.S. Department of Health and Human Services, Office of Inspector General, ATTN: Mandatory Grant Disclosures, Intake Coordinator, 330 Independence Avenue SW, Cohen Building, Room 5527, Washington, DC 20201, URL: *https://oig.hhs.gov/fraud/report-fraud/* (Include ''Mandatory Grant Disclosures'' in subject line), Fax: (202) 205–0604 (Include ''Mandatory Grant Disclosures'' in subject line) or Email: *MandatoryGranteeDisclosures@oig.hhs.gov*.

Failure to make required disclosures can result in any of the remedies described in 45 CFR 75.371 Remedies for noncompliance, including suspension or debarment (see 2 CFR parts 180 & 376).

VII. Agency Contacts

1. Questions on the programmatic issues may be directed to: Tamara James, Ph.D., Division of Behavioral Health, 5600 Fishers Lane, Mail Stop: 08N34A, Rockville, MD 20857, Phone: (301) 443–2038, Fax: (301) 594–6213, *tamara.james@ihs.gov*.

2. Questions on grants management and fiscal matters may be directed to: Donald Gooding, Grants Management Specialist, 5600 Fishers Lane, Mail Stop: 09E70, Rockville, MD 20857, Phone: (301) 443–2298, Fax: (301) 594–0899, Email: *Gooding.Donald@ihs.gov*.

3. Questions on systems matters may be directed to: Paul Gettys, Acting Director, DGM, 5600 Fishers Lane, Mail Stop: 09E70, Rockville, MD 20857, Phone: (301) 443–2114; or the DGM main line (301) 443–5204, Fax: (301) 594–0899, Email: *Paul.Gettys@ihs.gov*.

VIII. Other Information

The Public Health Service strongly encourages all grant, cooperative agreement and contract recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of the facility) in which regular or routine education, library, day care, health care, or early childhood development services are provided to children. This is consistent with the HHS mission to protect and advance the physical and mental health of the American people.

Michael D. Weahkee,

RADM, Assistant Surgeon General, U.S. Public Health Service, Director, Indian Health Service.

[FR Doc. 2020–25642 Filed 11–19–20; 8:45 am]

BILLING CODE 4165–16–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute of Child Health and Human Development Special Emphasis Panel, August 7, 2020, 8:00 a.m. to 5:00 p.m., National Institute of Child Health and Human Development, 6710B Rockledge Drive, Bethesda, MD 20892 which was published in the **Federal Register** on July 10, 2020, 85 FR 41606.

The meeting date changed from August 7, 2020, 8:00 a.m.–5:00 p.m. to December 14, 2020, 10:00 a.m. to 6:00 p.m. The meeting is closed to the public.

Dated: November 16, 2020.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–25630 Filed 11–19–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory Mental Health Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

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 Advisory Mental Health Council.

Date: February 2–3, 2021.

Open: February 02, 2021, 12:00 p.m. to 3:30 p.m.

Agenda: Presentation of the NIMH Director's Report and discussion of NIMH program.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Virtual Meeting).

Closed: February 02, 2021, 3:30 p.m. to 4:00 p.m.

Agenda: To review and evaluate the NIMH Division of Intramural Research Programs.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Closed: February 03, 2021, 12:00 p.m. to 1:00 p.m.

Agenda: To review and evaluate the NIMH Division of Intramural Research Programs.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Closed: February 03, 2021, 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Rebecca Wagenaar-Miller, Ph.D., Acting Deputy Director, Division of Extramural Activities, National Institute of Mental Health, National Institutes of Health, NSC Bldg., 6001 Executive Blvd., Room 6160, Rockville, MD 20852, 301–435–0322, *rwagenaa@mail.nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *www.nimh.nih.gov/about/advisory-boards-and-groups/namhc/index.shtml.*, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: November 16, 2020.

Patricia B. Hansberger,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–25633 Filed 11–19–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Board of Regents of the National Library of Medicine.

The meeting will be open to the public as indicated below, with virtual attendance.

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 materials, 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: Board of Regents of the National Library of Medicine.

Date: February 9–10, 2021.

Open: February 9, 2021, 9:00 a.m. to 4:00 p.m.

Agenda: Program Discussion.

Place: Virtual Meeting.

Closed: February 9, 2021, 4:00 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Virtual Meeting.

Open: February 10, 2021, 9:00 a.m. to 12:00 p.m.

Agenda: Program Discussion.

Place: Virtual Meeting.

Contact Person: Christine Ireland, Committee Management Officer, Division of Extramural Programs, National Library of Medicine, 6705 Rockledge Drive, Suite 500, Bethesda, MD 20892, 301–594–4929, *irelanc@mail.nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *www.nlm.nih.gov/od/bor/bor.html,* where an agenda and any additional information for the meeting will be posted when available. This meeting will be broadcast to the public, and available for viewing at *http://videocast.nih.gov* on February 9–10, 2021.

(Catalogue of Federal Domestic Assistance Program No. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: November 16, 2020.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–25631 Filed 11–19–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2020–0668]

Monitoring of Certain High Frequency, Voice-Distress Frequencies

AGENCY: Coast Guard, DHS.

ACTION: Request for comments.

SUMMARY: The U.S. Coast Guard is proposing to cease monitoring four, High Frequency (HF) voice distress frequencies within the contiguous United States and Hawaii because they are rarely used. We would continue to monitor HF Digital Selective Calling (DSC) distress alerting for all existing regions and voice distress and hailing from Kodiak, Alaska and Guam. We invite your comments on this proposed action.

DATES: Comments must be submitted to the online docket via *http://www.regulations.gov,* on or before January 19, 2021.

ADDRESSES: You may submit comments identified by docket number USCG–2020–0668 using the Federal eRulemaking Portal at *https://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: For information about this document, please call or email Russell Levin, Communications Specialist, Spectrum Management and Communications Policy, U.S. Coast Guard (Commandant CG–672); telephone: 202–475–3555; email: *Russell.S.Levin@USCG.mil.*

SUPPLEMENTARY INFORMATION:

Abbreviations

HF High Frequency
DSC Digital Selective Call
kHz Kilohertz

Public Participation and Comments

We encourage you to submit comments (or related material) on the possible termination of voice monitoring of four, HF-voice-distress frequencies within the contiguous United States and Hawaii. We will consider all submissions received during the comment period. If you submit a comment, please include the docket number for this notice, and provide a reason for each of your suggestions or recommendations.

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. All public comments will be placed in our online docket at *http://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted. We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and submissions in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

Discussion

The U.S. Coast Guard is proposing to cease monitoring four, HF-voice-distress frequencies in the contiguous United States and Hawaii due to the lack of activity on these frequencies. During a 6-year period, there were four potential distress calls heard over these four voice frequencies; none required a Coast Guard response. These four voice frequencies, which we propose to cease monitoring in the contiguous United States and Hawaii, are: 4125 kHz; 6215 kHz; 8291 kHz; and 12290 kHz.

Monitoring of HF DSC frequencies for all existing regions and voice distress and hailing from Kodiak, Alaska and Guam would not be affected by this proposed action. There would also be no change in service to Puerto Rico, U.S. Virgin Islands, or American Samoa since these U.S. territories do not currently have HF infrastructure.

We believe this change would have a low impact on the maritime public as commercial satellite radios and DSC-marine-Single-Sideband HF radios have become more prevalent onboard vessels.

However, we would like your comments on how you would be affected if we terminated monitoring HF-voice-only distress frequencies within the contiguous United States and Hawaii, particularly if you use HF, but do not currently have a commercial satellite radio or a HF DSC capable radio aboard your vessel.

We will consider all comments in response to this notice before deciding whether to terminate the monitoring of these HF voice-only distress frequencies within the contiguous United States and Hawaii. After considering comments received, the Coast Guard will issue a notice in the **Federal Register** indicating what course of action it has decided to take. This notice is issued under the authority of *14 U.S.C. 504*(a)(16) and *5 U.S.C. 552*(a).

Dated: November 16, 2020.

J.L. Ulcek,

Chief, Spectrum Management and Communications Policy.

[FR Doc. 2020–25605 Filed 11–19–20; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. ICEB–2020–0002]

Privacy Act of 1974; System of Records

AGENCY: U.S. Immigration and Customs Enforcement, U.S. Department of Homeland Security.

ACTION: Notice of a Modified System of Records.

SUMMARY: In accordance with the Privacy Act of 1974, the U.S. Department of Homeland Security (DHS) proposes to modify and reissue a current system of records titled, ''DHS/U.S. Immigration and Customs Enforcement (ICE)–009 External Investigations System of Records.'' This system of records allows the DHS/ICE to collect and maintain records by ICE Homeland Security Investigations (HSI). This system of records covers information related to external audits, inquiries, and investigations pertaining to suspected violations of laws regulating the movement of people and goods into and out of the United States. DHS/ICE is updating this system of records to revise the purpose, update and expand the category of individuals, add new categories of records, modify and add to routine uses, update the records retention policies, and make non-substantive formatting changes.

DATES: Submit comments on or before December 21, 2020. This modified system will be effective upon publication. New or modified routine uses will become effective December 21, 2020.

ADDRESSES: You may submit comments, identified by docket number ICEB–2020–0002 by one of the following methods:

- *Federal e-Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–343–4010.
- *Mail:* Constantina Kozanas, Chief Privacy Officer, Privacy Office, U.S. Department of Homeland Security, Washington, DC 20528–0655.

Instructions: All submissions received must include the agency name and docket number ICEB–2020–0002. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: For general questions please contact: Jordan Holz, (202) 732–3300, Privacy Officer, U.S. Immigration and Customs Enforcement (ICE), 500 12th Street SW, Mail Stop 5004, Washington, DC 20536. For privacy questions, please contact: Constantina Kozanas, (202) 343–1717, *Privacy@hq.dhs.gov,* Chief Privacy Officer, Privacy Office, U.S. Department of Homeland Security, Washington, DC 20528–0655.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, DHS/ICE proposes to modify and reissue a current DHS system of records notice (SORN) titled, ''DHS/ICE–009 External Investigations System of Records.'' DHS/ICE is updating this system of records to better reflect and clarify the nature of law enforcement investigatory records collected, maintained, and shared by ICE.

The purpose of this system of records is to collect and maintain records related to external investigations and support conducted by ICE offices, primarily HSI. ICE/HSI is the largest investigative branch of the DHS. The agency was created to more effectively enforce immigration and customs laws and to protect the United States against terrorist attacks. ICE does this by targeting the people, money, and materials that support terrorism and other criminal activities. ICE investigates on its own and in conjunction with other agencies a broad range of illegal activities, such as terrorism, organized crime, gangs, child exploitation, and intellectual property violations.

This system of records covers information related to external audits, inquiries, and investigations pertaining to suspected violations of laws regulating the movement of people and goods into and out of the United States. For example, this system of records will include investigatory records that are generated prior to the creation of an official case file, and records pertaining to immigration status inquiries that do not constitute an official criminal investigation.

This system of records was also used to support information requests from the U.S. Congress relating to potential recipients of private immigration relief. That purpose has since been transferred to the DHS/ICE–011 Criminal Arrest Records and Immigration Enforcement Records (CARIER) System of Records (*see* 81 FR 72080 (October 19, 2016)). This update modifies the system of records notice to excise the stated purpose, category of individuals, and routine use that related to supplying information to assist with private immigration relief.

The following list includes the full explanation of changes to this system of records notice:

(1) The category of individuals in this system of records has been modified to include family members and known associates of a subject of investigation, as well as individuals and third-party record holders who are served administrative subpoenas and summonses for the production of records and testimony.

(2) The category of records has been modified to include criminal history, immigration status and history, biometrics (*e.g.,* facial images, iris images, and fingerprints), record holder information (*e.g.,* biographical, contact), information derived from location tracking tools, License Plate Reader (LPR) information, social media information, suspicious financial activity, currency transaction reports, currency or monetary instrument reports, email addresses and the contents of email records, unique numerical identifiers assigned to biometrics, telecommunication device identifiers, telecommunications usage data, call and subscriber records, banking records, travel history records, and the statements of targets and witnesses. The categories of records will also include information pertaining to DNA tests conducted by ICE to verify a familial relationship.

(3) DHS is modifying Routine Use E and adding Routine Use F to conform to the Office of Management and Budget (OMB) Memorandum M–17–12 ''Preparing for and Responding to a Breach of Personally Identifiable Information,'' (Jan. 3, 2017).

(4) ICE is also adding Routine Uses I, T, and U. Routine uses following Routine Use E are being renumbered to account for these additional routine uses. The following routine uses were added to:

○ (I) Allow data sharing between ICE and other federal agencies for a statistical or research purpose, including the development of methods or resources to support statistical or research activities.

○ (T) Allow sharing between ICE and the Department of State (DOS) in order to support DOS in making accurate passport and visa issuance, reissuance or revocation determinations;

○ (U) Allow data sharing between ICE and federal, state, local, tribal, territorial, international, or foreign government agencies or multinational governmental organizations when DHS desires to exchange relevant data for the purpose of developing, testing, or implementing new software or technology whose purpose is related to the purpose of this system of records.

(5) ICE is removing a routine use listed in the previous SORN as Routine Use N, which permitted sharing to any person or entity to the extent necessary to prevent immediate loss of life or serious bodily injury, such as disclosure of custodial release information to witnesses who have received threats from individuals in custody. This routine use was found to be duplicative of other routine uses, and has been removed.

(6) Additionally, DHS/ICE is making non-substantive edits to the routine uses to align with previously published Department of Records Notices and in accordance with Appendix I to OMB Circular A–130, Federal Agency Responsibilities for Maintaining Records About Individuals.

(7) DHS/ICE is also correcting the records retention schedule for the system of records from 75 years, as stated in the previous publication of this SORN, to 20 years. The former retention schedule was approved by the National Archives and Records Administration (NARA) for U.S. Customs, before ICE was created. The corrected schedule currently controls ICE records management, but ICE is in the process of creating a new schedule for approval by NARA.

Lastly, this notice includes non-substantive changes to simplify formatting and text of the previously published notice.

II. Privacy Act

The Privacy Act embodies fair information principles in a statutory framework governing the means by which Federal Government agencies collect, maintain, use, and disseminate individuals' records. The Privacy Act applies to information that is maintained in a ''system of records.'' A ''system of records'' is a group of any records under the control of an agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined to encompass United States citizens and lawful permanent residents. Additionally, the Judicial Redress Act (JRA) provides covered persons with a statutory right to make requests for access and amendment to covered records, as defined by the JRA, along with judicial review for denials of such requests. In addition, the JRA prohibits disclosures of covered records, except as otherwise permitted by the Privacy Act. Individuals may request access to their own records that are maintained in a system of records in the possession or under the control of DHS by complying with DHS Privacy Act regulations, 6 CFR part 5.

The Privacy Act requires each agency to publish in the **Federal Register** a description denoting the type and character of each system of records that the agency maintains, and the routine uses that are contained in each system in order to make agency record keeping practices transparent, to notify individuals regarding the uses to which personally identifiable information is put, and to assist individuals to more easily find such files within the agency. Below is the description of the DHS/ICE–009 External Investigations System of Records. In accordance with 5 U.S.C. 552a(r), DHS has provided a report of this system of records to the Office of Management and Budget (OMB) and to Congress.

SYSTEM NAME AND NUMBER:

U.S. Department of Homeland Security (DHS)/Immigration and Customs Enforcement (ICE)–009 External Investigations.

SECURITY CLASSIFICATION:

Unclassified and Law Enforcement Sensitive (LES).

SYSTEM LOCATION:

Records are maintained at U.S. Immigration and Customs Enforcement Headquarters in Washington, DC and in field offices.

SYSTEM MANAGER(S):

Immigration and Customs Enforcement, Mission Support Division, Unit Chief, Executive Information Unit/Program Management Oversight (EIU/PMO), Potomac Center North, 500 12th Street SW, Washington, DC 20536.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 6 U.S.C. 201–203; 8 U.S.C. 1357; 18 U.S.C. 116; 18 U.S.C. 554; 18 U.S.C. 1091; 18 U.S.C. 2340A; 18 U.S.C. 2441; 18 U.S.C. 2442; 18 U.S.C. 2518; 19 U.S.C. 66; 19 U.S.C. 1431; 19 U.S.C. 1509; 19 U.S.C. 1603; 19 U.S.C. 2072; 21 U.S.C. 967; 22 U.S.C. 2778; 40 U.S.C. 1315; 50 U.S.C. 1701; 50 U.S.C. 2410; 50 U.S.C. 2411; other applicable authorities from Title 18, United States Code; and Title 19, United States Code as delegated by the Secretary of Homeland Security under his or her authority granted by the Homeland Security Act of 2002 (Pub. L. 107–296); 31 CFR part 103; Title 40 United States Code; INA 235(d)(4)(A); and INA 274A(e)(2)(C).

PURPOSE OF THE SYSTEM:

(1) To document external audits, inquiries, and investigations performed by ICE pertaining to suspected violations of laws regulating the movement of people and goods into and out of the United States in addition to other violations of other laws within ICE's jurisdiction; (2) To facilitate communication between ICE and foreign and domestic law enforcement agencies for the purpose of enforcement and administration of laws, including immigration and customs laws; (3) To provide appropriate notification to victims in accordance with federal victim protection laws; (4) To support inquiries and investigations performed to enforce the administrative provisions of the INA; and (5) To identify potential criminal activity, immigration violations, and threats to homeland security; to uphold and enforce the law; and to ensure public safety.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of individuals covered by this system include: (1) Individuals who are the subjects of current or previous law enforcement investigations into violations of U.S. customs and immigration laws, as well as other laws and regulations within ICE's jurisdiction, including investigations led by other domestic or foreign agencies in which ICE is providing support and assistance; (2) Individuals who are the subjects of investigatory

referrals from other agencies, tips, and other leads acted on by ICE pertaining to potential violations of U.S. customs and immigration law, as well as other laws and regulations within ICE's jurisdiction; (3) Individuals who are or have been the subject of inquiries or investigations conducted by ICE related to the enforcement of the employment control provisions of the Immigration and Nationality Act (INA) and related criminal statutes including individuals who are being investigated or have been investigated to determine whether their employment-related activities are in violation of the employment control provisions of the INA and/or related criminal statutes; individuals who employ others in their individual capacity whether related to a business activity or not; and individuals who have submitted completed Form I–9 (Employment Eligibility Verification Form) and other documentation to establish identity and work eligibility/authorization under the employment control provisions of the INA; (4) Family and known associates of subjects of investigation; (5) Victims and witnesses in ICE law enforcement investigations described above; (6) Individuals and third-party record holders who are served administrative subpoenas and summonses for the production of records or testimony; (7) Fugitives with outstanding federal or state warrants; (8) Operators of vehicles crossing U.S. borders who are the subject of an ICE investigation, including drivers of automobiles, private yacht masters, private pilots arriving in or leaving the United States; and (9) Regulatory and licensing agency personnel and other individuals who are involved with or supporting law enforcement investigations pertaining to U.S. export control matters conducted by ICE.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of records in this system may include:

Subject Records:

- Name and Aliases;
- Addresses;
- Social Security number;
- Armed Forces Number;
- Alien Registration number;
- Date and place of birth;
- Citizenship;
- Passport and visa information;
- License information for owners and operators of vehicles, aircraft, and vessels;
- Criminal history;
- Immigration status and history;
- Employment history or business information;
- Information related to the subject's entry and exit of the United States;
- Other biographical information;
- IP address;
- Social media account information and publicly available social media posts;
- Biometric information, including facial images, iris images, fingerprints, and voice audio;
- Suspicious financial activity, currency transaction reports, and currency or monetary instrument reports; and
- Information related to whether individuals have a verified familial relationship based on DNA test results.

Associate, Victim, and Witness Records:

- Name;
- Contact information, including address and telephone numbers;
- Alien Registration number;
- Date and place of birth;
- Citizenship;
- Passport and visa information;
- Biometric information, including facial images, iris images, fingerprints, and voice audio;
- Sworn statements, reports of interview, and testimony;
- Relationship to subject of the investigation;
- Social media handles or account names and publicly available social media posts;
- Victim services needed; and
- Other relevant biographical and background information, such as employment and education.

Location-Related Records:

- Location tracking tools that maintain a list of tracking devices by serial number/Mobile Directory Number (MDN)/International Mobile Equipment Identity (IMEI)/Mobile Equipment ID (MEID), and their current locations using Global Positioning System (GPS) and/or assisted Cellular Tower coordinates. These location tracking tools are deployed on targets of investigations, vehicles of interest in investigations, contraband, but also on the official vehicles owned by ICE and used by agents and officers in the field;
- License Plate Reader (LPR) information, including images of vehicles license plates associated with a target of investigation (a person or vehicle), date and time of image capture, and GPS coordinates for the location where the license plate was photographed;

Third-Party Records Holders:

- Name;
- Date of birth;
- Contact information, including address and telephone numbers;
- Social Security number, Alien Number, tax information number, or other personal identification numbers;
- Importer and exporter numbers;
- internet protocol (IP) addresses and uniform resource locators (URLs);
- Bank account numbers;
- Device identifiers and serial numbers.

Investigatory and Evidentiary Records:

- ICE case number;
- Unique numerical identifiers assigned to biometrics for administrative purposes;
- Identifying information of assigned ICE personnel, including name, badge number, and contact information;
- Incident reports;
- Complaint forms and other records pertaining to potential or actual intellectual property crimes;
- I–9 Forms and other records pertaining to employment control audits, inquiries, and investigations;
- Emails;
- Telecommunication device identifiers;
- Telecommunications usage data;
- Call and subscriber records;
- Banking records;
- Travel history records;
- Reports and memoranda prepared by investigators during the course of the investigation or received from other agencies participating in or having information relevant to the investigation;
- Statements of targets and witnesses;
- Law enforcement intelligence reports;
- Electronic surveillance reports;
- Asset ownership information such as registration data and license data, for vehicles, vessels, merchandise, goods, and other assets;
- Information about duties and penalties owed, assessed, and paid;
- Information about goods and merchandise, such as import and export forms and declarations filed, lab or analytical reports, valuation and classification of goods, and other relevant data;
- Correspondence and court filings;
- Information received from other governmental agencies, confidential sources, and other sources pertaining to an investigation, as well as investigatory referrals from other agencies, tips, and other leads pertaining to potential violations of U.S. customs and immigration law, as well as other laws and regulations within ICE's jurisdiction; and
- Any other evidence in any form, including papers, photographs, video, electronic recordings, electronic data, or video records that was obtained, seized, or otherwise lawfully acquired from any source during the course of the investigation, to the extent relevant and

necessary for the performance of ICE's statutory enforcement authorities.

RECORD SOURCE CATEGORIES:

ICE may receive information in the course of its law enforcement investigations from nearly any source. Sources of information include: domestic and foreign governmental and quasi-governmental agencies and data systems, public records, publicly available social media, commercial data aggregators, import and export records systems, immigration and alien admission records systems, members of the public, subjects of investigation, victims, witnesses, confidential sources, and those with knowledge of the alleged activity.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USES AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records of information contained in this system may be disclosed outside DHS as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

A. To the Department of Justice, Offices of the U.S. Attorney, or other federal agencies conducting litigation or in proceedings before any court, adjudicative, or administrative body, when it is relevant or necessary to the litigation and one of the following is a party to the litigation or has an interest in such litigation:

1. DHS or any component thereof;

2. Any employee or former employee of DHS in his/her official capacity;

3. Any employee or former employee of DHS in his/her individual capacity, only when DOJ or DHS has agreed to represent the employee; or

4. The United States or any agency thereof.

B. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual to whom the record pertains.

C. To the National Archives and Records Administration (NARA) or the General Services Administration pursuant to records management inspections being conducted under the authority of 44 U.S.C. secs. 2904 and 2906.

D. To an agency or organization for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

E. To appropriate agencies, entities, and persons when (1) DHS suspects or has confirmed that there has been a breach of the system of records; (2) DHS has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DHS (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with DHS's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

F. To another Federal agency or Federal entity, when DHS determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

G. To an appropriate federal, State, tribal, local, international, or foreign law enforcement agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, where a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

H. To contractors and their agents, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for DHS, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to DHS officers and employees.

I. To a federal agency for a statistical or research purpose, including the development of methods or resources to support statistical or research activities, provided that the records support DHS programs and activities that relate to the purpose(s) stated in this SORN, and will not be used in whole or in part in making any determination regarding an individual's rights, benefits, or privileges under federal programs, or published in any manner that identifies an individual.

J. To third parties during the course of a law enforcement investigation to the extent necessary to obtain information pertinent to the investigation, provided disclosure is appropriate to the proper performance of the official duties of the officer making the disclosure.

K. To federal law enforcement and/or regulatory agencies, technical, or subject matter expert, or any other entity involved in or assisting with law enforcement efforts pertaining to suspected or confirmed export violations in accordance with Federal export laws, including the Arms Export Control Act, 22 U.S.C. sec. 2778 and the Export Administration Act, 50 U.S.C. sec. 2410.

L. To federal and foreign government intelligence or counterterrorism agencies or components when DHS becomes aware of an indication of a threat or potential threat to national or international security, or when such disclosure is to support the conduct of national intelligence and security investigations or to assist in anti-terrorism efforts.

M. To victims regarding custodial information, such as release on bond, order of supervision, removal from the United States, or death in custody, about an individual who is the subject of a criminal or immigration investigation, proceeding, or prosecution.

N. To international, foreign, intergovernmental, and multinational government agencies, authorities, and organizations in accordance with law and formal or informal international arrangements.

O. To a public or professional licensing organization when such information indicates, either by itself or in combination with other information, a violation or potential violation of professional standards, or reflects on the moral, educational, or professional qualifications of an individual who is licensed or who is seeking to become licensed.

P. To federal, state, local, tribal, territorial, or foreign government agencies or organizations, or international organizations, lawfully engaged in collecting law enforcement intelligence, whether civil or criminal, to enable these entities to carry out their law enforcement responsibilities, including the collection of law enforcement intelligence.

Q. To the Department of State when it requires information to consider and/or provide an informed response to a request for information from a foreign, international, or intergovernmental agency, authority, or organization about

an alien or an enforcement operation with transnational implications.

R. To federal, state, local, territorial, tribal, international, or foreign criminal, civil, or regulatory law enforcement authorities when the information is necessary for collaboration, coordination, and de-confliction of investigative matters, prosecutions, and/or other law enforcement actions to avoid duplicative or disruptive efforts and to ensure the safety of law enforcement officers who may be working on related law enforcement matters.

S. To the Department of Justice to facilitate the missions of the Organized Crime Drug Enforcement Task Force (OCDETF) Program and the International Organized Crime Intelligence and Operations Center (IOC–2).

T. To the Department of State for use in passport and visa revocation, issuance, or reissuance determinations.

U. To appropriate federal, state, local, tribal, or foreign governmental agencies or multilateral governmental organizations, with the approval of the Chief Privacy Officer, when DHS is aware of a need to use relevant data for purposes of testing new technology to be used by or on behalf of DHS.

V. To the news media and the public, with the approval of the Chief Privacy Officer in consultation with counsel, when there exists a legitimate public interest in the disclosure of the information, when disclosure is necessary to preserve confidence in the integrity of DHS, or when disclosure is necessary to demonstrate the accountability of DHS's officers, employees, or individuals covered by the system, except to the extent the Chief Privacy Officer determines that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records in this system are stored electronically or on paper in secure facilities in a locked drawer behind a locked door. The records are stored on magnetic disc, tape, digital media, and CD–ROM.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by individual's name, date of birth, ICE investigative file number, Social Security number, numerical identifiers assigned to biometrics collected (*e.g.,* fingerprint ID number); driver's license number, pilot's license number, vehicle license plate number, address, home telephone number, passport number, citizenship, country of birth, armed forces number, and date of entry into the United States.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Investigative files concerning munitions control cases are permanent records that are transferred to the Federal Records Center after one year, and then transferred to NARA fifteen years after case closure, in accordance with legacy Customs schedule N1–36–86–1/162.38. Records for all other closed investigative cases are retained for 20 years in accordance with legacy customs schedule N1–36–86–1–161.3 (inv 7B). Destruction is by burning or shredding. An updated schedule for investigative records will be developed and submitted to NARA for approval.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

DHS/ICE safeguards records in this system according to applicable rules and policies, including all applicable DHS automated system security and access policies. DHS/ICE has imposed strict controls to minimize the risk of compromising the information that is being stored. Access to the computer system containing the records in this system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions. The system maintains a real-time auditing function of individuals who access the system. Additional safeguards may vary by component and program.

RECORD ACCESS PROCEDURES:

The Secretary of Homeland Security has exempted this system from the notification, access, and amendment procedures of the Privacy Act because it is a law enforcement system. However, ICE will consider requests to determine whether or not information may be released. Thus, individuals seeking notification of and access to any record contained in this system of records, or seeking to contest its content, may submit a request in writing to the U.S. Immigration and Customs Enforcement Freedom of Information Act (FOIA) Officer, whose contact information can be found at *http://www.dhs.gov/foia* under ''Contact Information.'' If an individual believes more than one component maintains Privacy Act records concerning him or her, the individual may submit the request to the Chief Privacy Officer and Chief Freedom of Information Act Officer, U.S. Department of Homeland Security, 245 Murray Drive SW, Building 410, STOP–0550, Washington, DC 20528. Even if neither the Privacy Act nor the Judicial Redress Act provides a right of access, certain records about you may be available under the Freedom of Information Act.

When an individual is seeking records about himself or herself from this system of records or any other Departmental system of records, the individual's request must conform with the Privacy Act regulations set forth in 6 CFR part 5. The individual must first verify his/her identity, meaning that the individual must provide his/her full name, current address, and date and place of birth. The individual must sign the request, and the individual's signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. While no specific form is required, you may obtain forms for this purpose from the Chief Privacy Officer and Chief Freedom of Information Act Officer, *http://www.dhs.gov/foia* or 1–866–431–0486. In addition, the individual should:

- Explain why he or she believes the Department would have information being requested;
- Identify which component(s) of the Department he or she believes may have the information;
- Specify when the individual believes the records would have been created; and
- Provide any other information that will help the FOIA staff determine which DHS component agency may have responsive records.

If the request is seeking records pertaining to another living individual, the request must include an authorization from the individual whose record is being requested, authorizing the release to the requester.

Without the above information, the component(s) may not be able to conduct an effective search, and the individual's request may be denied due to lack of specificity or lack of compliance with applicable regulations.

CONTESTING RECORD PROCEDURES:

For records covered by the Privacy Act or covered JRA records, individuals may make a request for amendment or correction of a record of the Department about the individual by writing directly to the Department component that maintains the record, unless the record is not subject to amendment or correction. The request should identify each particular record in question, state the amendment or correction desired, and state why the individual believes

that the record is not accurate, relevant, timely, or complete. The individual may submit any documentation that would be helpful. If the individual believes that the same record is in more than one system of records, the request should state that and be addressed to each component that maintains a system of records containing the record.

Individuals who wish to contest the accuracy of records in this system of records should submit these requests to the Privacy Division of the ICE Information Governance & Privacy Office. Requests must comply with verification of identity requirements set forth in Department of Homeland Security Privacy Act regulations at 6 CFR 5.21(d). Please specify the nature of the complaint and provide any supporting documentation. By mail (please note substantial delivery delays exist): ICE Information Governance & Privacy Office, ATTN: Privacy Division, 500 12th Street SW, Mail Stop 5004, Washington, DC 20536. By email: *ICEPrivacy@ice.dhs.gov.*

Please contact the Privacy Division with any questions about submitting a request at (202) 732–3300 or *ICEPrivacy@ice.dhs.gov.*

NOTIFICATION PROCEDURES:

See ''Record Access Procedures'' above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

The Secretary of Homeland Security, pursuant to 5 U.S.C. 552a(j)(2), has exempted this system from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3), (c)(4); (d); (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(5), and (e)(8); (f); and (g). Additionally, the Secretary of Homeland Security, pursuant to 5 U.S.C. 552a(k)(2), has exempted this system from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3); (d); (e)(1), (e)(4)(G), and (e)(4)(H); and (f). To the extent a record contains information from other exempt systems of records, ICE will rely on the exemptions claimed for those systems.

HISTORY:

DHS/ICE–009 External Investigations, 75 FR 404 (January 5, 2010).

Constantina Kozanas,

Chief Privacy Officer, U.S. Department of Homeland Security.

[FR Doc. 2020–25619 Filed 11–19–20; 8:45 am]

BILLING CODE 9111–28–P

DEPARTMENT OF HOMELAND SECURITY

[Docket Number DHS–2020–0044]

Agency Information Collection Activities: Post-Award Contract, DHS Form 700–23, 700–26

AGENCY: Department of Homeland Security (DHS).

ACTION: 60-Day notice and request for comments; extension without change of a currently approved collection, 1600–0003.

SUMMARY: The Department of Homeland Security, will submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted until January 19, 2021. This process is conducted in accordance with 5 CFR 1320.1

ADDRESSES: You may submit comments, identified by docket number Docket # DHS–2020–0044, at:

○ *Federal rulemaking Portal*: *http://www.regulations.gov.* Please follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name and docket number Docket # DHS–2020–0044. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.*

SUPPLEMENTARY INFORMATION: The Department of Homeland Security (DHS) collects information, when necessary, in administering public contracts for supplies and services. The information is used to determine compliance with contract terms placed in the contract as authorized by the Federal Property and Administrative Services Act (41 U.S.C. 251 *et seq.*), the Federal Acquisition Regulation (FAR) (48 CFR Chapter 1), and the Homeland Security Acquisition Regulation (HSAR) (48 CFR Chapter 30). Respondents submit information based on the terms of the contract; the instructions in the contract deliverables mandatory reporting requirements; and correspondence from acquisition personnel requesting post-award contract information. The least active contracts and the simplest contracts will have little to no data to report. The most active and complex contracts, however, will contain more reporting requirements. DHS believes that some of this information is already readily available as part of a company's business processes and that the largest businesses use computers to compile the data. However, a significant amount of time is spent correlating information to specific contract actions and gathering information for more complex contract actions.

The prior information collection request for OMB No. 1600–0003 was approved through May 31, 2022 by OMB, and includes the following:

- 3052.204–70 Security requirements for unclassified information technology resources. *(Required in all solicitations and contracts that require submission of an IT Security Plan.)* This clause applies to all contractor systems connected to a DHS network and those contracts where the Contractor must have physical or electronic access to sensitive information contained in DHS unclassified systems. The contractor is asked to prepare, provide and maintain an IT Security Plan.
- 3052.204–71 Contractor employee access. *(Required when contractor employees require recurring access to Government facilities or access to sensitive info.*) Contractors may be subject to background investigations and will have to provide information as required by the DHS Security Office. The information requested is in addition to the information requested through Standard Form (SF) 86.
- 3052.205–70 Advertisements, Publicizing Awards, and Releases. (*Required for all contracts exceeding Simplified Acquisition Threshold.*) Contractors may have to provide copies of information related to advertisements and release statements to receive approval for publication.
- 3052.209–72 Organizational Conflict of Interest, paragraphs (f) and (g) *(Included in solicitations and contracts where a potential organizational conflict of interest exists and mitigation may be possible.)* Contractors will have to provide information related to actual or potential conflicts of interest and a mitigation plan.
- 3052.209–75 Prohibited Financial Interests for Lead System Integrators. (Required in solicitations and contracts for the acquisition of a major system when the acquisition strategy envisions the use of a lead system integrator or when the contractor will be the lead system integrator.) Contractors will have to provide information related to changes in financial interests.
- 3052.209–76 Prohibition on Federal Protective Service Guard

Services Contracts with Business Concerns Owned, Controlled, or Operated by an Individual Convicted of a Felony, paragraph (h). *(Section 2 of the Federal Protective Service Guard Contracting Reform Act of 2008, Pub. L. 110–356, generally prohibits DHS from entering into a contract for guard services under the Federal Protective Service (FPS) guard services program with any business concern owned, controlled, or operated by an individual convicted of a serious felony.)* The notification required by paragraph (h) applies to any contractual instrument that may result in the issuance of task orders. Contractors will have to provide information on any felony conviction of personnel who own, control or operate a business during the performance a contract.

- 3052.215–70 Key personnel or facilities. *(Required in solicitations and contracts when the selection for award is substantially based on the offeror's possession of special capabilities regarding personnel or facilities.)* Contractors will have to provide notice of and documentation related to changes in key personnel for evaluation, including, resumes; description of the duties the replacement will assume; description of any change in duties and confirmation that such change will not negatively impact contract performance.
- 3052.216–71 Determination of Award Fee. *(Required in solicitations and contracts that include an award fee.)* Contractor may submit a performance self-evaluation for each evaluation period.
- 3052.217–91 Performance (USCG). *(Required in sealed bid fixed-price solicitations and contracts for vessel repair, alteration, or conversion which are to be performed within the United States, its possessions, or Puerto Rico. Also required in negotiated solicitations and contracts to be performed outside the United States.)* Contractor must request prior approval to conduct dock and sea trials.
- 3052.217–92 Inspection and Manner of Doing Work (USCG). *(Required in sealed bid fixed-price solicitations and contracts for vessel repair, alteration, or conversion which are to be performed within the United States, its possessions, or Puerto Rico. Also required in negotiated solicitations and contracts to be performed outside the United States.)* Contractor must maintain complete records of all inspection work and shall make them available to the Government during performance of the contract and for 90 days after the completion of all work required.
- 3052.217–95 Liability and Insurance (USCG). *(Required in sealed bid fixed-price solicitations and contracts for vessel repair, alteration, or conversion which are to be performed within the United States, its possessions, or Puerto Rico. Also required in negotiated solicitations and contracts to be performed outside the United States.)* Contractor shall provide evidence of the insurance and give the Contracting Officer written notice after the occurrence of a loss or damage for which the Government has assumed the risk. If any loss or damage will result in a claim against the Government, the contractor shall provide notice.
- 3052.219–70 Small Business subcontracting plan reporting. *(Generally included in solicitations and contracts that offer subcontracting possibilities and are expected to exceed $700,000)* Contractors must use Electronic Subcontracting Reporting System (eSRS) to submit subcontracting reporting data.
- 3052.219–71 DHS Mentor-Protégé Program. (*Included in solicitations where subcontracting plans are anticipated*) The amount of credit given to a contractor mentor firm for protégé developmental assistance costs must be calculated on a dollar for dollar basis and reported in the Summary Subcontract Report via the Electronic Subcontracting Reporting System (eSRS) at *www.esrs.gov.*
- 3052.222–70 Strikes or Picketing Affecting Timely Completion of the Contract Work. *(Generally included in solicitations and contracts)* Contractor must take all reasonable and appropriate action to end a strike or picketing. Delay caused by a strike or by picketing which constitutes an unfair labor practice is not excusable unless the Contractor takes all reasonable and appropriate action to end such a strike or picketing, such as the filing of a charge with the National Labor Relations Board, the use of other available Government procedures, and the use of private boards or organizations for the settlement of disputes. The contractor may be required to submit information to the contracting officer.
- 3052.222–71 Strikes or Picketing Affecting Access to a DHS Facility. *(Generally included in solicitations and contracts)* Contractor is responsible if strike or picketing is directed at the Contractor and impedes access by any person to a DHS facility. Contractor must take all reasonable and appropriate action to end a strike or picketing. The contractor may be required to submit information to the contracting officer.
- 3052.223–70 Removal or disposal of hazardous substances—applicable licenses and permits. *(Required in solicitations and contracts involving the removal or disposal of hazardous waste material)* Contractors will have to provide evidence of licenses and permits to perform hazardous substance removal.
- 3052.223–90 Accident and Fire Reporting (USCG). (*Included in solicitations and contracts involving the removal of hazardous waste material*) Contractor must report incidents involving fire or accidents at a worksite. Contractors may provide this information using a state, private insurance carrier, or Contractor accident report form.
- 3052.228–91 Loss of or Damage to Leased Aircraft (USCG). (*Included in any contract for the lease of an aircraft*) In the event of loss of or damage to an aircraft, the Government shall be subrogated to all rights of recovery by the Contractor against third parties for such loss or damage and the Contractor must promptly assign such rights in writing to the Government.
- 3052.228–93 Risk and Indemnities (USCG). (*Included in any contract for the lease of an aircraft*) Requires the contractor to provide the Government with evidence of insurance.
- 3052.235.70 Dissemination of Information-Educational Institutions. (*Included in contracts with educational institutions for research that are not sensitive or classified*) Contractors must provide advanced electronic copies of articles to the Government covering the results of research it plans to publish.

The purpose of this collection revision is to add, for purposes of entering into other transaction agreements pursuant to 6 U.S.C. 391, 6 U.S.C. 596(1), and 49 U.S.C. 106(l)(6), Form 700–26, Other Transaction Agreement, and Form 700–23, Other Transaction Agreement Modification. On the forms, respondents submit an Employer Identification Number, as well as the business' name, address and title. Respondents must also identify the authorized business representative's personal name, and must include a signature.

The information requested is used by the Government's contracting officers and other acquisition personnel, including technical and legal staff, for various reasons such as (1) determining the suitability of contractor personnel accessing DHS facilities; (2) to ensure no organizational conflicts of interest exist during the performance of contracts; (3) to ensure the contractor maintains applicable licenses and permits for the removal and disposal of hazardous materials; and (4) to otherwise ensure firms are performing in the

Government's best interest. Failure to collect this information would adversely affect the quality of products and services DHS receives from contractors.

Many sources of the requested information use automated word processing systems, databases, spreadsheets, project management and other commercial software to facilitate preparation of material to be submitted. With Government-wide implementation of e-Government initiatives, it is commonplace within many of DHS's Components for submissions to be electronic.

Information collection may or may not involve small business contractors, depending on the particular transaction. The burden applied to small businesses is the minimum consistent with the objective of ensuring contract compliance and protecting the interest of the Government.

Less frequent incidence of collecting such information as resumes indicating the level of contractor expertise, permits and licenses, and inspection reports will negatively affect the quality of products and services DHS receives from contractors. Potentially, contractors could perform on contracts without sufficient experience and expertise and could perform contracts with outdated licenses and negative inspection reports, placing the Department's operations in jeopardy. Additionally, less frequent collection of information related to organizational conflicts of interest inhibit DHS from determining the existence of true conflicts of interest during the performance of contracts.

Failure to collect this information would adversely affect the quality of products and services DHS receives from contractors. For example, potentially, contractors who are lead system integrators could acquire direct financial interests in major systems the contractors are contracted to procure, which would compromise the integrity of acquisitions for the Department. In addition, contractors who own, control or operate a business providing protective guard services could possess felony convictions during the performance of contracts, putting the Department at risk. Furthermore, contractors could change key personnel during the performance of contracts and use less experienced or less qualified personnel to reduce costs, which would adversely affect DHS's fulfillment of its mission requirements.

Disclosure/non-disclosure of information is handled in accordance with the Freedom of Information Act, other disclosure statutes, and Federal and agency acquisition regulations.

The burden estimates provided above are based upon definitive contract award data reported by DHS and its Components to the Federal Procurement Data System (FPDS) for FY 2019. No program changes occurred; however, the burden was adjusted to reflect a decrease in the number of respondents within DHS for FY 2019 in the amount of 6,612, as well as a decrease in the average hourly wage rate.

The Office of Management and Budget is particularly interested in comments which:

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.

Analysis

Agency: Department of Homeland Security (DHS).

Title: Post-Award Contract.

OMB Number: 1600–0003.

Frequency: On occasion.

Affected Public: Private Sector.

Number of Respondents: 6015.

Estimated Time per Respondent: 4.5.

Total Burden Hours: 90,812.

Robert Dorr,

Acting Executive Director, Business Management Directorate.

[FR Doc. 2020–25621 Filed 11–19–20; 8:45 am]

BILLING CODE 9112–FL–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7027–N–20]

60-Day Notice of Proposed Information Collection: Housing Counseling Program—Application for Approval as a Housing Counseling Agency OMB Control No.: 2502–0573

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* January 19, 2021.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202402–3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 8778339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard. SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Housing Counseling Program—Application for Approval as a Housing Counseling Agency.

OMB Approval Number: 2502–0573.

OMB Expiration Date: 01/31/2021.

Type of Request: Revision of a currently approved collection.

Form Number: Form HUD–9900, Application for Approval as a Housing Counseling Agency; HUD–9900A, Screening for Ineligible Participants.

Description of the need for the information and proposed use: The

Office of Housing Counseling is responsible for administration of the Department's Housing Counseling Program, authorized by Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701w and 1701x). The Housing Counseling Program supports the delivery of a wide variety of housing counseling services to homebuyers, homeowners, low- to moderate-income renters, and the homeless. The primary objective of the program is to educate families and individuals in order to help them make smart decisions regarding improving their housing situation and meeting the responsibilities of tenancy and homeownership, including through budget and financial counseling. Counselors also help borrowers avoid predatory lending practices, such as inflated appraisals, unreasonably high interest rates, unaffordable repayment terms, and other conditions that can result in a loss of equity, increased debt, default, and possible foreclosure. Counselors may also provide reverse mortgage counseling to elderly homeowners who seek to convert equity in their homes to pay for home improvements, medical costs, living expenses or other expenses. Additionally, housing counselors may distribute and be a resource for information concerning of fair housing and fair lending requirements of the Fair Housing Act, as well as finding units accessible to persons with disabilities, . The Housing Counseling Program is instrumental to achievement of HUD's mission. The Program's far-reaching effects support numerous departmental programs, including Federal Housing Administration (FHA) single family housing programs.

Approximately 1,700 HUD-participating agencies provide housing counseling services nationwide currently. Of these, approximately 975 have been directly approved by HUD. HUD maintains a list of these agencies so that individuals in need of assistance can easily access the nearest HUD-approved Housing Counseling Agency (HCA) via HUD's website, an automated 1800 Hotline, or a smart phone application. Form HUD–9900, Application for Approval as a Housing Counseling Agency, is necessary to make sure that people who contact a HUD-approved HCA can have confidence they will receive quality service and these agencies meet HUD requirements for approval.

Respondents (*i.e.,* affected public): Not-for-profit institutions.

Estimated Number of Respondents: 700.

Estimated Number of Responses: 700.

Frequency of Response: 1.

Average Hours per Response: 8.1667.

Total Estimated Burden: 5,717 hours.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(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;

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

(4) Ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Assistant Secretary for Housing—Federal Housing Commissioner, Dana T. Wade, having reviewed and approved this document, is delegating the authority to electronically sign this document to submitter, Nacheshia Foxx, who is the **Federal Register** Liaison for HUD, for purposes of publication in the **Federal Register**.

Nacheshia Foxx,

Federal Liaison for the Department of Housing and Development.

[FR Doc. 2020–25686 Filed 11–19–20; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–R2–ES–2020–0065; FXES111602C0000–212–FF02ENEH00]

Application for an Enhancement of Survival Permit; Draft Candidate Conservation Agreement With Assurances for the Dunes Sagebrush Lizard (Sceloporus arenicolus); Andrews, Gaines, Crane, Ector, Ward, and Winkler Counties, Texas

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: This notice advises the public that Canyon Environmental, LLC (applicant) has applied to the U.S. Fish and Wildlife Service (Service) for an enhancement of survival permit (permit) supported by the draft *Candidate Conservation Agreement with Assurances for the Dunes Sagebrush Lizard (Sceloporus arenicolus)* (CCAA) in Andrews, Gaines, Crane, Ector, Ward, and Winkler Counties, Texas. The applicant has applied to the Service for the permit pursuant to the Endangered Species Act. The requested permit, if approved, would authorize incidental take of the dunes sagebrush lizard (DSL), resulting from activities completed pursuant to the draft CCAA. If approved, the requested permit would become effective should the DSL become federally listed during the life of the permit and CCAA. The proposed permit would have a term of up to 23 years. We also announce the availability of a draft environmental assessment (EA) that has been prepared to evaluate the permit application in accordance with the requirements of the National Environmental Policy Act. We are making the permit application package, including the draft CCAA and draft EA, as well as the issuance criteria for the requested permit, available for public review and comment.

DATES: *Submission of comments:* We will accept comments received or postmarked on or before December 21, 2020.

ADDRESSES: Obtaining Documents for Review: You may obtain copies of the permit application, draft CCAA, draft EA, or other related documents in the following formats:

Internet:

- *http://www.regulations.gov* (search for Docket No. FWS 2012;R2 2012;ES 2012;2020 2012;0065).
- *http://www.fws.gov/southwest/es/AustinTexas/*.

Hard copies or CD 2012;ROM:

- Contact Field Supervisor by phone or U.S. mail (see **FOR FURTHER INFORMATION CONTACT;** reference the notice title and docket number FWS 2012;R2 2012;ES 2012;2020 2012;0065).

Email: fw2_HCP_Permits@fws.gov.

Reviewing Public Comments: View submitted comments on *http://www.regulations.gov* in Docket No. FWS 2012;R2 2012;ES 2012;2020 2012;0065.

Submitting Comments: You may submit written comments by one of the following methods:

Internet: http://www.regulations.gov. Follow the instructions for submitting

comments on Docket No. FWS 2012;R2 2012;ES 2012;2020 2012;0065.

Hard Copy: Submit by U.S. mail to Public Comments Processing, Attn: FWS 2012;R2 2012;ES 2012;2020 2012;0065; U.S. Fish and Wildlife Service, MS: PRB (JAO/3W); 5275 Leesburg Pike, Falls Church, VA 22041, 2012;3803.

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

FOR FURTHER INFORMATION CONTACT: Mr. Adam Zerrenner, Field Supervisor, by mail at U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin, Texas 78758; via phone at 512 2012;490 2012;0057, ext. 248.; or via the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service (Service), make available the draft *Candidate Conservation Agreement with Assurances for the Dunes Sagebrush Lizard (Sceloporus arenicolus)* (CCAA) in Andrews, Gaines, Crane, Ector, Ward, and Winkler Counties, Texas. Canyon Environmental, LLC (applicant) has applied for an enhancement of survival permit (permit). If approved, the requested permit would become effective and authorize incidental take of the dunes sagebrush lizard (*Sceloporus arenicolus;* DSL) should the DSL become federally listed during the life of the permit and CCAA under the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The permit would authorize incidental take of the DSL resulting from activities covered by the draft CCAA (*e.g.,* oil and gas exploration and development, sand mining, renewable energy development and operations, pipeline construction and operations, local government activities, agricultural activities, general construction activities), and incidental take resulting from conservation, research, and monitoring activities completed pursuant to the draft CCAA. These activities of the CCAA, collectively, are intended to meet the net conservation benefit standard.

In accordance with the requirements of the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) we have prepared a draft environmental assessment (EA) to evaluate the permit application. We are accepting comments on the permit application and draft EA.

In addition, we advise the public that the applicant has developed a draft CCAA which describes the measures the applicant has volunteered to implement in an effort to meet the issuance criteria for a 10(a)(1)(A) permit associated with a CCAA. Prior to a permit decision, the Service must conduct an analysis to determine if the draft CCAA has met the criteria for the issuance of the requested permit and does not have any disqualifying factors that would prevent the permit from being issued. The issuance criteria for CCAAs are found at 50 CFR 17.22(d)(2) and 50 CFR 17.32(d)(2), and are as follows:

1. The take will be incidental to an otherwise lawful activity and will be in accordance with the terms of the Candidate Conservation Agreement with Assurances (50 CFR 17.22(d)(2)(i) and 17.32(d)(2)(i)).

2. The implementation of the terms of the CCAA is reasonably expected to provide a net conservation benefit to the affected covered species by contributing to the conservation of the species included in the permit, and the CCAA otherwise complies with the Candidate Conservation Agreement with Assurances policy (81 FR 95164; 50 CFR 17.22(d)(2)(ii) and 17.32(d)(2)(ii)).

3. The probable direct and indirect effects of any authorized take will not appreciably reduce the likelihood of the survival and recovery in the wild of any species (50 CFR 17.22(d)(2)(iii) and 17.32(d)(2)(iii)).

4. Implementation of the terms of the Candidate Conservation Agreement with Assurances is consistent with applicable Federal, State, and Tribal laws and regulations (50 CFR 17.22(d)(2)(iv) and 17.32(d)(2)(iv)).

5. Implementation of the terms of the Candidate Conservation Agreement with Assurances will not be in conflict with any ongoing conservation programs for species covered by the permit (50 CFR 17.22(d)(2)(v) and 17.32(d)(2)(v)).

6. The Applicant has shown capability for and commitment to implementing all of the terms of the Candidate Conservation Agreement with Assurances (50 CFR 17.22(d)(2)(vi) and 17.32(d)(2)(vi)).

The Service has not yet reached a determination whether the draft CCAA meets the above permit issuance criteria. We are accepting comments on the permit relative to the above criteria to assist in our evaluation including suggested revisions to assist in satisfying the above criteria.

Background

Section 9 of the ESA and our implementing regulations at 50 CFR part 17 prohibit the ''take'' of fish or wildlife species listed as endangered or threatened. Take is defined under the ESA as to ''harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect listed animal species, or to attempt to engage in such conduct'' (16 U.S.C. 1538(19)). However, under section 10(a) of the ESA, we may issue permits to authorize incidental take of listed species. ''Incidental take'' is defined by the ESA as take that is incidental to, and not the purpose of, carrying out an otherwise lawful activity.

Regulations governing such take of endangered and threatened species are found at 50 CFR 17.21–22 and 50 CFR 17.31–32, respectively.

Proposed Action

The proposed action is the issuance of a 10(a)(1)(A) enhancement of survival permit (permit) to Canyon Environmental, LLC (applicant) and approval of the proposed *Candidate Conservation Agreement with Assurances for the Dunes Sagebrush Lizard (Sceloporus arenicolus)* (CCAA). The draft CCAA would operate under a programmatic structure. There would be a single permit holder (the applicant) and a single CCAA under which multiple participants could be enrolled through certificates of inclusion (CIs). Individual oil and gas, sand mining, renewable energy, pipeline, local government, and agricultural entities interested in participating in the CCAA and seeking incidental take coverage under the permit could enroll projects under the CCAA and permit via a CI. Coverage under the permit would only apply to oil and gas exploration and development, sand mining, renewable energy development and operations, pipeline construction and operations, local government activities, agricultural activities, and general construction activities within the CCAA permit area (covered activities) on and/or associated with enrolled properties in the CCAA through execution of a CI in compliance with all elements of the CCAA and underlying permit. The conservation strategy of the CCAA will be completed by the applicant, with input from the Service and the Adaptive Management Committee. Specific conservation measures include avoidance, minimization, and mitigation and vary for each enrolled industry sector. New surface disturbance in DSL habitat triggers the payment of habitat conservation fees and the implementation of conservation measures to minimize and mitigate for the impacts of the disturbance. The applicant intends to use the conservation fees to implement additional conservation measures consistent with the conservation strategy. The 2020 DSL CCAA is a stand-alone voluntary conservation

program for the net conservation benefit of the DSL although implementation intends to complement other DSL conservation efforts, including the Texas Conservation Plan, Natural Resource Conservation Service programs, and the New Mexico conservation programs.

As stated in the draft CCAA, the requested term of the permit would be up to 23 years from the date the permit is signed and the CCAA is approved. The permit could be issued for a shorter duration. The permit, and subsequent CIs, would become effective and authorize incidental take of the DSL should the DSL become federally listed during the life of the permit and CCAA, as long as the applicant and enrolled participants are in compliance with the terms and conditions of the CCAA, permit, and individual CIs.

The permit, and subsequent CIs, would authorize incidental ''take'' of the DSL associated with implementation of covered activities. Because take of individual DSL would be difficult to detect, take of DSL would be quantified using the acres of suitable DSL habitat impacted through implementation of covered activities by participants in the CCAA. As proposed in the CCAA, the permit could authorize incidental take of DSL associated with impacts to up to 34,690 acres of suitable DSL habitat within the Plan Area which the permit application estimates as approximately 12 percent of modeled DSL habitat within Texas.

The applicant has developed, and proposes to implement, the CCAA. This CCAA is a conservation strategy that includes such actions and measures the applicant and enrolled participants have voluntarily agreed to undertake. These actions and measures include potentially acquiring conservation easements, and the implementation of selected avoidance and minimization measures to reduce habitat loss and fragmentation in high and intermediate suitability DSL habitat areas. As stated in the issuance criteria, the implementation of the conservation strategy must be reasonably expected to provide a net conservation benefit and to improve the status of the species. Status refers to the populations of the species on the enrolled property, or in this case the covered area in the CCAA.

Alternatives

At this time, we are considering one alternative to the proposed action as part of this process, the No Action Alternative. However, the proposed action could also be modified either in response to public and stakeholder comments or to achieve issuance criterion.

Under No Action Alternative, the Service would not issue the permit, and therefore this CCAA would not be available.

Next Steps

We will evaluate the permit application, draft CCAA, draft EA, associated documents, and comments we receive during the comment period to determine whether the permit application meets the requirements of ESA, NEPA, and implementing regulations. If we determine that all requirements are met, we will approve the CCAA and issue the permit under section 10(a)(1)(A) of the ESA (16 U.S.C. 1531 *et seq.*) to the applicant in accordance with the terms of the CCAA and specific terms and conditions of the authorizing permit. We will not make our final decision until after the 30-day comment period ends, and we have fully considered all comments received during the public comment period.

Public Availability of Comments

All comments we receive become part of the public record associated with this action. Requests for copies of comments will be handled in accordance with the Freedom of Information Act, NEPA, and Service and Department of the Interior policies and procedures. 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 to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Authority

We provide this notice under the authority of section 10(c) of the ESA and its implementing regulations (50 CFR 17.22 and 17.32) and NEPA (42 U.S.C. 4371 *et seq.*) and its implementing regulations (40 CFR 1506.6).

Amy L. Lueders.

Regional Director, Southwest Region, U.S. Fish and Wildlife Service.

[FR Doc. 2020–25685 Filed 11–19–20; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R1–ES–2020–N118; FXES11140100000–201–FF01E00000]

Proposed Safe Harbor Agreement for Streaked Horned Lark Habitat Restoration, Linn County, Oregon

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), have received an enhancement of survival permit application from Scott Erion pursuant to the Endangered Species Act of 1973 for streaked horned lark (lark) which is federally listed as threatened. The permit application includes a draft safe harbor agreement (SHA) developed for the conservation of the lark. The permit if issued would authorize the incidental take of the lark associated with habitat management actions intended to benefit the lark. We have prepared a draft environment action statement (EAS) for our preliminary determination that the proposed SHA and permit issuance may be eligible for categorical exclusion under the National Environmental Policy Act. We are making the permit application package, including the proposed SHA and draft EAS, available for public review and comment.

DATES: To ensure consideration, written comments must be received from interested parties no later than December 21, 2020.

ADDRESSES: To view documents, request further information, or submit written comments, please use one of the following methods, and note that your information request or comments are in reference to the ''Erion Property SHA.''

- *Internet:* Documents may be viewed on the internet at *http://www.fws.gov/oregonfwo/.*
- *Email: FW1ErionSHAcomments@fws.gov.*
- *U.S. Mail:* State Supervisor, U.S. Fish and Wildlife Service; 2600 SE 98th Avenue, Suite 100; Portland, OR 97266.

FOR FURTHER INFORMATION CONTACT: Elise Brown, U.S. Fish and Wildlife Service (see **ADDRESSES**); telephone: 503–231–6179; facsimile: 503–231–6195. If you use a telecommunications device for the deaf, please call the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service (Service), have received an enhancement of survival permit application from Scott Erion pursuant to section 10(a)(1)(A) of

the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The requested permit would authorize the incidental take of the streaked horned lark (*Eremophila alpestris strigata*) resulting from the habitat management activities that are expected to provide a net conservation benefit for the species. The permit application includes a proposed safe harbor agreement (SHA) that describes the existing baseline conditions, and the activities that are intended to produce a net conservation benefit for the lark.

Background

Under a SHA, participating landowners voluntarily undertake management activities on their property to enhance, restore, or maintain habitat benefiting species listed under the ESA. SHAs, and the subsequent enhancement of survival permits that are issued pursuant to section 10(a)(1)(A) of the ESA, encourage private and other non-federal property owners to implement conservation efforts for listed species by providing assurances that they will not be subjected to increased property use restrictions as a result of their efforts to attract listed species to their property, or to increase the numbers or distribution of listed species already on their property. Application requirements and issuance criteria for enhancement of survival permits through SHAs for threatened species are found in 50 CFR 17.32(c). As provided for in the Service's final Safe Harbor Policy (64 FR 32717; June 17, 1999), SHAs provide assurances that allow the property owner to alter or modify their enrolled property, even if such alteration or modification results in the incidental take of listed species to such an extent that it returned the species back to the originally agreed upon baseline conditions.

Section 9 of the ESA prohibits the take of fish and wildlife species listed as endangered or threatened under section 4 of the ESA. Under the ESA, the term ''take'' means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct (16 U.S.C. 1532(19)). The term ''harm,'' as defined in our regulations, includes significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering (50 CFR 17.3). The term ''harass'' is defined in our regulations as an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns, which include, but are not limited to, breeding, feeding, or sheltering (50 CFR 17.3). Under specified circumstances, however, we may issue permits that authorize take of federally listed species, provided the take is incidental to, but not the purpose of, an otherwise lawful activity.

We listed the streaked horned lark as a threatened species, designated critical habitat, and issued a special rule on October 3, 2013 (78 FR 61452). The special rule, issued under section 4(d) the ESA, exempts some land management activities including certain common practices by agricultural operations, and noxious weed control activities, on non-federal land from take prohibitions of section 9 of the ESA and our regulations in order to provide for the conservation of the lark. The listing and 4(d) rule were challenged in court, see *Center for Biological Diversity* v. *Zinke,* No. 3:18–cv–00359 (D. Or.), resulting in a remand of the rule to the Service, although the rule was not vacated during the remand. The Service will submit an updated proposed listing determination for the lark, including reconsideration of the 4(d) rule if appropriate, to the **Federal Register** by March 21, 2021.

Historically, the lark was likely distributed throughout grassland habitats found in the Willamette Valley, Oregon, as well as ranging from southern British Columbia, Canada, the Puget lowlands of Washington, and south to valleys in southwestern Oregon. Currently, the lark's range has been constricted due to various factors, but in Oregon the species still commonly breeds in Benton, Lane, Linn, Marion, Polk, Clackamas, Washington, and Yamhill Counties—with large populations occurring on lands that are part of the Service's Willamette Valley National Wildlife Refuge Complex. Streaked horned lark preferred nesting habitat is bare ground, with minimal, short-statured vegetation in the immediate vicinity, but anthropogenic disturbances, such as field mowing or disposal of material dredged from water bodies, has reduced the availability of such nesting habitat within the lark's range. At the same time, lark nesting habitat can be created from ''disturbance'' events that create bare ground—such as from prescribed fire, mowing during the spring and summer months, and field disking.

Proposed Action

Scott Erion and the Service jointly developed the proposed SHA for the conservation of the streaked horned lark. The physical area addressed by this proposed SHA and associated permit encompasses approximately 315 acres in Linn County, Oregon (''enrolled lands''), which are located within the range of larks. The Service determined that the baseline condition for the SHA and associated permit, is zero larks. This baseline was determined through surveys conducted before management activities for the benefit of the lark commenced. The enrolled lands are being retired from agricultural usage and being converted to native prairie/wetland habitats common to the Willamette Valley.

Management actions occurring under this proposed SHA are intended to create and maintain habitat conditions supportive of streaked horned lark, and thus increase the distribution and abundance of larks through the development, maintenance, and enhancement of habitat. The management activities include mowing, disking, prescribed fire, herbicide application to control weeds, and reseeding with native plants. These management activities are similar to agricultural activities that can qualify for exemption from ''take'' under the current 4(d) rule for the lark. The applicant seeks the particular assurance of an SHA even if incidental take associated with the conservation management activities on the enrolled lands might otherwise be exempted under the 4(d) rule.

Specific treatments and follow-up management actions will be implemented under an adaptive framework. In addition, the SHA provides for the monitoring of streaked horned lark and supporting research opportunities, as needed. The Service will provide technical assistance for implementation of the proposed SHA. The Service proposes to enter into the SHA and to issue a permit to Mr. Erion authorizing incidental take of the covered species caused by covered activities as a result of lawful activities within the enrolled lands, if permit issuance criteria are met. Both the SHA and the permit would have a term of 10 years.

The draft EAS now available for public review (see **ADDRESSES**) indicates that the proposed SHA and permit decision may be eligible for a categorical exclusion under the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*). We are making the permit application package, including the SHA, and draft EAS, available for public review and comment.

Public Comments

You may submit your comments and materials by one of the methods listed in the **ADDRESSES** section. We request

data, comments, new information, or suggestions from the public, other concerned governmental agencies, the scientific community, Tribes, industry, or any other interested party on our proposed Federal action, including adequacy of the SHA pursuant to the requirements for permits at 50 CFR parts 13 and 17 and adequacy of the EAS pursuant to NEPA.

Public Availability of Comments

All comments and materials we receive become part of the public record associated with this action. Before including your address, phone number, email address, or other personal identifying information in your comments, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Authority

We provide this notice in accordance with the requirements of section 10(c) of the ESA (16 U.S.C. 1531 *et seq.*), and NEPA (42 U.S.C. 4321 *et seq.*) and their implementing regulations (50 CFR 17.22, and 40 CFR 1506.6, respectively).

Robyn Thorson,

Regional Director, U.S. Fish and Wildlife Service.

[FR Doc. 2020–25697 Filed 11–19–20; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

U.S. Geological Survey

[GX21EE000101100]

Public Meeting of the National Geospatial Advisory Committee

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of public webinar meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act of 1972, the U.S. Geological Survey (USGS) is publishing this notice to announce that a Federal Advisory Committee meeting of the National Geospatial Advisory Committee (NGAC) will take place.

DATES: The webinar meeting will be held on Wednesday, December 9, 2020 from 1:00 p.m. to 5:00 p.m., and on Thursday, December 10, 2020 from 1:00 p.m. to 5:00 p.m. (Eastern Daylight Time).

ADDRESSES: The meeting will be held via webinar and teleconference. Send your comments to Mr. James Sayer, Group Federal Officer by email to *gs-faca-mail@usgs.gov*.

FOR FURTHER INFORMATION CONTACT: Mr. John Mahoney, Federal Geographic Data Committee (FGDC), USGS, 909 First Avenue, Suite 800, Seattle, WA 98104; by email at *jmahoney@usgs.gov;* or by telephone at (206) 220–4621.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix 2), 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: The NGAC provides advice and recommendations related to management of Federal and national geospatial programs, the development of the National Spatial Data Infrastructure, and the implementation of the Geospatial Data Act of 2018 and Office of Management and Budget Circular A–16. The NGAC reviews and comments on geospatial policy and management issues and provides a forum to convey views representative of non-federal stakeholders in the geospatial community. The NGAC meeting is one of the primary ways that the FGDC collaborates with its broad network of partners. Additional information about the NGAC meeting is available at: *www.fgdc.gov/ngac.*

Agenda Topics:

—FGDC Update
—Geospatial Data Act Implementation
—National Spatial Data Infrastructure Strategic Plan Implementation
—Landsat Advisory Group
—Public-Private Partnerships
—Planning for 2021 NGAC Activities
—Public Comments

Meeting Accessibility/Special Accommodations: The webinar meeting is open to the public and will take place from 1:00 p.m. to 5:00 p.m. on December 9 and from 1:00 p.m. to 5:00 p.m. on December 10. Members of the public wishing to attend the meeting should contact Mr. John Mahoney by email at *jmahoney@usgs.gov* to register. Webinar/conference line instructions will be provided to registered attendees prior to the meeting. Individuals requiring special accommodations to access the public meeting should contact Mr. John Mahoney at the email stated above or by telephone at (206) 220–4621 at least five (5) business days prior to the meeting so that appropriate arrangements can be made.

Public Disclosure of Comments: There will be an opportunity for public comment during the meeting. Depending on the number of people who wish to speak and the time available, the time for individual comments may be limited. Written comments may also be sent to the Committee for consideration. To allow for full consideration of information by the Committee members, written comments must be provided to John Mahoney, FGDC, USGS, 909 First Avenue, Seattle, WA 98104; by email at *jmahoney@usgs.gov;* or by telephone at (206) 220–4621, at least three (3) business days prior to the meeting. Any written comments received will be provided to the committee members before the meeting.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 5 U.S.C. Appendix 2.

Kenneth M. Shaffer,

Deputy Executive Director, Federal Geographic Data Committee.

[FR Doc. 2020–25702 Filed 11–19–20; 8:45 am]

BILLING CODE 4338–11–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[212D0102DM, DS6CS00000, DLSN00000.000000, DX6CS25; OMB Control Number 1090–0011]

Agency Information Collection Activities; DOI Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Office of the Secretary are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before January 19, 2021.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to Jeffrey Parrillo, 1849 C Street NW, Washington, DC 20240; or by email to *DOI-PRA@ios.doi.gov.* Please reference OMB Control Number 1090–0011 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Jeffrey Parrillo, 1849 C Street NW, Washington, DC 20240; 202–208–7072; or by email to *DOI-PRA@ios.doi.gov.* Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our 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.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our 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.

We are especially interested in public comment 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 our 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, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The information collection activity will 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. Requests under this generic clearance will be submitted to OMB via Form DI–4011, ''Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.''

Feedback collected under this generic clearance will provide useful information, but it will 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 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.

Title of Collection: DOI Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

OMB Control Number: 1090–0011.

Form Number: DI–4011.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individuals/households; businesses; and, State, local, and Tribal governments.

Total Estimated Number of Annual Respondents: 78,750 for surveys, 42,500 for comment cards, 3,750 for focus groups.

Total Estimated Number of Annual Responses: 78,750 for surveys, 42,500 for comment cards, 3,750 for focus groups.

Estimated Completion Time per Response: 15 minutes for surveys, 2 minutes for comment cards, 2 hours for focus groups.

Total Estimated Number of Annual Burden Hours: 28,605.

Respondent's Obligation: Voluntary.

Frequency of Collection: 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.*).

Jeffrey Parrillo,

Departmental Information Collection Clearance Officer.

[FR Doc. 2020–24803 Filed 11–19–20; 8:45 am]

BILLING CODE 4334–CC–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[XXXD5198NI DS61100000 DNINR0000.000000 DX61104]

Notice of Teleconference Meeting of the Exxon Valdez Oil Spill Public Advisory Committee

AGENCY: Office of the Secretary, Interior.

ACTION: Meeting notice.

SUMMARY: In accordance with the Federal Advisory Committee Act, the Department of the Interior, Office of the Secretary, is announcing that the *Exxon Valdez* Oil Spill (EVOS) Trustee Council's Public Advisory Committee (PAC) will meet by teleconference as noted below.

DATES: The virtual meeting will be held on Friday, January 8, 2021, beginning at 10 a.m. Alaska Standard Time (AKST).

ADDRESSES: The meeting will be virtual only using the Zoom meeting platform. To view a tutorial on how to join a Zoom meeting, please go to *https://support.zoom.us/hc/en-us/articles/201362193-How-Do-I-Join-A-Meeting-.*

The video feature will be turned off for all attendees except for the EVOS PAC, Trustee Council staff, presenters, and speakers during public comment to limit bandwidth use and maximize connectivity during the meeting. Please remain muted until you are called upon to speak.

Connect to meeting using Zoom link (video and audio): https://zoom.us/j/95127118031?pwd=dkhsVmM3YnYrTnVicWRSc09TcmNxQT09.

Meeting ID: 951 2711 8031
Passcode: 034787

Follow the prompts; you will be asked if you would like to join audio with internet (your device microphone/speaker) or use a telephone (follow the prompts accordingly).

Connect to the meeting via telephone (audio only, no video):

Dial any of the following numbers:

(253) 215–8782
(669) 900–6833
(346) 248–7799
(312) 626–6799
(929) 205–6099
(301) 715–8592

Enter the Meeting ID 951 2711 8031#; there is no participant code, and use *6 to mute. Please check the EVOS Trustee Council website for updates regarding the virtual meeting at *www.evostc.state.ak.us/.*

FOR FURTHER INFORMATION CONTACT: Dr. Philip Johnson, Department of the Interior, Office of Environmental Policy and Compliance, telephone number: (907) 786–3914; email: *philip_johnson@ios.doi.gov.*

SUPPLEMENTARY INFORMATION: The EVOS PAC was created pursuant to Paragraph V.A.4 of the Memorandum of Agreement and Consent Decree entered into by the United States of America and the State of Alaska on August 27, 1991, and approved by the United States District Court for the District of Alaska in settlement of *United States of America* v. *State of Alaska,* Civil Action No. A91–081 CV.

The EVOS PAC meeting agenda includes:

- Discussion of the EVOS Trustee Council's Draft Resolutions 20–A, 20–B, 20–C, and 20–D
- Public Comments

The public comment period for the Draft Resolutions 20–A through 20–D is open from October 16, 2020, until December 16, 2020. If you would like to provide comments on the Draft Resolutions, please go to: *https://evostc.state.ak.us/publications/trustee-council-2020-draft-resolutions-for-public-comment/.*

All comments received by the EVOS Trustee Council will be provided to the EVOS PAC members and discussed at the meeting.

Interested persons may choose to make oral comments at the meeting during the designated time. Depending on the number of people wishing to comment and the time available, the amount of time for oral comments may be limited. Interested parties should contact the Designated Federal Officer (see **FOR FURTHER INFORMATION CONTACT**) for advance placement on the public speaker list for this meeting.

The final agenda and materials for the meeting will be posted on the EVOS Trustee Council website at *www.evostc.state.ak.us.* All EVOS PAC meetings are open to the public.

Public Disclosure of Comments

Before including your address, phone number, email address, or other personal identifying information in your comments, please be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 5 U.S.C. Appendix 2.

Philip Johnson,

Regional Environmental Officer, Office of Environmental Policy and Compliance.

[FR Doc. 2020–25624 Filed 11–19–20; 8:45 am]

BILLING CODE 4334–63–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[212D0102DM, DS6CS00000, DLSN00000.000000, DX6CS25; OMB Control Number 1040–0001]

Agency Information Collection Activities; DOI Programmatic Clearance for Customer Satisfaction Surveys

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Office of the Secretary are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before January 19, 2021.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to Jeffrey Parrillo, 1849 C Street NW, Washington, DC 20240; or by email to *DOI-PRA@ios.doi.gov.* Please reference OMB Control Number 1040–0001 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Jeffrey Parrillo, 1849 C Street NW, Washington, DC 20240; 202–208–7072; or by email to *DOI-PRA@ios.doi.gov.* Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our 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.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our 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.

We are especially interested in public comment 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 our 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, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The Government Performance and Results Act of 1993 (GPRA) (Pub. L. 103–62) requires agencies to ''improve Federal program effectiveness and public accountability by promoting a new focus on results, service quality, and customer satisfaction.'' To fulfill this responsibility, DOI bureaus and offices must collect data from their respective user groups to better understand the needs and desires of the public and to respond accordingly. Executive Order 12862 ''Setting Customer Service Standards'' also requires all executive departments to ''survey customers to determine . . . their level of satisfaction with existing services.'' We use customer satisfaction surveys to help us fulfill our responsibilities to provide excellence in government by proactively consulting with those we serve. This programmatic clearance provides an expedited approval process for DOI bureaus and offices to conduct customer research through external surveys such as questionnaires and comment cards.

The proposed renewal covers all of the organizational units and bureaus in DOI. Information obtained from customers by bureaus and offices will be provided voluntarily. No one survey will cover all the topic areas; rather, these topic areas serve as a guide within which the bureaus and offices will develop questions. Questions may be asked in languages other than English (*e.g.,* Spanish) where appropriate. Topic areas include:

(1) Delivery, quality and value of products, information, and services. Respondents may be asked for feedback regarding the following attributes of the information, service, and products provided:

(a) Timeliness.

(b) Consistency.

(c) Accuracy.

(d) Ease of Use and Usefulness.

(e) Ease of Information Access.

(f) Helpfulness.

(g) Quality.

(h) Value for fee paid for information/product/service.

(2) Management practices. This area covers questions relating to how well customers are satisfied with DOI management practices and processes, what improvements they might make to specific processes, and whether or not they feel specific issues were addressed and reconciled in a timely, courteous, and responsive manner.

(3) Mission management. We will ask customers to provide satisfaction data related to DOI's ability to protect, conserve, provide access to, provide scientific data about, and preserve natural, cultural, and recreational resources that we manage, and how well we are carrying out our trust responsibilities to American Indians.

(4) Rules, regulations, policies. This area focuses on obtaining feedback from customers regarding fairness, adequacy, and consistency in enforcing rules, regulations, and policies for which DOI is responsible. It will also help us understand public awareness of rules and regulations and whether or not they are explained in a clear and understandable manner.

(5) Interactions with DOI Personnel and Contractors. Questions will range from timeliness and quality of interactions to skill level of staff providing the assistance, as well as their courtesy and responsiveness during the interaction.

(6) General demographics. Some general demographics may be gathered to augment satisfaction questions so that we can better understand the customer and improve how we serve that customer. We may ask customers how many times they have used a service, visited a facility within a specific timeframe, their ethnic group, or their race.

All requests to collect information under the auspices of this proposed renewal will be carefully evaluated to ensure consistency with the intent, requirements, and boundaries of this programmatic clearance. Interior's Office of Policy Analysis will conduct an administrative and technical review of each specific request in order to ensure statistical validity and soundness. All information collections are required to be designed and deployed based upon acceptable survey research, statistical practices and sampling methodologies, and procedures that account for and minimize non-response bias, in order to obtain consistent, valid data and statistics that are representative of the target populations.

Title of Collection: DOI Programmatic Clearance for Customer Satisfaction Surveys.

OMB Control Number: 1040–0001.

Form Number: DI–4010.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: DOI customers. We define customers as anyone who uses DOI resources, products, or services. This includes internal customers (anyone within DOI) as well as external customers (*e.g.,* the American public, representatives of the private sector, academia, other government agencies). Depending upon their role in specific situations and interactions, citizens and DOI stakeholders and partners may also be considered customers. We define stakeholders to mean groups or individuals who have an expressed interest in and who seek to influence the present and future state of DOI's resources, products, and services. Partners are those groups, individuals, and agencies who are formally engaged in helping DOI accomplish its mission.

Total Estimated Number of Annual Respondents: 70,000. We estimate approximately 45,000 respondents will submit DOI customer satisfaction surveys and 25,000 will submit comment cards.

Total Estimated Number of Annual Responses: 70,000.

Estimated Completion Time per Response: 15 minutes for a customer satisfaction surveys; 3 minutes for comment cards.

Total Estimated Number of Annual Burden Hours: 12,500 (11,250 for customer satisfaction surveys and 1,250 for comment cards).

Respondent's Obligation: Voluntary.

Frequency of Collection: 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.*).

Jeffrey Parrillo,

Departmental Information Collection Clearance Officer.

[FR Doc. 2020–24796 Filed 11–19–20; 8:45 am]

BILLING CODE 4334–CC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[212.LLWO230000. L11700000.PH0000.LXSGPL000000]

Notice of Availability of the Final Colorado Sage Grouse Supplemental Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended, the Bureau of Land Management (BLM) Colorado State Office has prepared a final Supplemental Environmental Impact Statement (EIS) for the management of Greater Sage-Grouse habitat, and by this notice is announcing its availability.

DATES: The BLM will not issue a final decision on the proposal for a minimum of 30 days after the date that the Environmental Protection Agency (EPA) publishes its Notice of Availability (NOA) in the **Federal Register**. The EPA usually publishes its NOAs on Fridays.

ADDRESSES: Copies of the final Supplemental EIS are available for public inspection at the Colorado Bureau of Land Management State Office, 2850 Youngfield Street, Lakewood, Colorado 80215. Interested persons may also review the final Supplemental EIS on the internet at: *https://go.usa.gov/xGMzS.*

FOR FURTHER INFORMATION CONTACT: Leah Waldner, Colorado Sage-Grouse Coordinator, at 970–244–3045; Colorado Grand Junction Field Office, 2815 H Rd, Grand Junction, CO 81506; *lwaldner@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact Leah Waldner during normal business hours. The FRS 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: The BLM has prepared this final Supplemental EIS to review its previous NEPA analysis and clarify and augment it where necessary. This final Supplemental EIS addressed four specific issues: The range of alternatives, the need to take a hard look at environmental impacts, cumulative effects analysis, and the BLM's approach to compensatory mitigation. The final Supplemental EIS will help the BLM determine whether its 2015 and 2019 land use planning and NEPA processes have sufficiently addressed Greater Sage-Grouse habitat conservation or whether the BLM should initiate a new land use planning process to consider additional alternatives or new information.

Comments on the draft Supplemental EIS (85 FR 10185) received from the public and internal BLM review were considered and incorporated as appropriate into the final Supplemental EIS. To address public comments raised during this supplemental analysis, the BLM convened a team of biologists and land use planners to evaluate scientific literature provided to the agency. Upon review, the BLM found that the most up-to-date Greater Sage-Grouse science and other information has incrementally increased, and built upon, the knowledgebase of Greater Sage-Grouse management evaluated by the BLM most recently in its 2019 land use plan amendments, but does not change the scope or direction of the BLM's management; however, new science does suggest adaptations to management may be warranted at site-specific scales.

After reviewing public comments and completing the new science evaluation, the BLM determined that the most recent scientific information relating to Greater Sage-Grouse is consistent with the BLM's environmental analysis in supporting its 2019 Greater Sage-Grouse land use plan amendments.

(Authority: 40 CFR 1506.6, 40 CFR 1506.10)

Jamie E. Connell,

Colorado State Director.

[FR Doc. 2020–25646 Filed 11–19–20; 8:45 am]

BILLING CODE 4310–DQ–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLHQ320000.L13300000.EN0000; OMB Control No. 1004–0201]

Agency Information Collection Activities; Oil Shale Management

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Land Management (BLM) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before January 19, 2021.

ADDRESSES: Send your written comments on this information collection request (ICR) by mail to Darrin King, Information Collection Clearance Officer, U.S. Department of the Interior, Bureau of Land Management, Attention PRA Office, 440 W 200 S #500, Salt Lake City, UT 84101; or by email to *BLM_HQ_PRA_Comments@blm.gov.* Please reference Office of Management and Budget (OMB) Control Number 1004–0201 in the subject line of your comments. Please note that due to COVID–19, the electronic submission of comments is recommended.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Kyle Free by email at *kfree@blm.gov,* or by telephone at (208) 240–5702. Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), all information collections require approval under the PRA. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our 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.

We are especially interested in public comment 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 our 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, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: This control number applies to the exploration, development, and utilization of oil shale resources on the BLM-managed public lands. Currently, the only oil shale leases issued by the BLM are research, development, and demonstration (RD&D) leases. However, the BLM regulations provide a framework for commercial oil shale leasing and additionally include provisions for conversion of RD&D leases to commercial leases. Section 369 of the Energy Policy Act (42 U.S.C. 15927) addresses oil shale development and authorizes the Secretary of the Interior to establish regulations for a commercial leasing program for oil shale. The Mineral Leasing Act of 1920 (30 U.S.C. 241(a)) provides the authority for the BLM to allow for the exploration, development, and utilization of oil shale resources on the BLM-managed public lands. Additional statutory authorities for the oil shale program are: (1) The Mineral Leasing Act for Acquired Lands of 1947 (30 U.S.C. 351–359); and (2) The Federal Land Policy and Management Act (FLPMA) of 1976 (43 U.S.C. 1701 *et seq.,* including 43 U.S.C. 1732). The information collections discussed in the supporting statement are called for in the regulations implementing these statutory authorities.

Title of Collection: Oil Shale Management (43 CFR parts 3900, 3910, 3920, and 3930).

OMB Control Number: 1004–0201.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Applicants for oil shale leases, oil shale lessees and oil shale operators.

Total Estimated Number of Annual Respondents: 2.

Total Estimated Number of Annual Responses: 24.

Estimated Completion Time per Response: Varies from the number of minutes/hours per response.

Total Estimated Number of Annual Burden Hours: 1,795.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: $526,632.

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.*).

Darrin A. King,

Information Collection Clearance Officer.

[FR Doc. 2020–25672 Filed 11–19–20; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[212.LLWO230000. L11700000.PH0000.LXSGPL000000]

Notice of Availability of the Final Utah Sage Grouse Supplemental Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended, the Bureau of Land Management (BLM) Utah State Office has prepared a final Supplemental Environmental Impact Statement (EIS) for the management of Greater Sage-Grouse habitat, and by this notice is announcing its availability.

DATES: The BLM will not issue a final decision on the proposal for a minimum of 30 days after the date that the Environmental Protection Agency (EPA) publishes its Notice of Availability (NOA) in the **Federal Register**. The EPA usually publishes its NOAs on Fridays.

ADDRESSES: Copies of the final Supplemental EIS are available for public inspection at the Utah Bureau of Land Management State Office, 440 West 200 South, Suite 500, Salt Lake City, Utah 84101–1345. Interested persons may also review the final Supplemental EIS on the internet at: *https://goo.gl/o2AQWQ.*

FOR FURTHER INFORMATION CONTACT: Christine Fletcher, Utah Sage-Grouse Implementation Lead, at 435–865–3035; Utah Bureau of Land Management State Office, 440 West 200 South, Suite 500, Salt Lake City, Utah 84101–1345; *cfletcher@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact Mrs. Fletcher during normal business hours. The FRS 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: The BLM has prepared this final Supplemental EIS to review its previous NEPA analysis and clarify and augment it where necessary. This final Supplemental EIS addressed four specific issues: The range of alternatives, the need to take a hard look at environmental impacts, cumulative effects analysis, and the BLM's approach to compensatory mitigation. The final Supplemental EIS will help the BLM determine whether its 2015 and 2019 land use planning and NEPA processes have sufficiently addressed Greater Sage-Grouse habitat conservation or whether the BLM should initiate a new land use planning process to consider additional alternatives or new information.

Comments on the draft Supplemental EIS (85 FR 10185) received from the public and internal BLM review were considered and incorporated as appropriate into the final Supplemental EIS. To address public comments raised during this supplemental analysis, the BLM convened a team of biologists and land use planners to evaluate scientific literature provided to the agency. Upon review, the BLM found that the most up-to-date Greater Sage-Grouse science and other information has incrementally increased, and built upon, the knowledgebase of Greater Sage-Grouse management evaluated by the BLM most recently in its 2019 land use plan

amendments, but does not change the scope or direction of the BLM's management; however, new science does suggest adaptations to management may be warranted at site-specific scales.

After reviewing public comments and completing the new science evaluation, the BLM determined that the most recent scientific information relating to Greater Sage-Grouse is consistent with the BLM's environmental analysis in supporting its 2019 Greater Sage-Grouse land use plan amendments.

(Authority: 40 CFR 1506.6, 40 CFR 1506.10)

Gregory Sheehan,

BLM Utah State Director.

[FR Doc. 2020–25649 Filed 11–19–20; 8:45 am]

BILLING CODE 4310–DQ–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[212.LLWO230000. L11700000.PH0000.LXSGPL000000]

Notice of Availability of the Final Wyoming Sage Grouse Supplemental Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended, the Bureau of Land Management (BLM) Wyoming State Office has prepared a final Supplemental Environmental Impact Statement (EIS) for the management of Greater Sage-Grouse habitat, and by this notice is announcing its availability.

DATES: The BLM will not issue a final decision on the proposal for a minimum of 30 days after the date that the Environmental Protection Agency (EPA) publishes its Notice of Availability (NOA) in the **Federal Register**. The EPA usually publishes its NOAs on Fridays.

ADDRESSES: Copies of the final Supplemental EIS are available for public inspection at the Wyoming Bureau of Land Management State Office, 5353 Yellowstone Road, Cheyenne, Wyoming 82009. Interested persons may also review the final Supplemental EIS on the internet at: *https://go.usa.gov/xGeWV.*

FOR FURTHER INFORMATION CONTACT: Jenny Marzluf, Wyoming Sage-Grouse Implementation Lead, at 307–775–6090; Wyoming Bureau of Land Management State Office, 5353 Yellowstone Road, Cheyenne, Wyoming 82009; *jmarzluf@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact Ms. Marzluf during normal business hours. The FRS 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: The BLM has prepared this final Supplemental EIS to review its previous NEPA analysis and clarify and augment it where necessary. This final Supplemental EIS addressed four specific issues: The range of alternatives, the need to take a hard look at environmental impacts, cumulative effects analysis, and the BLM's approach to compensatory mitigation. The final Supplemental EIS will help the BLM determine whether its 2015 and 2019 land use planning and NEPA processes have sufficiently addressed Greater Sage-Grouse habitat conservation or whether the BLM should initiate a new land use planning process to consider additional alternatives or new information.

Comments on the draft Supplemental EIS (85 FR 10185) received from the public and internal BLM review were considered and incorporated as appropriate into the final Supplemental EIS. To address public comments raised during this supplemental analysis, the BLM convened a team of biologists and land use planners to evaluate scientific literature provided to the agency. Upon review, the BLM found that the most up-to-date Greater Sage-Grouse science and other information has incrementally increased, and built upon, the knowledgebase of Greater Sage-Grouse management evaluated by the BLM most recently in its 2019 land use plan amendments, but does not change the scope or direction of the BLM's management; however, new science does suggest adaptations to management may be warranted at site-specific scales.

After reviewing public comments and completing the new science evaluation, the BLM determined that the most recent scientific information relating to Greater Sage-Grouse is consistent with the BLM's environmental analysis in supporting its 2019 Greater Sage-Grouse land use plan amendments.

(Authority: 40 CFR 1506.6, 40 CFR 1506.10)

Kimber Liebhauser,

Acting BLM Wyoming State Director.

[FR Doc. 2020–25650 Filed 11–19–20; 8:45 am]

BILLING CODE 4310–DQ–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[212.LLWO230000. L11700000.PH0000.LXSGPL000000]

Notice of Availability of the Final Idaho Sage Grouse Supplemental Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended, the Bureau of Land Management (BLM) Idaho State Office has prepared a final Supplemental Environmental Impact Statement (EIS) for the management of Greater Sage-Grouse habitat, and by this notice is announcing its availability.

DATES: The BLM will not issue a final decision on the proposal for a minimum of 30 days after the date that the Environmental Protection Agency (EPA) publishes its Notice of Availability (NOA) in the **Federal Register**. The EPA usually publishes its NOAs on Fridays.

ADDRESSES: Copies of the final Supplemental EIS are available for public inspection at the Idaho Bureau of Land Management State Office 1387 S Vinnell Way Boise, Idaho 83709. Interested persons may also review the final Supplemental EIS on the internet at: *https://goo.gl/Jd8uVf.*

FOR FURTHER INFORMATION CONTACT: Pamela Murdock, Planning and Environmental Coordinator, at 208–373–4050; Idaho Bureau of Land Management State Office, 1387 S Vinnell Way, Boise, Idaho 83709; *pmurdock@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact Ms. Murdock during normal business hours. The FRS 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: The BLM has prepared this final Supplemental EIS to review its previous NEPA analysis and clarify and augment it where necessary. This final Supplemental EIS addressed four specific issues: the range of alternatives, the need to take a hard look at environmental impacts, cumulative effects analysis, and the BLM's approach to compensatory mitigation. The final Supplemental EIS will help the BLM determine whether its 2015 and 2019 land use planning and NEPA processes have sufficiently addressed

Greater Sage-Grouse habitat conservation or whether the BLM should initiate a new land use planning process to consider additional alternatives or new information.

Comments on the draft Supplemental EIS (85 FR 10185) received from the public and internal BLM review were considered and incorporated as appropriate into the final Supplemental EIS. To address public comments raised during this supplemental analysis, the BLM convened a team of biologists and land use planners to evaluate scientific literature provided to the agency. Upon review, the BLM found that the most up-to-date Greater Sage-Grouse science and other information has incrementally increased, and built upon, the knowledgebase of Greater Sage-Grouse management evaluated by the BLM most recently in its 2019 land use plan amendments, but does not change the scope or direction of the BLM's management; however, new science does suggest adaptations to management may be warranted at site-specific scales.

After reviewing public comments and completing the new science evaluation, the BLM determined that the most recent scientific information relating to Greater Sage-Grouse is consistent with the BLM's environmental analysis in supporting its 2019 Greater Sage-Grouse land use plan amendments.

(Authority: 40 CFR 1506.6, 40 CFR 1506.10)

John F. Ruhs,

BLM Idaho State Director.

[FR Doc. 2020–25647 Filed 11–19–20; 8:45 am]

BILLING CODE 4310–DQ–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[212.LLWO230000. L11700000.PH0000.LXSGPL000000]

Notice of Availability of the Final Nevada and Northeastern California Sage Grouse Supplemental Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended, the Bureau of Land Management (BLM) Nevada and California State Offices have jointly prepared a final Supplemental Environmental Impact Statement (EIS) for the management of Greater Sage-Grouse habitat, and by this notice is announcing its availability.

DATES: The BLM will not issue a final decision on the proposal for a minimum of 30 days after the date that the Environmental Protection Agency (EPA) publishes its Notice of Availability (NOA) in the **Federal Register**. The EPA usually publishes its NOAs on Fridays.

ADDRESSES: Copies of the final Supplemental EIS are available for public inspection at the Nevada State Office, 1340 Financial Boulevard, Reno, Nevada 89502–7147 or the California State Office, 2800 Cottage Way, Sacramento, California 95825. Interested persons may also review the final Supplemental EIS on the internet at: *https://go.usa.gov/xGJD7.*

FOR FURTHER INFORMATION CONTACT: Arlene Kosic, California Sage-Grouse Implementation Lead, at 530–279–2726; California Bureau of Land Management Applegate Field Office, 602 Cressler Street, Cedarville, California 96104; *akosic@blm.gov;* or Colleen Dulin, Acting Nevada Sage-Grouse Implementation Lead, at 775–430–3621; 1340 Financial Boulevard, Reno, Nevada 89502–7147; *cdulin@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact Ms. Kosic or Ms. Dulin during normal business hours. The FRS 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: The BLM has prepared this final Supplemental EIS to review its previous NEPA analysis and clarify and augment it where necessary. This final Supplemental EIS addressed four specific issues: The range of alternatives, the need to take a hard look at environmental impacts, cumulative effects analysis, and the BLM's approach to compensatory mitigation. The final Supplemental EIS will help the BLM determine whether its 2015 and 2019 land use planning and NEPA processes have sufficiently addressed Greater Sage-Grouse habitat conservation or whether the BLM should initiate a new land use planning process to consider additional alternatives or new information.

Comments on the draft Supplemental EIS (85 FR 10185) received from the public and internal BLM review were considered and incorporated as appropriate into the final Supplemental EIS. To address public comments raised during this supplemental analysis, the BLM convened a team of biologists and land use planners to evaluate scientific literature provided to the agency. Upon review, the BLM found that the most up-to-date Greater Sage-Grouse science and other information has incrementally increased, and built upon, the knowledgebase of Greater Sage-Grouse management evaluated by the BLM most recently in its 2019 land use plan amendments, but does not change the scope or direction of the BLM's management; however, new science does suggest adaptations to management may be warranted at site-specific scales.

After reviewing public comments and completing the new science evaluation, the BLM determined that the most recent scientific information relating to Greater Sage-Grouse is consistent with the BLM's environmental analysis in supporting its 2019 Greater Sage-Grouse land use plan amendments.

(Authority: 40 CFR 1506.6, 40 CFR 1506.10)

Jon K. Raby,

BLM Nevada State Director.

Karen E. Mouritsen,

BLM California State Director.

[FR Doc. 2020–25648 Filed 11–19–20; 8:45 am]

BILLING CODE 4310–DQ–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[212.LLWO230000. L11700000.PH0000.LXSGPL000000]

Notice of Availability of the Final Oregon Sage Grouse Supplemental Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended, the Bureau of Land Management (BLM) Oregon State Office has prepared a final Supplemental Environmental Impact Statement (EIS) for the management of Greater Sage-Grouse habitat, and by this notice is announcing its availability.

DATES: The BLM will not issue a final decision on the proposal for a minimum of 30 days after the date that the Environmental Protection Agency (EPA) publishes its Notice of Availability (NOA) in the **Federal Register**. The EPA usually publishes its NOAs on Fridays.

ADDRESSES: Copies of the final Supplemental EIS are available for public inspection at the Oregon Bureau of Land Management State Office, 1220 SW 3rd Ave., Portland, Oregon 97204. Interested persons may also review the final Supplemental EIS on the internet at: *https://go.usa.gov/xdY8E.*

FOR FURTHER INFORMATION CONTACT: Jim Regan-Vienop, Planning and

Environmental Coordinator, at 503–808–6062; 1220 SW 3rd Ave., Suite 1305, Portland, OR, 97204; *jreganvienop@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact Mr. Regan-Vienop during normal business hours. The FRS 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: The BLM has prepared this final Supplemental EIS to review its previous NEPA analysis and clarify and augment it where necessary. This final Supplemental EIS addressed four specific issues: The range of alternatives, the need to take a hard look at environmental impacts, cumulative effects analysis, and the BLM's approach to compensatory mitigation. The final Supplemental EIS will help the BLM determine whether its 2015 and 2019 land use planning and NEPA processes have sufficiently addressed Greater Sage-Grouse habitat conservation or whether the BLM should initiate a new land use planning process to consider additional alternatives or new information.

Comments on the draft Supplemental EIS (85 FR 10185) received from the public and internal BLM review were considered and incorporated as appropriate into the final Supplemental EIS. To address public comments raised during this supplemental analysis, the BLM convened a team of biologists and land use planners to evaluate scientific literature provided to the agency. Upon review, the BLM found that the most up-to-date Greater Sage-Grouse science and other information has incrementally increased, and built upon, the knowledgebase of Greater Sage-Grouse management evaluated by the BLM most recently in its 2019 land use plan amendments, but does not change the scope or direction of the BLM's management; however, new science does suggest adaptations to management may be warranted at site-specific scales.

After reviewing public comments and completing the new science evaluation, the BLM determined that the most recent scientific information relating to Greater Sage-Grouse is consistent with the BLM's environmental analysis in supporting its 2019 Greater Sage-Grouse land use plan amendments.

(Authority: 40 CFR 1506.6, 40 CFR 1506.10)

Barry R. Bushue,

BLM Oregon State Director.

[FR Doc. 2020–25645 Filed 11–19–20; 8:45 am]

BILLING CODE 4310–DQ–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–NCR–WHHO–WHHOA1–31090; PPNCWHHOA1; PPMPSPD1Z.YM0000]

Committee for the Preservation of the White House Notice of Public Meeting

AGENCY: National Park Service, Interior.

ACTION: Meeting notice.

SUMMARY: In accordance with the Federal Advisory Committee Act of 1972, the National Park Service (NPS) is hereby giving notice that the Committee for the Preservation of the White House (Committee) will meet as indicated below.

DATES: The meeting will take place on Monday, December 7, 2020. The meeting will begin at 10 a.m. until 11:30 a.m. (Eastern). A teleconference may substitute an in-person meeting if public health or safety restrictions are in effect.

ADDRESSES: The meeting will be held at the White House, 1600 Pennsylvania Avenue NW, Washington, DC 20500.

FOR FURTHER INFORMATION CONTACT: Comments may be provided to: John Stanwich, Executive Secretary, Committee for the Preservation of the White House, 1849 C Street NW, Room #1426, Washington, DC 20240, by telephone at (202) 219–0322, or by email at *ncr_whho_superintendent@nps.gov.*

SUPPLEMENTARY INFORMATION: The Committee has been established in accordance with Executive Order No. 11145, 3 CFR 184 (1964–1965), as amended. The Committee reports to the President of the United States and advises the Director of the NPS with respect to the discharge of responsibilities for the preservation and interpretation of the museum aspects of the White House pursuant to the Act of September 22, 1961 (Pub. L. 87–286, 75 Stat. 586).

Purpose of the Meeting: The agenda will include policies, goals, and long-range plans. If you plan to attend this meeting, you must register by close of business on Thursday, December 3, 2020. Please contact the Executive Secretary (see **FOR FURTHER INFORMATION CONTACT**) to register. Space is limited and requests will be accommodated in the order they are received.

The meeting will be open, but subject to security clearance requirements. The Executive Secretary will contact you directly with the security clearance requirements. Inquiries may be made by calling the Executive Secretary between 9 a.m. and 4 p.m. weekdays at (202) 219–0322.

Written comments may be sent to the Executive Secretary, Committee for the Preservation of the White House (see **FOR FURTHER INFORMATION CONTACT**). All written comments received will be provided to the Committee.

Public Disclosure of Comments: Before including your address, phone number, email address, or other personal identifying information in your written comments, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

(Authority: 5 U.S.C. Appendix 2)

Alma Ripps,

Chief, Office of Policy.

[FR Doc. 2020–25629 Filed 11–19–20; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–D–COS–POL–31176; PPWODIREP0; PPMPSAS1Y.YP0000]

Request for Nominations for the National Park System Advisory Board

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service, U.S. Department of the Interior, is seeking nominations for individuals to be considered for appointment to the National Park System Advisory Board (Board). The Board advises the Secretary of the Interior (Secretary) and the Director of the National Park Service (Director) on matters relating to the National Park Service (NPS), the National Park System, and programs administered by the NPS; the designation of National Historic Landmarks and National Natural Landmarks; and the national historic significance of proposed National Historic Trails. The Board is currently established as a discretionary committee by authority of the Secretary under 54 U.S.C. 100906 and is expected to continue into the distant future. The

Board is regulated by the Federal Advisory Committee Act (FACA).

DATES: Nominations must be postmarked by December 7, 2020.

ADDRESSES: Nominations should be emailed to Joshua Winchell, Office of Policy, National Park Service, at *joshua_winchell@nps.gov.*

FOR FURTHER INFORMATION CONTACT: Joshua Winchell, Office of Policy, National Park Service, 1849 C Street, NW, Mail Stop 2659, Washington, DC 20240, telephone number 202–641–4467, or email *joshua_winchell@nps.gov.*

SUPPLEMENTARY INFORMATION: The purpose of the Board is to provide advice to the Secretary and the Director on matters relating to the NPS, the National Park System, and programs administered by the NPS, including programs administered pursuant to 54 U.S.C. 320101; designation of National Historic Landmarks and National Natural Landmarks; and the national historic significance of proposed National Historic Trails pursuant to the National Trails System Act (16 U.S.C. 1244(b)(3)). The Board also may advise on matters submitted by the Director. The Board shall be comprised of no more than 12 persons, appointed from among citizens of the United States having a demonstrated commitment to the mission of the NPS. Board members shall be selected to represent various geographic regions across the United States of America.

We are requesting nominations to fill vacancies for Board members in the categories listed below:

(1) Persons who have outstanding expertise in the physical and/or social sciences, such as history or geography; archeology or anthropology; historical or landscape architecture; or biology, ecology, geology, or marine sciences;

(2) persons having outstanding experience in the management of national or state parks; forests, wildlife refuges, or other protected natural areas; historic areas or sites; or have an extensive background in natural or cultural resources management.

(3) persons having outstanding expertise in professional or scientific disciplines that are important to the mission of the National Park Service, such as financial management or business development; historical or recreational land use management or planning; or business management, marketing or entrepreneurship.

Nominations should be typed and must include a resume providing an adequate description of the nominee's qualifications, including information that would enable the Department of the Interior to make an informed decision regarding meeting the membership requirements of the Board and permit the Department of the Interior to contact a potential member.

Board members will be appointed as special Government employees (SGEs). Please be aware that members selected to serve as SGEs will be required, prior to appointment, to file a Confidential Financial Disclosure Report in order to avoid involvement in real or apparent conflicts of interest. You may find a copy of the Confidential Financial Disclosure Report at the following website: *https://www.doi.gov/ethics/special-government-employees/financial-disclosure.* Additionally, after appointment, members appointed as SGEs will be required to meet applicable financial disclosure and ethics training requirements. Please contact 202–208–7960 or *DOI_Ethics@sol.doi.gov* with any questions about the ethics requirements for members appointed as SGEs.

Members serve without compensation. However, while away from their homes or regular places of business in the performance of services for the Board as approved by the Designated Federal Officer, members are allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed such expenses under 5 U.S.C. 5703.

Public Disclosure of Information: Before including your address, phone number, email address, or other personal identifying information with your nomination, you should be aware that your entire nomination—including your personal identifying information—may be made publicly available at any time. While you can ask us in your nomination to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 5 U.S.C. Appendix 2.

Alma Ripps,

Chief, Office of Policy.

[FR Doc. 2020–25683 Filed 11–19–20; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Radio Frequency Identification (''RFID'') Products, Components Thereof, and Products Containing the Same, DN 3507;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.*

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Amtech Systems LLC on November 13, 2020. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain radio frequency identification (''RFID'') products, components thereof, and products containing the same. The complaint names as respondents: Kapsch TrafficCom AG of Austria; Kapsch TrafficCom B.V. of Netherlands; Kapsch TrafficCom Canada, Inc. of Canada; Kapsch TrafficCom Holding Corp. of McLean, VA; Kapsch TrafficCom Holding II US Corp. of McLean, VA; Kapsch TrafficCom IVHS, Inc. of McLean, VA; Kapsch TrafficCom USA, Inc. of McLean, VA; Kapsch TrafficCom Inc. of McLean, VA; and Kapsch TrafficCom Services USA, Inc. of McLean, VA. The complainant requests that the Commission issue a

limited exclusion order and cease and desist orders.

Proposed respondents, other interested parties, and members of the public are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business, eight calendar days after publication of this notice in the **Federal Register**. Complainant may file replies to any written submissions no later than three calendar days after the date on which any initial submissions were due. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. Submissions should refer to the docket number (''Docket No. 3507'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures [1]). Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov.*) No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice. Persons with questions regarding filing should contact the Secretary at *EDIS3Help@usitc.gov.*

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: November 16, 2020.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2020–25609 Filed 11–19–20; 8:45 am]

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[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant To the National Cooperative Research and Production Act of 1993—Information Warfare Research Project Consortium

Notice is hereby given that, on November 9, 2020, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Information Warfare Research Project Consortium (''IWRP'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, ADI Technologies Inc., Chantilly, VA; Advent SVCS LLC., Panama City, FL; AIRBUS U.S. Space & Defense Inc., Herndon, VA; Alteryx Inc., Irvine, CA; Analytical Graphics Inc., Exton, PA; Anduril Industries Inc., Irvine, CA; Blue Danube Systems Inc., Santa Clara, CA; Boonton Electronics, A wireless Telecom Group CO., Parsippany, NJ; Cask NX LLC, San Diego, CA; Celona Inc., Cupertino, CA; CohesionForce Inc., Huntsville, AL; Cyberspace Solutions LLC, Herndon, VA; Darkblade Systems Corporation, Winchester, VA; Dynamic Dimension Technologies LLC, Westminster, MD; Elder, Robert James (dba) Strategy Alternative Consulting, Shreveport, LA; Frequency Electronics Inc., Uniondale, NY; Future Tense LLC, Ashburn, VA; General Atomics Electromagnetic Systems (EMS), San Diego, CA; Genus Group LLC, North Potomac, MD; Gnostech LLC, Warminster, PA; Hashlit Inc., dba Corsha, Vienna, VA; High Tide Technology LLC, N. Charleston, SC; iC–1 Solutions LLC, Herndon, VA; IDEAMATICS Inc., McLean, VA; Idemia National Security Solutions LLC, Alexandria, VA; Infiltron Software Suite, Warner Robins, GA; JC3 LLC, Rockbridge Baths, VA; JCS Solutions LLC, Fairfax, VA; John Mezzalingua Associates LLC, dba JMA Wireless, Liverpool, NY; Knight Sky LLC, Frederick, MD; Kranze Technology Solutions Inc., Prospect Heights, IL; LAINE LLC, Goose Creek, SC;

LOCATORX INC., Suwanee, GA; Lockheed Martin Rotary and Missions Systems (BU), Colorado Springs, CO; MAG DS Corp (dba MAG Aerospace),Fairfax, VA; Mobilestack Inc., Dublin, CA; Motorola Solutions Inc., US Federal Markets Division, Linthicum MD; Mythics Inc., Virginia Beach, VA; Nakupuna Solutions, Arlington, VA; Otava Inc., Moorestown, NJ; Oteemo Inc., Reston, VA; Pinnacle Consulting Team LLC, Bridgeton, MO; Presence Product Group LLC, San Francisco, CA; Presidio Networked Solutions LLC, Fulton, MD; Rajant Corporation, Malvern, PA; Raytheon Applied Signal Technology Inc., Anaheim, CA; Red Hat Inc., with Red Hat Professional Consulting Inc., Raleigh, NC; Rincon Research Corporation, Tucson, AZ; Scalable Network Technologies Inc., Culver City, CA; SecureCo, New York, NY; SecureLogix Corporation, San Antonio, TX; SES Government Solutions Inc., Reston, VA; Silver Palm Technologies LLC, Ijamsville MD; Simba Chain INC., Plymouth, IN; Stephenson Technologies Corporation, Baton Rouge, LA; Systems Engineering Group Inc., Columbia, MD; Technology Advancement Group Inc., (TAG),Dulles, VA; Tercero Technologies LLC, Pittsburgh, PA; The Boeing Company, Long Beach, CA; The Regents of the University of Colorado, Boulder, CO; Tracen Technologies Inc., Manassas, VA; Vannevar Labs, Palo Alto, CA; and XR2LEAD LLC, Dumfries, VA have been added as parties to this venture.

Also, Cask Technologies LLC., San Diego, CA; CommTech Systems Inc., El Cajo, CA; and ODME Solutions LLC., San Diego, CA have withdrawn from this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and IWRP intends to file additional written notifications disclosing all changes in membership.

On October 15, 2018, IWRP filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on October 23, 2018 (83 FR 53499).

The last notification was filed with the Department on July 14, 2020. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on August 3, 2020 (85 FR 46729).

Suzanne Morris,

Chief, Premerger and Division Statistics, Antitrust Division.

[FR Doc. 2020–25698 Filed 11–19–20; 8:45 am]

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DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Space Enterprise Consortium

Notice is hereby given that, on October 27, 2020, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Space Enterprise Consortium (''SpEC'')

has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically,

Alliance Technology Group, LLC, Hanover, MD; BlackHays Group, Cedar Point, NC; CEB Metasystems, Inc., Los Alamitos, CA; Cyberspace Solutions, LLC, Herndon, VA; Dell Federal Systems L.P., Round Rock, TX; Electric Sky, Inc., Mercer Island, WA; Envistacom LLC, Atlanta, GA; FST International, LLC, Dulles, VA; GMV Innovating Solutions, Inc., Rockville, MD; Guardtime Federal, LLC, Alexandria, VA; ICR, Inc., Aurora, CO; II–VI Aerospace Defense, Murrieta, CA; Innovative Concepts Solutions, Greenbelt, MD; Kymeta Government Solutions, Inc., Redmond, WA; L3Harris Technologies, Fort Wayne, IN; Labsphere, Inc., North Sutton, NH; Launcher Space, Brooklyn, NY; Lunar Resources, Inc., Houston, TX; Micro Craft, Tullahoma, TN; Micro Focus Government Solutions, Vienna, VA; Microlink Devices, Inc., Niles, IL; Mobilestack Inc., Dublin, CA; Naval Systems Incorporated, Lexington, MD; OEwaves, Inc., Pasadena, CA; Oteemo, Inc., Chantilly, VA; PathFinder Digital LLC, Sanford, FL; PTC, Boston, MA; Rebellion Defense, Inc., Washington, DC; Special Aerospace Services, Boulder, CO; Spire Global, Inc., San Francisco, CA; Stryke Industries, Fort Wayne, IN; Systems and Proposal Engineering Company (dba SPEC Innovations), Manassas, VA; TechTrend, Fairfax, VA; UBERETHER, Inc., Sterling, VA; Virtualitics, Inc., Pasadena, CA; Visual Connections, Windsor Hill, MD; Vitro Technology Group, Austin, TX; Whitney, Bradley & Brown WBB, Inc., Reston, VA; and Xplore, Inc., Mercer Island, WA; have been added as parties to this venture.

Also, Decisive Analytics Corp., Arlington, VA; Dynetics Technical Solution, Huntsville, AL; Fairwinds, Annapolis, MD; Kubos, Denton, TX; Longbow Software, LLC, Englewood, CO; Metronome LLC, Fairfax, VA; Microwave Photonics, West Chester, PA; Optisys, West Jordan, UT; Orbital Science Corporation, Dulles, VA; Rocket Propulsion, Renton, WA; RoGo Fire, LLC, Westminster, CO; Systems Engineering Associates, Inc., Torrance, CA; and The NAVYS Corp., Colorado Springs, CO; have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and SpEC intends to file additional written notifications disclosing all changes in membership.

On August 23, 2018, SpEC filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on October 2, 2018 (83 FR 49576).

The last notification was filed with the Department on July 28, 2020. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on August 05, 2020 (85 FR 47404).

Suzanne Morris,

Chief, Premerger and Division Statistics Antitrust Division.

[FR Doc. 2020–25691 Filed 11–19–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to The National Cooperative Research and Production Act of 1993—Countering Weapons of Mass Destruction

Notice is hereby given that, on October 28, 2020, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Countering Weapons of Mass Destruction (''CWMD'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, AVOX Systems, Inc., Lancaster, NY; Bryce Space and Technology, LLC, Alexandria, VA; C2Sense, Inc., Watertown, MA; Cahaba Micro, LLC, Watertown, MA; CFD

Research Corporation, Huntsville, AL; Efiia Consulting, LLC, Falls Church, VA; Eirene Technologies, Inc., La Mesa, CA; Enviornics USA, Inc., Round Rock, TX; GeneInfoSec, Inc., Boulder, CO; GenScript USA, Inc., Piscataway, NJ; PeopleTec, Inc., Huntsville, AL; Raytheon Company, Tuscon, AZ; Saint-Gobain Crystals, Hiram, OH; and Women Veterans Contracting, Inc., San Diego, CA have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and CWMD intends to file additional written notifications disclosing all changes in membership.

On January 31, 2018, CWMD filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on March 12, 2018 (83 FR 10750).

The last notification was filed with the Department on August 17, 2020. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on August 28, 2020 (85 FR 53400).

Suzanne Morris,

Chief, Premerger and Division Statistics, Antitrust Division.

[FR Doc. 2020–25695 Filed 11–19–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to The National Cooperative Research and Production Act of 1993—Undersea Technology Innovation Consortium

Notice is hereby given that, on November 9, 2020, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Undersea Technology Innovation Consortium (''UTIC'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, DE Technologies, King of Prussia, PA; EFW Inc., An Elbit Systems of America Company, Fort Worth, TX; Ensign Bickerford Aerospace & Defense (EBAD), Simsbury, CT; GenOne Technologies, LLC, Cambridge, MA; IT Mentor Group, Inc., San Diego, CA; Kern Technology Group. LLC, Virginia Beach, VA; ManTech Advanced Systems International (ManTech), Herndon, VA; McCormick Stevenson Corporation, Clearwater, FL; Moire Inc., Issaquah, WA; NKT Photonics Inc., Boston, MA; Pure Watercraft, Inc., Seattle, WA; SEARCH, Inc., Orlando, FL; University of Delaware College of Earth, Ocean and Environment, Newark, DE; VivSoft Technologies, LLC, Brambleton, VA; and White River Technologies, Inc., Newton, MA have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and UTIC intends to file additional written notifications disclosing all changes in membership.

On October 9, 2018, UTIC filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on November 2, 2018 (83 FR 55203).

The last notification was filed with the Department on July 13, 2020. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on July 31, 2020 (85 FR 46176).

Suzanne Morris,

Chief, Premerger and Division Statistics, Antitrust Division.

[FR Doc. 2020–25696 Filed 11–19–20; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant To the National Cooperative Research and Production Act of 1993—Medical CBRN Defense Consortium

Notice is hereby given that, on October 20, 2020, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Medical CBRN Defense Consortium (''MCDC'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Aardvark Medical, Inc.; Ross, CA; Acer Therapeutics, Inc.; Newton, MA; Aegis BioDefense, Inc.; San Carlos, CA; Albany Molecular Research Inc. (AMRI); Albany, NY; Arcturus Therapeutics; San Diego, CA; ARMSTEL, Inc.; Plano, TX; C2Sense, Inc.; Watertown, MA; Captura Biopharma, Inc.; Little Rock, AR; Concord Medical Technology Corporation; Grand Forks, ND; Efiia Consulting, LLC; Falls Church, VA; Equillium, Inc.; La Jolla, CA; EUSA Pharma (US), LLC; Burlington, MA; EWI; Columbus, OH; GenScript USA, Inc.; Piscataway, NJ; Kleo Pharmaceuticals; New Haven, CT; Lillian Bay Holdings, LLC; Saint Petersburg, FL; Lyndra Therapeutics, Inc.; Watertown, MA; Pathology Assist-Temp, Inc.; Chantilly, VA; PhaseBio Pharmaceuticals, Inc.; Malvern, PA; Quanterix Corporation; Billerica, MA; SomaLogic, Inc.; Boulder, CO; Sorrento Therapeutics, Inc.; Atlanta, GA; Unify R&D; Elkridge, MD and United National Native Council; Payson, AZ have been added as parties to this venture.

Also, Space Information Laboratories; Santa Maria, CA, and Valaria Technical Consultants, LLC; Westminster, MD have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and MCDC intends to file additional written notifications disclosing all changes in membership.

On November 13, 2015, MCDC filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on January 6, 2016 (81 FR 513).

The last notification was filed with the Department on July 30, 2020. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on August 28, 2020 (85 FR 53401).

Suzanne Morris,

Chief, Premerger and Division Statistics, Antitrust Division.

[FR Doc. 2020–25693 Filed 11–19–20; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

[OMB Number 1110–0053]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension, Without Change, of a Currently Approved Collection; FBI eFOIA Form

AGENCY: Federal Bureau of Investigation, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Federal Bureau of Investigation, Department of Justice (DOJ), 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.

DATES: The Department of Justice encourages public comment and will accept input until January 19, 2021.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Jason Combs, Unit Chief, Federal Bureau of Investigation, 170 Marcel Drive, Winchester, VA 22602, *jcombs@fbi.gov,* 540–868–4842.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Federal Bureau of Investigation, including whether the information will have practical utility;
—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Extension, without change, of a currently approved collection.

2. *The Title of the Form/Collection:* FBI eFOIA form

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The applicable component within the Department of Justice is the Federal Bureau of Investigation.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

The general public who wish to make online FOIA requests will be the most affected group.

This information collection is to allow the Federal Bureau of Investigation to accept and respond to FOIA requesters as defined in 28 CFR part 16.3.

(a) How made and addressed. You may make a request for records of the Department of Justice by writing directly to the Department component that maintains those records. You may find the Department's ''Freedom of Information Act Reference Guide''—which is available electronically at the Department's World Wide website, and is available in paper form as well—helpful in making your request. For additional information about the FOIA, you may refer directly to the statute. If you are making a request for records about yourself, see § 16.41(d) for additional requirements. If you are making a request for records about another individual, either a written authorization signed by that individual permitting disclosure of those records to you or proof that that individual is deceased (for example, a copy of a death certificate or an obituary) will help the processing of your request. Your request should be sent to the component's FOIA office at the address listed in appendix I to part 16. In most cases, your FOIA request should be sent to a component's central FOIA office. For records held by a field office of the Federal Bureau of Investigation (FBI) or the Immigration and Naturalization Service (INS), however, you must write directly to that FBI or INS field office address, which can be found in most telephone books or by calling the component's central FOIA office. (The functions of each component are summarized in part 0 of this title and in the description of the Department and its components in the ''United States Government Manual,'' which is issued annually and is available in most libraries, as well as for sale from the Government Printing Office's Superintendent of Documents. This manual also can be accessed electronically at the Government Printing Office's World Wide website (which can be found at *http://www.access.gpo.gov/su_docs*).) If you cannot determine where within the Department to send your request, you may send it to the FOIA/PA Mail Referral Unit, Justice Management Division, U.S. Department of Justice, 950 Pennsylvania Avenue NW., Washington, DC 20530–0001. That office will forward your request to the component(s) it believes most likely to have the records that you want. Your request will be considered received as of the date it is received by the proper component's FOIA office. For the quickest possible handling, you should mark both your request letter and the envelope ''Freedom of Information Act Request.''

(b) Description of records sought. You must describe the records that you seek in enough detail to enable Department personnel to locate them with a reasonable amount of effort. Whenever possible, your request should include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter of the record. In addition, if you want records about a court case, you should provide the title of the case, the court in which the case was filed, and the nature of the case. If known, you should include any file designations or descriptions for the records that you want. As a general rule, the more specific you are about the records or type of records that you want, the more likely the Department will be able to locate those records in response to your request. If a component determines that your request does not reasonably describe records, it shall tell you either what additional information is needed or why your request is otherwise insufficient. The component also shall give you an opportunity to discuss your request so that you may modify it to meet the requirements of this section. If your request does not reasonably describe the records you seek, the agency's response to your request may be delayed.

(c) Agreement to pay fees. If you make a FOIA request, it shall be considered an agreement by you to pay all applicable fees charged under § 16.11, up to $25.00, unless you seek a waiver of fees. The component responsible for responding to your request ordinarily will confirm this agreement in an acknowledgement letter. When making a request, you may specify a willingness to pay a greater or lesser amount.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 14,000 FOIA request are completed annually. These requests can be submitted via free-form letter or the eFOIA form. In FY 2020 approximately 150 online eFOIA forms were submitted. An average of 8 minutes per respondent is needed to complete the eFOIA form. The estimated range of burden for respondents is expected to be between 4 minutes to 12 minutes for completion.

6. *An estimate of the total public burden (in hours) associated with the*

collection: The estimated public burden associated with this collection is .13 hours. It is estimated that respondents will take .13 hour to complete a questionnaire. The burden hours for collecting respondent data sum to 20 hours (150 respondents × .13 hours = 20 hours).

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: November 13, 2020.

Melody Braswell,

Department Clearance Officer for PRA,U.S. Department of Justice.

[FR Doc. 2020–25462 Filed 11–19–20; 8:45 am]

BILLING CODE 4410–30–P

DEPARTMENT OF JUSTICE

Notice of Extension of Public Coment Period for Proposed Modification To Consent Decree Under the Clean Water Act

On October 21, 2020, the Department of Justice lodged a proposed modification to the existing consent decree with the United States District Court for the Northern District of Georgia in the lawsuit entitled *United States and State of Georgia* v. *DeKalb County, Georgia,* Civil Action No. 1:10–cv–04039–SDG.

The United States and the State of Georgia filed this lawsuit in 2010 under the Clean Water Act. The complaint sought injunctive relief and civil penalties for violations in connection with the sanitary sewer system of DeKalb County, Georgia (''DeKalb County''). The consent decree entered by the Court on December 20, 2011, provides for DeKalb County to perform injunctive measures as described in the consent decree, to pay a civil penalty split between United States and the State of Georgia, and to perform a supplemental environmental project. The proposed modification to the consent decree, among other things: (1) Extends the time period for DeKalb County to rehabilitate priority sewer areas, (2) requires additional injunctive relief, and (3) requires DeKalb County to pay a $1,047,000 civil penalty, which will be divided evenly between the United States and the State of Georgia. Notice of the lodging of the modification was originally published in the **Federal Register** on October 27, 2020. See 85 FR 68094 (Oct. 27, 2020). The publication of the original notice opened a period of public comment on the modification for a period of thirty (30) days through November 26, 2020. The publication of the present notice extends the period for public comment on the modification through December 4, 2020.

Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States and State of Georgia* v. *DeKalb County, Georgia,* D.J. Ref. No. 90–5–1–1–09497. All comments must be submitted no later than December 4, 2020. 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, DC 20044–7611.

During the public comment period, the modification to the consent decree may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the modification to the 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 $22 (25 cents per page reproduction cost) payable to the United States Treasury.

Lori Jonas,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2020–25704 Filed 11–19–20; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Underground Construction Standard

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Occupational Safety and Health Administration (OSHA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before December 21, 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 30-day Review—Open for Public Comments'' or by using the search function.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie by telephone at 202–693–0456, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The information collection requests contained in the Standard requires employers to post warning signs and notices, certify inspection records for hoists, and maintain records of air quality tests. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on July 30, 2020 (85 FR 45929).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR

cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–OSHA.

Title of Collection: Underground Construction Standard.

OMB Control Number: 1218–0067.

Affected Public: Private Sector, Businesses or other for-profits.

Total Estimated Number of Respondents 461.

Total Estimated Number of Responses: 1,172,939.

Total Estimated Annual Time Burden: 77,616 hours.

Total Estimated Annual Other Costs Burden: $165,600.

Authority: 44 U.S.C. 3507(a)(1)(D).

Crystal Rennie,

Acting Departmental Clearance Officer.

[FR Doc. 2020–25610 Filed 11–19–20; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Standard on Powered Platforms for Building Maintenance

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Occupational Safety and Health Administration (OSHA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before December 21, 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 30-day Review—Open for Public Comments'' or by using the search function.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie by telephone at 202–693–0456, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: Paragraph (e)(9) of the Standard requires that employers develop and implement a written emergency action plan for each type of powered platform operation. The plan must explain the emergency procedures that workers are to follow if they encounter a disruption of the power supply, equipment failure, or other emergency. Prior to operating a powered platform, employers must notify workers how they can inform themselves about alarm systems and emergency escape routes, and emergency procedures that pertain to the building on which they will be working. Employers are to review with each worker those parts of the emergency action plan that the worker must know to ensure their protection during an emergency; these reviews must occur when the worker receives an initial assignment involving a powered platform operation and after the employer revises the emergency action plan. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on June 18, 2020 (85 FR 36883).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–OSHA.

Title of Collection: Standard on Powered Platforms for Building Maintenance.

OMB Control Number: 1218–0121.

Affected Public: Private Sector, Businesses or other for-profits.

Total Estimated Number of Respondents: 900.

Total Estimated Number of Responses: 181,612.

Total Estimated Annual Time Burden: 130,776 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Crystal Rennie,

Acting Departmental Clearance Officer.

[FR Doc. 2020–25657 Filed 11–19–20; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Hydrostatic Testing Provision of the Standard on Portable Fire Extinguishers

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Occupational Safety and Health Administration (OSHA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before December 21, 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 30-day Review—Open for Public Comments'' or by using the search function.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and

cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie by telephone at 202–693–0456, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This information collection is associated with the hydrostatic testing of portable fire extinguishers. Persons performing the test are required to record their name, the date of the test, and the identifier of the extinguisher tested as evidence of completing the test. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on July 13, 2020 (85 FR 42024).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–OSHA.

Title of Collection: Hydrostatic Testing Provision of the Standard on Portable Fire Extinguishers.

OMB Control Number: 1218–0218.

Affected Public: Private Sector, Businesses or other for-profits.

Total Estimated Number of Respondents: 5,869,911.

Total Estimated Number of Responses: 5,217,699.

Total Estimated Annual Time Burden: 504,377 hours.

Total Estimated Annual Other Costs Burden: $76,637,563.

Authority: 44 U.S.C. 3507(a)(1)(D).

Crystal Rennie,

Acting Departmental Clearance Officer.

[FR Doc. 2020–25611 Filed 11–19–20; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Veterans' Employment and Training Service

Agency Information Collection Activities; Comment Request: Federal Contractor Veterans' Employment Report VETS–4212

ACTION: Request for comments.

SUMMARY: The Veterans' Employment and Training Service (VETS) is announcing an opportunity for public comment on a collection of 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 and to allow 60 days for public comment in response to the notice. In this notice, VETS is soliciting comments concerning the proposed information collection request for the VETS Federal Contractor Veterans' Employment Report VETS–4212.

DATES: Comments must be submitted by January 14, 2021.

ADDRESSES: Follow the instructions for submitting comments.

- *Email: 4212-FRN-2020-VETS@dol.gov.* Include ''VETS–4212 Form'' in the subject line of the message.
- *Fax:* (202) 693–4755. Please send comments by fax only if they are 10 pages or less.
- *Mail:* Kenan Torrans, Director, Compliance and Investigations, VETS, U.S. Department of Labor, Room S–1325, 200 Constitution Avenue NW, Washington, DC 20210.
- Receipt of submissions, whether by U.S. Mail, email, or FAX transmittal, will not be acknowledged; however, the sender may request confirmation that a submission has been received, by telephoning VETS at (202) 693–4700 (VOICE) (this is not a toll-free number) or (202) 693–4760 (TTY/TDD).

All comments received, including any personal information provided, will be available for public inspection during normal business hours at the above address. People needing assistance to review comments will be provided with appropriate aids such as readers or print magnifiers

FOR FURTHER INFORMATION CONTACT: Kenan Torrans, Director, Compliance and Investigations, VETS, U.S. Department of Labor, Room S–1325, 200 Constitution Avenue NW, Washington, DC 20210, by phone: (202) 693–4700 or by email at: *4212-FRN-2020-VETS@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The Vietnam Era Veterans' Readjustment Assistance Act of 1974 (''VEVRAA''), 38 U.S.C. 4212(d), requires Federal contractors and subcontractors subject to the Act's affirmative action provisions in 38 U.S.C. 4212(a) to track and report annually to the Secretary of Labor the number of employees in their workforces, by job category and hiring location, who belong to the specified categories of protected veterans. VETS maintains regulations to implement the reporting requirements under VEVRAA, and uses the VETS–4212 form for providing the required information on the employment of covered veterans.

The regulations in 41 CFR part 61–300 require contractors and subcontractors with a covered Federal contract entered into or modified in the amount of $150,000 or more to use the Federal Contractor Veterans' Employment Report VETS–4212 form for reporting information on their employment of covered veterans under VEVRAA.

The VETS–4212 Report is currently approved under OMB No. 1293–0005.

II. Desired Focus of Comments

Currently VETS is soliciting comments concerning a request to extend the currently approved information collection request. The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- 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;
- Enhance the quality, utility and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

III. Current Actions

The Department of Labor seeks approval of the extension of the currently approved information collection request in order to carry out its responsibilities to administer and enforce compliance with the contractor reporting requirements under VEVRAA, as amended by the JVA. In preparation of that request, the Department seeks public comments on the information collection requirements.

Type of Review: Extension.

Agency: Veterans' Employment and Training Service.

Title: Federal Contractor Veterans' Employment Report VETS–4212.

OMB Number: 1293–0005.

Affected Public: Private Sector—businesses or other for profits and not-for-profit institutions.

Total Respondents: 21,000.

Average Responses per Respondent: 18.

Total Annual Responses: 378,000.

Average Time per Response:

- Electronic Submission—20 minutes
- Paper Submission—40 minutes

Total Burden Hours: 129,200.

Frequency: Annually.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintaining): $735,000.

Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Signed in Washington, DC, this 16th day of November 2020.

John Lowry,

Assistant Secretary of Labor for Veterans' Employment and Training Service.

[FR Doc. 2020–25612 Filed 11–19–20; 8:45 am]

BILLING CODE 4510–79–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2021–007]

Freedom of Information Act (FOIA) Advisory Committee Meeting

AGENCY: Office of Government Information Services (OGIS), National Archives and Records Administration (NARA).

ACTION: Notice of Federal advisory committee meeting.

SUMMARY: We are announcing an upcoming Freedom of Information Act (FOIA) Advisory Committee meeting in accordance with the Federal Advisory Committee Act and the second United States Open Government National Action Plan.

DATES: The meeting will be on December 10, 2020, from 10:00 a.m. to 1:00 p.m. EST. You must register by 11:59 p.m. EST December 8, 2020, to attend the meeting.

ADDRESSES: This meeting will be held virtually. We will send instructions on how to access it to those who register according to the instructions below.

FOR FURTHER INFORMATION CONTACT: Kirsten Mitchell, Designated Federal Officer for this committee, by email at *foia-advisory-committee@nara.gov* or by telephone at 202.741.5770.

SUPPLEMENTARY INFORMATION:

Agenda and meeting materials: We will post all meeting materials at *https://www.archives.gov/ogis/foia-advisory-committee/2020/2022-term.*This will be the second meeting of the fourth committee term. The purpose of this meeting will be to hear a presentation about FOIA and classified records; to hear updates from the four Subcommittees: Classification, Legislation, Process, and Technology; and to discuss the COVID–19 pandemic's effects on FOIA processing.

Procedures: This virtual meeting is open to the public. You must register in advance through the Eventbrite link *https://foiaac-mtg-dec-10/2020.eventbrite.com* if you wish to attend, and you must provide an email address so that we can provide you information to access the meeting online. To request additional accommodations (*e.g.,* a transcript), email *foia-advisory-committee@nara.gov* or call 202.741.5770. Members of the media who wish to register, those who are unable to register online, and those who require special accommodations, should contact Kirsten Mitchell (contact information listed above).

Maureen MacDonald,

Designated Committee Management Officer.

[FR Doc. 2020–25613 Filed 11–19–20; 8:45 am]

BILLING CODE 7515–01–P

NUCLEAR REGULATORY COMMISSION

681st Meeting of the Advisory Committee on Reactor Safeguards (ACRS)

In accordance with the purposes of Sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards (ACRS) will hold meetings on December 1–4, 2020. As part of the coordinated government response to combat the COVID–19 public health emergency, the Committee will conduct virtual meetings. The public will be able to participate in any open sessions via 1–866–822–3032, pass code 8272423#.

Tuesday, December 1, 2020

2:00 p.m.–2:05 p.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

2:05 p.m.–6:00 p.m.: BWRX–300 Topical Report NEDC–33912, ''*Reactivity Control*'' (Open/Closed)—The Committee will have presentations and discussion with representatives from GE-Hitachi and NRC staff regarding the subject topic. [*Note:* Pursuant to 5 U.S.C. 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]

Wednesday, December 2, 2020

9:30 a.m.–12:00 a.m.: New Design Review Standard for Chapter 7 (Instrumentation and Control—I&C): Lessons Learned as a Result of Recent New Reactor Licensing Reviews Related to I&C (Open)—The Committee will have presentations and discussion with representatives from the NRC staff regarding the subject topic.

12:00 p.m.–6:00 p.m.: Preparation of ACRS Reports and Commission Meeting (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports and Commission meeting preparation. [*Note:* Pursuant to 5 U.S.C. 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]

Thursday, December 3, 2020

9:30 a.m.–12:00 p.m.: Future ACRS Activities/Report of the Planning and Procedures Subcommittee and Reconciliation of ACRS Comments and Recommendations/Preparation of Reports (Open/Closed)—The Committee will hear discussion of the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the Full Committee during future ACRS meetings, and/or proceed to preparation of reports as determined by the Chairman. [*Note:* Pursuant to 5 U.S.C. 552b(c)(2) and (6), a portion of this meeting may be closed to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of the ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.] [*Note:* Pursuant to 5 U.S.C. 552b(c)(4), a

portion of this session may be closed in order to discuss and protect information designated as proprietary.]

12:00 p.m.–6:00 p.m.: Preparation of ACRS Reports and Commission Meeting (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports and Commission meeting preparation. [*Note:* Pursuant to 5 U.S.C. 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]

Friday, December 4, 2020

10:00 a.m.–12:00 p.m.: Meeting with the Commission (Open)—The Committee will have presentations and discussion with the NRC Commission. The public may observe Commission meetings. Information may be found at *https://www.nrc.gov/public-involve/public-meetings/schedule.html.*

1:00 p.m.–6:00 p.m.: Preparation of ACRS Reports (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports. [*Note:* Pursuant to 5 U.S.C. 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on June 13, 2019 (84 FR 27662). In accordance with those procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry. Persons desiring to make oral statements should notify Quynh Nguyen, Cognizant ACRS Staff and the Designated Federal Officer (Telephone: 301–415–5844, Email: *Quynh.Nguyen@nrc.gov*), 5 days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the Cognizant ACRS staff if such rescheduling would result in major inconvenience.

An electronic copy of each presentation should be emailed to the Cognizant ACRS Staff at least one day before meeting.

In accordance with Subsection 10(d) of Public Law 92–463 and 5 U.S.C. 552b(c), certain portions of this meeting may be closed, as specifically noted above. Use of still, motion picture, and television cameras during the meeting may be limited to selected portions of the meeting as determined by the Chairman. Electronic recordings will be permitted only during the open portions of the meeting.

ACRS meeting agendas, meeting transcripts, and letter reports are available through the NRC Public Document Room (PDR) at *pdr.resource@nrc.gov,* or by calling the PDR at 1–800–397–4209, or from the Publicly Available Records System component of NRC's document system (ADAMS) which is accessible from the NRC website at *https://www.nrc.gov/reading-rm/adams.html* or *https://www.nrc.gov/reading-rm/doc-collections/#ACRS/.*

Video teleconferencing service is available for observing open sessions of ACRS meetings. Those wishing to use this service should contact Thomas Dashiell, ACRS Audio Visual Technician (301–415–7907), between 7:30 a.m. and 3:45 p.m. (ET), at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment and facilities that they use to establish the video teleconferencing link. The availability of video teleconferencing services is not guaranteed.

Note: This notice is late due to the COVID–19 public health emergency and current health precautions which required the Committee to prepare for the meeting to be held remotely.

Dated: November 17, 2020.

Russell E. Chazell,

Federal Advisory Committee Management Officer, Office of the Secretary.

[FR Doc. 2020–25637 Filed 11–19–20; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Application To Make Deposit or Redeposit (CSRS)—SF 2803 and Application To Make Service Credit Payment for Civilian Service (FERS)—SF 3108

AGENCY: Office of Personnel Management.

ACTION: 30-Day notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on a revised information collection, Application to Make Deposit or Redeposit (CSRS)—SF 2803 and Application to Make Service Credit Payment for Civilian Service (FERS)—SF 3108, and includes revision to the Privacy Act Statement.

DATES: Comments are encouraged and will be accepted until December 21, 2020.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent via electronic mail to: *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of this information collection, with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street NW, Room 3316–L, Washington, DC 20415, Attention: Cyrus S. Benson, or sent via electronic mail to *Cyrus.Benson@opm.gov* or faxed to (202) 606–0910 or via telephone at (202) 606–4808.

SUPPLEMENTARY INFORMATION: As required by the Paperwork Reduction Act of 1995 OPM is soliciting comments for this collection. The information collection (OMB No. 3206–0134) was previously published in the **Federal Register** on June 11, 2020, at 85 FR 35671, allowing for a 60-day public comment period. No comments were received for this collection. The purpose of this notice is to allow an additional 30 days for public comments. The Office of Management and Budget is particularly interested in comments that:

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.

SF 2803, Application to Make Deposit or Redeposit (CSRS) and SF 3108, Application to Make Service Credit Payment for Civilian Service (FERS), are

applications to make payment used by persons who are eligible to pay for Federal service which was not subject to retirement deductions which were subsequently refunded to the applicant.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Application to Make Deposit or Redeposit (CSRS), and Application to Make Service Credit Payment for Civilian Service (FERS).

OMB Number: 3206–0134.

Frequency: On occasion.

Affected Public: Individual or Households.

Number of Respondents: 150.

Estimated Time per Respondent: 30 minutes.

Total Burden Hours: 75.

Office of Personnel Management.

Alexys Stanley,

Regulatory Affairs Analyst.

[FR Doc. 2020–25628 Filed 11–19–20; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

[OMB Control No. 3206–NEW]

Information Collection; Improving Customer Experience (OMB Circular A–11, Section 280 Implementation)

AGENCY: Office of Personnel Management.

ACTION: Notice and request for comments.

SUMMARY: As part of the Administration's commitment to improving customer service delivery, the Office of Personnel Management has under OMB review the following proposed Information Collection Request ''Improving Customer Experience (OMB Circular A–11, Section 280 Implementation)'' for approval under the Paperwork Reduction Act (PRA).

DATES: *Submit comments on or before:* December 21, 2020.

ADDRESSES: Submit comments identified by Information Collection 3206–NEW, Improving Customer Experience (OMB Circular A–11, Section 280 Implementation), by any of the following methods:

• *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.

Instructions: Please submit comments only and cite Information Collection 3206–XXXX, Improving Customer Experience (OMB Circular A–11, Section 280 Implementation) in all correspondence related to this collection. To confirm receipt of your comment(s), please check *regulations.gov,* approximately two-to-three business days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Amy Yu, 1900 E Street NW, Room 5416, Washington, DC 20415. Email: *Amy.Yu@opm.gov* Phone: (202) 606–2927.

SUPPLEMENTARY INFORMATION:

Title: Improving Customer Experience (OMB Circular A–11, Section 280 Implementation)

Abstract: A modern, streamlined and responsive customer experience means: Raising government-wide customer experience to the average of the private sector service industry; developing indicators for high-impact Federal programs to monitor progress towards excellent customer experience and mature digital services; and providing the structure (including increasing transparency) and resources to ensure customer experience is a focal point for agency leadership.

This proposed information collection activity provides a means to garner customer and stakeholder feedback in an efficient, timely manner in accordance with the Administration's commitment to improving customer service delivery as discussed in Section 280 of OMB Circular A–11 at *https://www.whitehouse.gov/wp-content/uploads/2018/06/s280.pdf.*

As discussed in OMB guidance, agencies should identify their highest-impact customer journeys (using customer volume, annual program cost, and/or knowledge of customer priority as weighting factors) and select touchpoints/transactions within those journeys to collect feedback to allow for additional ICRs to be submitted under the Generic Collection.

These results will be used to improve the delivery of Federal services and programs. It will also provide government-wide data on customer experience that can be displayed on *www.performance.gov* to help build transparency and accountability of Federal programs to the customers they serve.

As a general matter, these 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.

The Office of Personnel Management will only submit collections if they meet the following criteria.

• The collections are voluntary;

• The collections are low-burden for respondents (based on considerations of total burden hours or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government;

• The collections are non-controversial and do not raise issues of concern to other Federal agencies;

• 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;

• Personally identifiable information (PII) is collected only to the extent necessary and is not retained;

• Information gathered is intended to be used for general service improvement and program management purposes

• Upon agreement between OMB and the agency all or a subset of information may be released as part of A–11, Section 280 requirements only on *performance.gov.* Summaries of customer research and user testing activities may be included in public-facing customer journey maps.

• Additional release of data must be done coordinated with OMB.

These collections will allow for ongoing, collaborative and actionable communications between the Agency, its customers and stakeholders, and OMB as it monitors agency compliance on Section 280. These responses will 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 services will be unavailable.

Current Action: New Collection of Information.

Type of Review: New.

Affected Public: Individuals and Households, Businesses and Organizations, State, Local or Tribal Government.

Estimated Number of Respondents: Below is a preliminary estimate of the aggregate burden hours for this new collection. The U.S. Office of Personnel Management will provide refined estimates of burden in subsequent notices.

Average Expected Annual Number of Activities: Approximately five types of customer experience activities such as

feedback surveys, focus groups, user testing, and interviews.

Average Number of Respondents per Activity: 1 response per respondent per activity.

Estimated Number of Respondents: 1,009,850.

Estimated Time per Response: Varied, dependent upon the data collection method used. The possible response time to complete a questionnaire or survey may be 3 minutes or up to 30 minutes to participate in an interview.

Estimated Total Annual Burden Hours: 252,975.

Estimated Total Annual Cost to the Government: $14,527,495.63.

Estimated Total Annual Cost to Public: We have identified no reporting or recordkeeping ''non-hour'' cost burdens for this collection of information.

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) 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.

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.

All written comments will be available for public inspection *Regulations.gov*.

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 Office of Management and Budget control number.

Office of Personnel Management.

Alexys Stanley,

Regulatory Affairs Analyst.

[FR Doc. 2020–25627 Filed 11–19–20; 8:45 am]

BILLING CODE 6325–23–P

POSTAL SERVICE

Change in Rates and Classes of General Applicability for Competitive Products

AGENCY: Postal Service™.

ACTION: Notice of a change in rates of general applicability for competitive products.

SUMMARY: This notice sets forth changes in rates of general applicability for competitive products.

DATES: The change in rates is effective January 24, 2021.

FOR FURTHER INFORMATION CONTACT: Elizabeth Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: On November 12, 2020, pursuant to their authority under 39 U.S.C. 3632, the Governors of the Postal Service established prices and classification changes for competitive products. The Governors' Decision and the record of proceedings in connection with such decision are reprinted below in accordance with section 3632(b)(2).

Joshua J. Hofer,

Attorney, Federal Compliance.

Decision of the Governors of the United States Postal Service on Changes in Rates of General Applicability for Competitive Products (Governors' Decision No. 20–5)

November 12, 2020

Statement of Explanation and Justification

Pursuant to authority under section 3632 of title 39, as amended by the Postal Accountability and Enhancement Act of 2006 (''PAEA''), we establish new prices of general applicability for the Postal Service's shipping services (competitive products), and such changes in classifications as are necessary to define the new prices. The changes are described generally below, with a detailed description of the changes in the attachment. The attachment includes the draft Mail Classification Schedule sections with classification changes in legislative format, and new prices displayed in the price charts.

As shown in the nonpublic annex being filed under seal herewith, the changes we establish should enable each competitive product to cover its attributable costs (39 U.S.C. 3633(a)(2)) and should result in competitive products as a whole complying with 39 U.S.C. 3633(a)(3), which, as implemented by 39 CFR 3035.107(c), requires competitive products collectively to contribute a minimum of 9.1 percent to the Postal Service's institutional costs. Accordingly, no issue of subsidization of competitive products by market dominant products should arise (39 U.S.C. 3633(a)(1)). We therefore find that the new prices are in accordance with 39 U.S.C. 3632–3633 and 39 CFR 3035.102.

I. Domestic Products

A. Priority Mail Express

Overall, the Priority Mail Express price change represents a 1.2 percent increase. The existing structure of zoned Retail, Commercial Base, and Commercial Plus price categories is maintained, with Commercial Base and Commercial Plus prices continuing to be set equal to each other. Dimensional weighting, which was introduced for all zones in 2019, will continue in 2021. New for 2021, a $100 fee will be assessed on parcels found in the mailstream that exceed the maximum mailable size limit (combined length and girth greater than 130 inches).

Retail prices will increase an average of 1.0 percent. The price for the Retail Flat Rate Envelope, a significant portion of all Priority Mail Express volume, will remain priced at $26.35, with the Legal Size and Padded Flat Rate Envelopes priced at $26.50 and $26.95, respectively.

The Commercial Base price category offers lower prices to customers who use online and other authorized postage payment methods. The Commercial Base prices will increase 2.5 percent on average. Commercial Base prices will, on average, reflect a 14.1 percent discount off of Retail prices.

The Commercial Plus price category has traditionally offered even lower prices to large-volume customers. Commercial Plus prices were matched to the Commercial Base prices in 2016 and will continue to be in 2021. For January, Commercial Plus prices as a whole will receive a 2.5 percent increase on average.

B. Priority Mail

On average, the Priority Mail prices will be increased by 3.5 percent. The existing structure of Priority Mail Retail, Commercial Base, and Commercial Plus

price categories is maintained. Dimensional weighting, which was extended to all zones in 2019, will continue in 2021. New for 2021, a $100 fee will be assessed on parcels found in the mailstream that exceed the maximum mailable size limit (combined length and girth greater than 130 inches).

Retail prices will increase an average of 3.0 percent. Retail Flat Rate Box prices will be: Small, $8.45; Medium, $15.50; Large, $21.90 and Large APO/FPO/DPO, $20.40. Thus, the Large APO/FPO/DPO Flat Rate Box will be $1.50 less than the Large Flat Rate Box. The regular Flat Rate Envelope will be priced at $7.95, with the Legal Size and Padded Flat Rate Envelopes priced at $8.25 and $8.55, respectively.

The Commercial Base price category offers lower prices to customers using authorized postage payment methods. The Commercial Base prices will increase 3.6 percent on average. Commercial Base prices will, on average, reflect a 14.4 percent discount off of Retail prices.

The Commercial Plus price category has traditionally offered even lower prices to large-volume customers. For January, Commercial Plus prices as a whole will receive a 4.5 percent increase and will average 14.1 percent off Retail prices.

C. Parcel Select

On average, prices for destination-entered non-Lightweight Parcel Select, the Postal Service's bulk ground shipping product, will increase 8.9 percent. For destination delivery unit (DDU) entered parcels, the average price increase is 4.9 percent. For destination sectional center facility (DSCF) destination entered parcels, the average price increase is 10.7 percent. For destination network distribution center (DNDC) parcels, the average price increase is 9.7 percent. Prices for Parcel Select Lightweight will increase by 20.0 percent. Parcel Select Ground will see a 1.3 percent price increase. Dimensional weighting, which was introduced for all zones in 2019, will continue in 2021. New for 2021, a $100 fee will be assessed on parcels found in the mailstream that exceed the maximum mailable size limit (combined length and girth greater than 130 inches).

D. Parcel Return Service

Parcel Return Service prices will have an overall price increase of 4.9 percent. Prices for parcels retrieved at a return sectional center facility (RSCF) will increase by 4.9 percent, and prices for parcels picked up at a return delivery unit (RDU) will increase 4.9 percent. New for 2021, a $100 fee will be assessed on parcels found in the mailstream that exceed the maximum mailable size limit (combined length and girth greater than 130 inches).

E. First-Class Package Service

First-Class Package Service (FCPS) continues to be positioned as a lightweight (less than one pound) offering primarily used by businesses for fulfillment purposes. In 2017, First-Class Mail Parcels were transferred to the competitive product list and renamed First-Class Package Service—Retail (FCPS-Retail), and in 2019, the FCPS-Retail and FCPS-Commercial price categories were given zone-based pricing. Overall, FCPS prices will increase 6.2 percent, with a 4.8 percent increase for FCPS-Retail and a 6.5 percent increase for FCPS-Commercial. New for 2021, a $100 fee will be assessed on parcels found in the mailstream that exceed the maximum mailable size limit (combined length and girth greater than 130 inches).

F. USPS Retail Ground

USPS Retail Ground prices will increase 3.0 percent. Customers shipping in Zones 1–4 will continue to receive Priority Mail service and will only default to Retail Ground if the item contains hazardous material or is otherwise not permitted to travel by air transportation. New for 2021, a $100 fee will be assessed on parcels found in the mailstream that exceed the maximum mailable size limit (combined length and girth greater than 130 inches).

G. Domestic Extra Services

Premium Forwarding Service (PFS) prices will increase between 3.9 and 4.0 percent in 2021, depending on the specific rate element. The retail counter enrollment fee will increase to $22.75. The online enrollment option, introduced in 2014, will now be available for $20.90. The weekly reshipment fee will increase to $22.75. PFS Local, which was introduced in 2019 for P.O. Box customers, will have an increase in the reshipment fee to $22.75. Prices for Adult Signature service will increase to $6.90 for the basic service and $7.15 for the person-specific service. Address Enhancement Service price increases will vary depending on the particular rate element, to ensure adequate cost coverage. Competitive Post Office Box prices will be increasing 23.3 percent on average, and some adjustments will be made to the price ranges. Package Intercept Service will increase 4.1 percent, to $15.25. The Pickup On Demand fee will increase to $25.00 for 2021. Premium Data Retention and Retrieval Service, which was introduced in 2020, will have no price change for 2021.

Order

The changes in prices and classes set forth herein shall be effective at 12:01 a.m. on January 24, 2021. We direct the Secretary to have this decision published in the **Federal Register** in accordance with 39 U.S.C. 3632(b)(2), and direct management to file with the Postal Regulatory Commission appropriate notice of these changes.

By The Governors:

/s/

Robert M. Duncan,

Chairman, Board of Governors.

United States Postal Service Office of the Board of Governors

Certification of Governors' Vote On Governors' Decision No. 20–5

Consistent with 39 U.S.C. 3632(a), I hereby certify that, on November 12, 2020, the Governors voted on adopting Governors' Decision No. 20–5, and that a majority of the Governors then holding office voted in favor of that Decision.

/s/

Katherine Sigler,

Secretary of the Board of Governors (A).

Dated: November 12, 2020.

BILLING CODE 7710–12–P

PART B

COMPETITIVE PRODUCTS

2000 COMPETITIVE PRODUCT LIST

2100 Domestic Products

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2105 Priority Mail Express

* * *

2105.2 Size and Weight Limitations[1]

	Length	Height	Thickness	Weight
Minimum	large enough to accommodate postage, address, and other required elements on the address side			none
Maximum	108 inches in combined length and girth			70 pounds[1]
Flat Rate Envelopes	Nominal Sizes: Regular: 9.5 x 12.5 inches Legal: 9.5 x 15 inches Padded: 9.5 x 12.5 inches			

Notes

1. ~~An overweight item~~ charge of $100.00 applies to pieces found in the postal network that exceed the 70-pound maximum weight limitation or the 130-inch length plus girth maximum dimensional limit for Postal Service products. Such items are nonmailable and will not be delivered. As described in the Domestic Mail Manual, this charge is payable before release of the item, unless the item is picked up at the same facility where it was entered.

* * *

2105.6 Prices

Retail Priority Mail Express Zone/Weight

Maximum Weight (pounds)	Local, Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)	Zone 9 ($)
0.5	26.35	26.60	28.55	31.95	34.15	36.35	38.95	53.10
1	26.75	28.85	32.75	38.20	41.15	43.60	46.15	62.85
2	27.15	31.15	36.90	44.50	48.20	50.85	53.30	72.65
3	27.55	33.40	41.10	50.75	55.20	58.15	60.50	82.40
4	27.95	35.70	45.25	57.05	62.25	65.40	67.65	92.20
5	28.35	37.95	49.45	63.30	69.25	72.65	74.85	101.95
6	31.20	41.65	54.85	69.55	75.65	79.55	81.95	111.60
7	34.10	45.35	60.30	75.75	82.05	86.45	89.05	121.30
8	36.95	49.10	65.70	82.00	88.50	93.40	96.15	130.95
9	39.85	52.80	71.15	88.20	94.90	100.30	103.25	140.65
10	42.70	56.50	76.55	94.45	101.30	107.20	110.35	150.30
11	44.75	60.70	80.85	98.70	105.30	111.40	114.75	156.30
12	46.80	64.90	85.20	102.90	109.30	115.60	119.15	162.30
13	48.90	69.15	89.50	107.15	113.35	119.80	123.60	168.35
14	50.95	73.35	93.80	111.35	117.35	124.00	128.00	174.35
15	53.00	77.55	98.10	115.55	121.35	128.20	132.40	180.35
16	55.05	81.75	102.45	119.80	125.35	132.45	136.80	186.35
17	57.10	85.95	106.75	124.00	129.35	136.65	141.20	192.35
18	59.20	90.20	111.05	128.25	133.40	140.85	145.65	198.40
19	61.25	94.40	115.40	132.45	137.40	145.05	150.05	204.40
20	63.30	98.60	119.70	136.70	141.40	149.25	154.45	210.40
21	65.60	103.15	124.55	142.15	146.90	155.00	160.45	218.55
22	67.95	107.65	129.40	147.55	152.45	160.75	166.45	226.75
23	70.25	112.20	134.20	153.00	157.95	166.50	172.45	234.90
24	72.55	116.70	139.05	158.40	163.50	172.20	178.45	243.10
25	74.85	121.25	143.90	163.85	169.00	177.95	184.45	251.25

Retail Priority Mail Express Zone/Weight (Continued)

Maximum Weight (pounds)	Local, Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)	Zone 9 ($)
26	77.20	125.80	148.75	169.30	174.50	183.70	190.45	259.40
27	79.50	130.30	153.60	174.70	180.05	189.45	196.45	267.60
28	81.80	134.85	158.40	180.15	185.55	195.20	202.40	275.75
29	84.10	139.35	163.25	185.55	191.10	200.95	208.40	283.95
30	86.45	143.90	168.10	191.00	196.60	206.70	214.40	292.10
31	88.75	148.45	172.95	196.45	202.10	212.45	220.40	300.25
32	91.05	152.95	177.80	201.85	207.65	218.15	226.40	308.45
33	93.35	157.50	182.60	207.30	213.15	223.90	232.40	316.60
34	95.70	162.00	187.45	212.70	218.70	229.65	238.40	324.80
35	98.00	166.55	192.30	218.15	224.20	235.40	244.40	332.95
36	100.55	171.00	197.40	224.00	230.30	241.75	250.95	341.95
37	102.75	175.20	202.55	229.65	236.45	248.10	257.65	350.80
38	105.15	179.70	207.65	235.45	242.35	254.20	263.95	359.60
39	107.75	184.05	212.90	241.10	247.90	260.05	270.50	368.50
40	110.05	188.20	218.05	246.95	254.00	266.20	277.15	377.50
41	112.20	192.65	224.20	253.80	261.45	274.05	285.00	388.10
42	114.20	197.05	229.40	259.40	267.65	280.30	291.45	397.00
43	116.85	201.35	234.35	265.10	273.55	286.40	298.00	406.00
44	119.00	205.75	239.60	270.85	279.40	292.55	304.60	414.75
45	121.30	210.10	244.60	276.40	285.35	298.70	311.25	423.90
46	123.60	214.30	250.05	282.25	291.35	304.75	317.70	432.70
47	126.25	218.65	255.05	287.90	297.40	311.05	324.25	441.60
48	128.35	223.20	260.10	293.45	303.35	317.15	330.80	450.55
49	130.70	227.35	265.35	299.15	309.55	323.50	337.30	459.55
50	133.45	231.85	270.50	304.95	315.35	329.50	343.85	468.40

Retail Priority Mail Express Zone/Weight (Continued)

Maximum Weight (pounds)	Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)	Zone 9 ($)
51	135.80	236.25	275.65	310.55	321.25	335.55	349.55	476.10
52	138.10	240.30	280.70	316.10	327.45	341.85	357.20	486.35
53	140.40	244.85	285.95	321.75	333.45	348.05	363.65	495.30
54	142.90	249.20	291.00	327.25	339.55	354.25	370.10	504.10
55	145.75	254.95	296.30	333.05	345.40	360.25	376.65	513.00
56	148.75	259.40	302.75	340.25	353.00	368.25	385.05	524.55
57	151.35	263.75	307.95	346.00	359.00	374.30	391.60	533.35
58	153.90	267.95	313.10	351.55	365.10	380.55	398.15	542.30
59	156.05	272.30	318.15	357.10	371.30	386.75	404.75	551.25
60	158.15	276.70	323.40	362.80	377.25	392.85	411.30	560.25
61	160.40	281.05	328.85	368.75	383.25	398.95	417.85	569.20
62	162.90	285.35	333.90	374.10	389.20	405.10	424.60	578.30
63	165.55	289.65	339.05	379.80	395.35	411.35	431.15	587.30
64	167.85	293.95	344.15	385.25	401.45	417.60	437.75	596.35
65	170.70	298.30	349.30	390.85	407.45	423.45	444.30	605.10
66	173.90	302.80	354.60	396.60	413.50	429.60	450.85	613.85
67	175.90	307.05	359.85	402.25	419.25	435.55	457.40	623.05
68	178.20	311.35	364.95	407.70	425.55	441.95	464.20	632.25
69	181.00	315.75	370.05	413.35	431.45	447.90	470.50	640.80
70	184.30	320.15	375.30	418.95	437.50	454.00	477.10	649.85

Retail Flat Rate Envelope

	($)
Retail Regular Flat Rate Envelope, per piece	26.35
Retail Legal Flat Rate Envelope, per piece	26.50
Retail Padded Flat Rate Envelope, per piece	26.95

Retail Dimensional Weight

In Zones 1-9 (including local), parcels exceeding one cubic foot are priced at the actual weight or the dimensional weight, whichever is greater.

For box-shaped parcels, the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) of the parcel, and dividing by 166.

For irregular-shaped parcels (parcels not appearing box-shaped), the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) at the associated maximum cross-sections of the parcel, dividing by 166, and multiplying by an adjustment factor of 0.785.

Loyalty Program

Upon the initiation of the Loyalty Program, all USPS business customers who use Click-N-Ship will be automatically enrolled in the Basic tier of the Loyalty Program, thereby earning a $40 credit for every $500 combined spent at Priority Mail Express Retail and Priority Mail Retail rates.

Beginning on January 1, 2021, and on every January 1 thereafter, all USPS business customers who use Click-N-Ship will be enrolled in one of the following three tiers of the Loyalty Program, based on their combined shipping spend at Priority Mail Express Retail and Priority Mail Retail rates in the previous calendar year, as follows:

- Basic (no minimum spend):
  Earn $40 credit for every $500 spent
- Silver (at least $10,000 spend):
  Earn $50 credit for every $500 spent
- Gold (at least $20,000 spend):
  Qualify for Commercial Base Pricing

In the first year of the Loyalty Program, any new USPS business customer who uses Click-N-Ship will receive a one-time $40 “Welcome Bonus” credit upon shipping at least $500 combined at Priority Mail Express Retail and Priority Mail Retail rates.

All participants in the Loyalty Program will be eligible to receive an additional one-time $20 credit for shipping during the first two months of the program, which will be applied once participants ship at least $500 combined at Priority Mail Express Retail and Priority Mail Retail rates.

All credits must be redeemed within one year from the date of issuance.

Commercial Base Zone/Weight

Maximum Weight (pounds)	Local, Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)	Zone 9 ($)
0.5	22.75	23.30	25.00	27.45	29.40	31.40	34.00	46.15
1	23.00	25.20	28.55	32.45	35.00	37.25	39.85	54.05
2	23.25	27.05	32.10	37.50	40.60	43.05	45.70	62.00
3	23.50	28.95	35.65	42.50	46.25	48.90	51.55	69.90
4	23.75	30.80	39.20	47.55	51.85	54.70	57.40	77.85
5	24.00	32.70	42.75	52.55	57.45	60.55	63.25	85.75
6	26.45	35.95	47.50	57.80	62.85	66.40	69.35	94.00
7	28.90	39.20	52.25	63.05	68.25	72.25	75.40	102.25
8	31.40	42.50	57.00	68.30	73.70	78.10	81.50	110.45
9	33.85	45.75	61.75	73.55	79.10	83.95	87.55	118.70
10	36.30	49.00	66.50	78.80	84.50	89.80	93.65	126.95
11	38.20	52.90	70.55	82.90	88.40	93.95	98.05	132.90
12	40.10	56.80	74.55	86.95	92.35	98.05	102.40	138.85
13	42.05	60.70	78.60	91.05	96.25	102.20	106.80	144.80
14	43.95	64.60	82.65	95.10	100.15	106.30	111.15	150.75
15	45.85	68.50	86.65	99.20	104.10	110.45	115.55	156.65
16	47.75	72.35	90.70	103.30	108.00	114.55	119.90	162.60
17	49.65	76.25	94.75	107.35	111.90	118.70	124.30	168.55
18	51.60	80.15	98.80	111.45	115.80	122.80	128.65	174.50
19	53.50	84.05	102.80	115.50	119.75	126.95	133.05	180.45
20	55.40	87.95	106.85	119.60	123.65	131.05	137.40	186.40
21	57.45	92.05	111.05	124.25	128.35	135.95	142.60	193.45
22	59.50	96.15	115.25	128.85	133.05	140.90	147.80	200.50
23	61.55	100.25	119.50	133.50	137.80	145.80	153.00	207.55
24	63.60	104.35	123.70	138.15	142.50	150.70	158.20	214.60
25	65.65	108.45	127.90	142.75	147.20	155.65	163.40	221.65

Commercial Base Zone/Weight (Continued)

Maximum Weight (pounds)	Local, Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)	Zone 9 ($)
26	67.70	112.55	132.10	147.40	151.90	160.55	168.60	228.70
27	69.75	116.65	136.30	152.05	156.60	165.45	173.80	235.75
28	71.85	120.70	140.55	156.65	161.35	170.40	179.00	242.80
29	73.90	124.80	144.75	161.30	166.05	175.30	184.20	249.85
30	75.95	128.90	148.95	165.95	170.75	180.20	189.40	256.90
31	78.00	133.00	153.15	170.55	175.45	185.15	194.60	263.95
32	80.05	137.10	157.35	175.20	180.15	190.05	199.80	271.00
33	82.10	141.20	161.60	179.85	184.90	194.95	205.00	278.05
34	84.15	145.30	165.80	184.45	189.60	199.90	210.20	285.10
35	86.20	149.40	170.00	189.10	194.30	204.80	215.40	292.15
36	88.45	153.35	174.65	194.15	199.65	210.35	221.15	300.00
37	90.35	157.15	179.10	199.00	204.95	215.85	226.95	307.85
38	92.45	161.15	183.65	204.05	210.00	221.15	232.60	315.50
39	94.75	165.10	188.30	208.95	214.90	226.25	238.40	323.40
40	96.80	168.80	192.90	214.00	220.15	231.70	244.15	331.25
41	99.20	173.65	198.35	219.90	226.60	238.40	251.10	340.60
42	100.95	177.65	202.85	224.85	231.90	243.90	256.75	348.35
43	103.30	181.45	207.35	229.75	237.05	249.20	262.65	356.20
44	105.10	185.45	211.95	234.70	242.15	254.50	268.30	364.00
45	107.15	189.35	216.35	239.50	247.35	259.90	274.20	371.95
46	109.25	193.20	221.15	244.65	252.50	265.20	279.90	379.70
47	111.55	197.10	225.65	249.55	257.70	270.60	285.70	387.55
48	113.50	201.15	230.10	254.25	262.90	275.95	291.45	395.35
49	115.45	204.90	234.70	259.25	268.25	281.50	297.30	403.30
50	117.95	208.95	239.30	264.30	273.30	286.60	303.00	411.00

Commercial Base Zone/Weight (Continued)

Maximum Weight (pounds)	Local, Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)	Zone 9 ($)
51	120.00	212.95	243.80	269.10	278.40	291.95	307.95	417.75
52	122.10	216.65	248.25	273.95	283.85	297.45	314.60	426.80
53	124.05	220.70	252.90	278.90	289.00	302.80	320.35	434.55
54	126.30	224.65	257.35	283.65	294.20	308.20	326.10	442.40
55	128.80	229.80	262.10	288.70	299.35	313.45	331.80	450.15
56	132.10	234.95	267.85	294.95	305.95	320.30	339.30	460.25
57	134.40	238.90	272.45	299.85	311.15	325.65	345.05	468.00
58	136.70	242.65	276.95	304.65	316.50	331.10	350.85	475.85
59	138.60	246.60	281.50	309.55	321.80	336.50	356.60	483.70
60	140.45	250.55	286.10	314.40	327.00	341.80	362.40	491.60
61	142.40	254.60	290.90	319.50	332.20	347.15	368.20	499.45
62	144.65	258.40	295.30	324.20	337.35	352.35	374.10	507.45
63	147.05	262.35	299.90	329.10	342.60	357.85	379.95	515.35
64	149.00	266.25	304.40	333.85	347.90	363.20	385.75	523.20
65	151.55	270.20	308.95	338.75	353.10	368.40	391.45	530.95
66	154.35	274.25	313.65	343.75	358.30	373.85	397.20	538.70
67	156.15	278.10	318.25	348.65	363.35	378.95	403.05	546.70
68	158.20	282.05	322.80	353.35	368.80	384.55	408.95	554.75
69	160.70	286.05	327.30	358.20	373.90	389.75	414.50	562.30
70	163.65	289.95	331.95	363.05	379.15	395.05	420.35	570.20

Commercial Base Flat Rate Envelope

	($)
Commercial Base Regular Flat Rate Envelope, per piece	22.75
Commercial Base Legal Flat Rate Envelope, per piece	22.95
Commercial Base Padded Flat Rate Envelope, per piece	23.25

Commercial Base Dimensional Weight

In Zones 1-9 (including local), parcels exceeding one cubic foot are priced at the actual weight or the dimensional weight, whichever is greater.

For box-shaped parcels, the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) of the parcel, and dividing by 166.

For irregular-shaped parcels (parcels not appearing box-shaped), the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) at the associated maximum cross-sections of the parcel, dividing by 166, and multiplying by an adjustment factor of 0.785.

Commercial Plus Zone/Weight

Maximum Weight (pounds)	Local, Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)	Zone 9 ($)
0.5	22.75	23.30	25.00	27.45	29.40	31.40	34.00	46.15
1	23.00	25.20	28.55	32.45	35.00	37.25	39.85	54.05
2	23.25	27.05	32.10	37.50	40.60	43.05	45.70	62.00
3	23.50	28.95	35.65	42.50	46.25	48.90	51.55	69.90
4	23.75	30.80	39.20	47.55	51.85	54.70	57.40	77.85
5	24.00	32.70	42.75	52.55	57.45	60.55	63.25	85.75
6	26.45	35.95	47.50	57.80	62.85	66.40	69.35	94.00
7	28.90	39.20	52.25	63.05	68.25	72.25	75.40	102.25
8	31.40	42.50	57.00	68.30	73.70	78.10	81.50	110.45
9	33.85	45.75	61.75	73.55	79.10	83.95	87.55	118.70
10	36.30	49.00	66.50	78.80	84.50	89.80	93.65	126.95
11	38.20	52.90	70.55	82.90	88.40	93.95	98.05	132.90
12	40.10	56.80	74.55	86.95	92.35	98.05	102.40	138.85
13	42.05	60.70	78.60	91.05	96.25	102.20	106.80	144.80
14	43.95	64.60	82.65	95.10	100.15	106.30	111.15	150.75
15	45.85	68.50	86.65	99.20	104.10	110.45	115.55	156.65
16	47.75	72.35	90.70	103.30	108.00	114.55	119.90	162.60
17	49.65	76.25	94.75	107.35	111.90	118.70	124.30	168.55
18	51.60	80.15	98.80	111.45	115.80	122.80	128.65	174.50
19	53.50	84.05	102.80	115.50	119.75	126.95	133.05	180.45
20	55.40	87.95	106.85	119.60	123.65	131.05	137.40	186.40
21	57.45	92.05	111.05	124.25	128.35	135.95	142.60	193.45
22	59.50	96.15	115.25	128.85	133.05	140.90	147.80	200.50
23	61.55	100.25	119.50	133.50	137.80	145.80	153.00	207.55
24	63.60	104.35	123.70	138.15	142.50	150.70	158.20	214.60
25	65.65	108.45	127.90	142.75	147.20	155.65	163.40	221.65

Commercial Plus Zone/Weight (Continued)

Maximum Weight (pounds)	Local, Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)	Zone 9 ($)
26	67.70	112.55	132.10	147.40	151.90	160.55	168.60	228.70
27	69.75	116.65	136.30	152.05	156.60	165.45	173.80	235.75
28	71.85	120.70	140.55	156.65	161.35	170.40	179.00	242.80
29	73.90	124.80	144.75	161.30	166.05	175.30	184.20	249.85
30	75.95	128.90	148.95	165.95	170.75	180.20	189.40	256.90
31	78.00	133.00	153.15	170.55	175.45	185.15	194.60	263.95
32	80.05	137.10	157.35	175.20	180.15	190.05	199.80	271.00
33	82.10	141.20	161.60	179.85	184.90	194.95	205.00	278.05
34	84.15	145.30	165.80	184.45	189.60	199.90	210.20	285.10
35	86.20	149.40	170.00	189.10	194.30	204.80	215.40	292.15
36	88.45	153.35	174.65	194.15	199.65	210.35	221.15	300.00
37	90.35	157.15	179.10	199.00	204.95	215.85	226.95	307.85
38	92.45	161.15	183.65	204.05	210.00	221.15	232.60	315.50
39	94.75	165.10	188.30	208.95	214.90	226.25	238.40	323.40
40	96.80	168.80	192.90	214.00	220.15	231.70	244.15	331.25
41	99.20	173.65	198.35	219.90	226.60	238.40	251.10	340.60
42	100.95	177.65	202.85	224.85	231.90	243.90	256.75	348.35
43	103.30	181.45	207.35	229.75	237.05	249.20	262.65	356.20
44	105.10	185.45	211.95	234.70	242.15	254.50	268.30	364.00
45	107.15	189.35	216.35	239.50	247.35	259.90	274.20	371.95
46	109.25	193.20	221.15	244.65	252.50	265.20	279.90	379.70
47	111.55	197.10	225.65	249.55	257.70	270.60	285.70	387.55
48	113.50	201.15	230.10	254.25	262.90	275.95	291.45	395.35
49	115.45	204.90	234.70	259.25	268.25	281.50	297.30	403.30
50	117.95	208.95	239.30	264.30	273.30	286.60	303.00	411.00

Commercial Plus Zone/Weight (Continued)

Maximum Weight (pounds)	Local, Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)	Zone 9 ($)
51	120.00	212.95	243.80	269.10	278.40	291.95	307.95	417.75
52	122.10	216.65	248.25	273.95	283.85	297.45	314.60	426.80
53	124.05	220.70	252.90	278.90	289.00	302.80	320.35	434.55
54	126.30	224.65	257.35	283.65	294.20	308.20	326.10	442.40
55	128.80	229.80	262.10	288.70	299.35	313.45	331.80	450.15
56	132.10	234.95	267.85	294.95	305.95	320.30	339.30	460.25
57	134.40	238.90	272.45	299.85	311.15	325.65	345.05	468.00
58	136.70	242.65	276.95	304.65	316.50	331.10	350.85	475.85
59	138.60	246.60	281.50	309.55	321.80	336.50	356.60	483.70
60	140.45	250.55	286.10	314.40	327.00	341.80	362.40	491.60
61	142.40	254.60	290.90	319.50	332.20	347.15	368.20	499.45
62	144.65	258.40	295.30	324.20	337.35	352.35	374.10	507.45
63	147.05	262.35	299.90	329.10	342.60	357.85	379.95	515.35
64	149.00	266.25	304.40	333.85	347.90	363.20	385.75	523.20
65	151.55	270.20	308.95	338.75	353.10	368.40	391.45	530.95
66	154.35	274.25	313.65	343.75	358.30	373.85	397.20	538.70
67	156.15	278.10	318.25	348.65	363.35	378.95	403.05	546.70
68	158.20	282.05	322.80	353.35	368.80	384.55	408.95	554.75
69	160.70	286.05	327.30	358.20	373.90	389.75	414.50	562.30
70	163.65	289.95	331.95	363.05	379.15	395.05	420.35	570.20

Commercial Plus Flat Rate Envelope

	($)
Commercial Plus Regular Flat Rate Envelope, per piece	22.75
Commercial Plus Legal Flat Rate Envelope, per piece	22.95
Commercial Plus Padded Flat Rate Envelope, per piece	23.25

Commercial Plus Dimensional Weight

In Zones 1-9 (including local), parcels exceeding one cubic foot are priced at the actual weight or the dimensional weight, whichever is greater.

For box-shaped parcels, the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) of the parcel, and dividing by 166.

For irregular-shaped parcels (parcels not appearing box-shaped), the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) at the associated maximum cross-sections of the parcel, dividing by 166, and multiplying by an adjustment factor of 0.785.

Pickup On Demand Service

Add ~~$24.00~~25.00 for each Pickup On Demand stop.

Sunday/Holiday Delivery

Add $12.50 for requesting Sunday or holiday delivery.

10:30 am Delivery

Add $5.00 for requesting delivery by 10:30 am.

IMpb Noncompliance Fee

Add ~~$0.20~~0.25 for each IMpb-noncompliant parcel paying commercial prices, unless the eVS Unmanifested Fee was already assessed on that parcel.

eVS Unmanifested Fee

Add ~~$0.20~~0.25 for each unmanifested parcel paying commercial prices, unless the IMpb Noncompliance Fee was already assessed on that parcel.

2110 Priority Mail

* * *

2110.2 Size and Weight Limitations[1]

	Length	Height	Thickness	Weight
Minimum	large enough to accommodate postage, address, and other required elements on the address side			none
Maximum				70 pounds[4]
Flat Rate Envelope	Nominal Sizes: Regular: 9.5 x 12.5 inches Padded: 10 x 13 inches Legal: 9.5 x 15.0 inches			
Flat Rate Box	Nominal Sizes: Large: 12 x 12 x 5.5 inches or 11. 75 x 3 x 23.6875 inches – approximately 1/2 cu. ft. Medium: 11.875 x 3.375 x 13.625 inches or 11 x 8.5 x 5.5 inches – approximately 1/3 cu. ft. Small: 8.625 x 5.375 x 1.625 inches – approximately 1/20 cu. ft.			
Regional Rate Box A	Outside Dimensions: Top Loaded: 10.125 x 7.125 x 5.0 inches Side Loaded: 13.0625 x 11.0625 x 2.5 inches			15 pounds
Regional Rate Box B	Outside Dimensions: Top Loaded: 12.25 x 10.5 x 5.5 inches Side Loaded: 16.25 x 14.5 x 3 inches			20 pounds
Commercial Plus Cubic	Various, not to exceed 0.1, 0.2, 0.3, 0.4, or 0.5 cubic feet			20 pounds
Open and Distribute	Half Tray: 15 x 11.75 x 4.75 inches Full Tray: 25.875 x 11.75 x 4.75 inches EMM Tray: 12.375 x 6.4375 x 25.25 inches Flat Tub: 19.375 x 13.8125 x 12.25 inches			70 pounds[4]
All Others	108 inches in combined length and girth			70 pounds[4]

Notes

1. ~~An overweight item~~ charge of $100.00 applies to pieces found in the postal network that exceed the 70-pound maximum weight limitation or the the 130-inch length plus girth maximum dimensional limit for Postal Service products. Such items are nonmailable and will not be delivered. As described in the Domestic Mail Manual, this charge is payable before release of the item, unless the item is picked up at the same facility where it was entered.

* * *

2110.6 Prices

Retail Priority Mail Zone/Weight

Maximum Weight (pounds)	Local, Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)	Zone 9 ($)
1	7.70	8.10	8.25	8.50	8.80	9.10	9.90	16.85
2	8.55	8.85	10.10	11.10	11.95	13.90	15.20	26.75
3	9.05	9.90	11.10	12.80	13.50	17.20	20.40	35.80
4	9.55	10.75	11.75	14.20	17.60	21.20	23.60	41.45
5	10.60	11.50	12.50	14.65	20.00	24.30	27.20	47.95
6	11.40	12.00	13.30	16.30	22.90	27.15	30.65	54.15
7	12.40	13.60	16.00	19.70	25.40	30.35	34.45	60.85
8	12.80	15.05	17.75	23.45	28.80	33.75	38.55	68.10
9	13.30	16.25	19.70	26.75	31.30	36.40	42.90	75.80
10	14.15	17.45	21.20	29.00	33.90	40.00	46.75	82.60
11	15.55	19.20	23.40	31.10	38.10	46.30	53.75	91.40
12	16.90	20.60	25.15	34.50	41.45	50.10	57.15	98.10
13	17.90	21.75	26.55	36.45	44.50	52.10	59.80	101.60
14	19.00	23.20	28.25	38.80	46.95	55.00	62.90	106.70
15	19.70	24.50	29.85	41.05	49.00	56.30	64.50	109.75
16	20.35	25.85	31.50	43.35	51.70	59.35	68.10	115.75
17	21.30	27.20	33.15	45.55	54.35	62.50	71.65	121.90
18	21.65	28.15	34.50	47.80	57.20	65.55	75.35	128.10
19	22.30	28.85	35.25	49.15	58.30	67.00	76.90	134.15
20	23.20	29.20	35.85	49.80	59.75	69.35	80.50	140.35
21	24.00	29.55	36.35	50.70	60.75	70.50	82.35	144.70
22	24.55	30.25	37.25	51.90	62.10	72.20	84.30	148.30
23	25.15	30.85	37.85	52.75	63.25	73.65	85.80	150.85
24	25.70	31.50	38.75	53.90	64.55	75.50	87.90	154.60
25	26.00	32.00	40.30	56.35	65.35	77.35	89.35	157.15

Retail Priority Mail Zone/Weight (Continued)

Maximum Weight (pounds)	Local, Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)	Zone 9 ($)
26	27.00	32.60	41.80	57.50	67.00	79.25	92.20	162.15
27	27.85	33.10	43.05	58.65	68.00	81.15	95.65	168.20
28	28.70	33.50	44.35	60.10	68.80	83.00	99.25	174.55
29	29.55	33.90	45.45	61.00	70.00	84.85	101.95	179.25
30	30.45	34.35	46.55	61.80	71.95	86.85	104.15	183.20
31	31.35	34.70	47.35	62.65	73.05	88.70	106.20	188.35
32	31.70	35.50	48.10	63.35	73.95	90.60	108.40	192.20
33	32.25	36.40	49.30	64.15	75.40	92.45	110.40	195.85
34	32.50	37.40	50.55	65.55	77.15	94.40	112.50	199.45
35	32.85	38.30	51.15	66.95	79.20	96.25	114.35	202.80
36	33.20	39.40	51.90	68.35	81.30	97.55	116.40	206.30
37	33.50	40.05	52.65	69.60	83.40	98.80	118.25	209.70
38	33.90	41.10	53.30	70.95	85.70	100.00	120.15	213.10
39	34.25	42.05	54.00	72.45	87.75	102.60	121.95	216.30
40	34.65	42.90	54.70	74.05	89.15	104.90	123.70	219.30
41	34.95	43.75	55.35	74.70	90.60	107.15	125.50	224.20
42	35.20	44.50	55.90	76.30	92.20	108.50	127.15	227.35
43	35.70	45.25	56.40	78.05	94.45	109.95	128.75	230.15
44	35.90	46.00	57.15	79.60	95.95	111.20	130.30	232.95
45	36.15	46.50	57.50	81.45	97.00	112.45	131.95	235.85
46	36.40	46.80	58.15	82.90	98.05	113.65	133.50	238.70
47	36.75	47.25	58.70	84.80	99.15	114.90	135.00	241.25
48	37.10	47.65	59.25	86.45	100.45	116.00	136.45	243.90
49	37.30	47.95	59.70	88.05	101.75	117.25	137.85	246.35
50	37.45	48.25	60.15	89.75	103.10	118.75	139.20	248.90

Retail Priority Mail Zone/Weight (Continued)

Maximum Weight (pounds)	Local, Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)	Zone 9 ($)
51	37.60	48.75	60.70	91.30	104.55	120.50	140.50	253.15
52	38.10	49.05	61.10	92.00	105.65	122.25	142.15	256.30
53	38.75	49.35	61.45	92.75	106.55	124.20	144.05	259.60
54	39.20	49.55	61.90	93.50	107.30	126.10	146.05	263.20
55	39.90	49.90	62.25	94.20	108.10	128.05	148.00	266.70
56	40.45	50.25	62.60	94.80	108.90	129.85	149.40	269.20
57	41.05	50.40	62.95	95.35	109.65	131.85	150.50	271.15
58	41.70	50.65	63.40	96.00	110.30	133.65	151.65	273.15
59	42.35	50.85	63.70	96.60	110.95	134.45	152.85	275.35
60	42.90	51.05	64.30	97.05	111.50	135.20	153.80	277.15
61	43.55	51.35	65.45	97.55	112.15	136.00	155.90	281.00
62	44.00	51.45	66.25	98.10	112.70	136.65	158.45	285.40
63	44.85	51.70	67.40	98.50	113.30	137.25	160.95	290.05
64	45.30	53.30	68.35	98.95	113.75	137.95	163.35	294.40
65	45.90	53.45	69.25	99.35	114.20	138.55	166.00	299.10
66	46.50	53.65	70.40	99.80	114.70	139.05	168.30	303.35
67	47.25	53.75	71.60	100.10	115.00	139.60	170.55	307.30
68	47.80	53.85	72.45	100.35	116.50	140.15	172.40	310.65
69	48.40	53.90	73.35	100.65	117.90	140.50	174.25	313.90
70	49.00	54.10	74.55	101.00	119.40	141.00	176.15	317.25

Retail Flat Rate Envelopes[1]

	($)
Retail Regular Flat Rate Envelope, per piece	7.95
Retail Legal Flat Rate Envelope, per piece	8.25
Retail Padded Flat Rate Envelope, per piece	8.55

Notes

1. The price for Regular, Legal, or Padded Flat Rate Envelopes also applies to sales of Regular, Legal, or Padded Flat Rate Envelopes, respectively, marked with Forever postage, at the time the envelopes are purchased.

Retail Flat Rate Boxes[1]

Size	Delivery to Domestic Address ($)	Delivery to APO/FPO/DPO Address ($)
Small Flat Rate Box	8.45	8.45
Medium Flat Rate Boxes	15.50	15.50
Large Flat Rate Boxes	21.90	20.40

Notes

1. The price for Small, Medium, or Large Flat Rate Boxes also applies to sales of Small, Medium, or Large Flat Rate Boxes, respectively, marked with Forever postage, at the time the boxes are purchased.

Regional Rate Boxes

Size	Local, Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)	Zone 9 ($)
A	10.13	10.34	10.64	11.31	13.19	13.93	14.94	25.67
B	10.53	10.94	11.86	14.66	19.80	22.40	25.20	45.28

Retail Dimensional Weight

In Zones 1-9 (including local), parcels exceeding one cubic foot are priced at the actual weight or the dimensional weight, whichever is greater.

For box-shaped parcels, the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) of the parcel, and dividing by 166.

For irregular-shaped parcels (parcels not appearing box-shaped), the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) at the associated maximum cross-sections of the parcel, dividing by 166, and multiplying by an adjustment factor of 0.785.

Loyalty Program

Upon the initiation of the Loyalty Program, all USPS business customers who use Click-N-Ship will be automatically enrolled in the Basic tier of the Loyalty Program, thereby earning a $40 credit for every $500 combined spent at Priority Mail Express Retail and Priority Mail Retail rates.

Beginning on January 1, 2021, and on every January 1 thereafter, all USPS business customers who use Click-N-Ship will be enrolled in one of the following three tiers of the Loyalty Program, based on their combined shipping spend at Priority Mail Express Retail and Priority Mail Retail rates in the previous calendar year, as follows:

- Basic (no minimum spend):
  Earn $40 credit for every $500 spent
- Silver (at least $10,000 spend):
  Earn $50 credit for every $500 spent
- Gold (at least $20,000 spend):
  Qualify for Commercial Base Pricing

In the first year of the Loyalty Program, any new USPS business customer who uses Click-N-Ship will receive a one-time $40 “Welcome Bonus” credit upon shipping at least $500 combined at Priority Mail Express Retail and Priority Mail Retail rates.

All participants in the Loyalty Program will be eligible to receive an additional one-time $20 credit for shipping during the first two months of the program, which will be applied once participants ship at least $500 combined at Priority Mail Express Retail and Priority Mail Retail rates.

All credits must be redeemed within one year from the date of issuance.

Commercial Base Priority Mail Zone/Weight

Maximum Weight (pounds)	Local, Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)	Zone 9 ($)
1	7.16	7.46	7.67	7.88	8.34	8.52	8.80	14.25
2	7.79	7.96	8.24	8.85	10.44	11.01	11.69	21.81
3	8.00	8.35	8.72	9.64	12.70	14.10	16.45	29.59
4	8.10	8.58	9.21	10.43	14.80	16.78	18.96	35.63
5	8.20	8.63	9.53	11.70	16.87	19.29	21.96	41.46
6	8.31	8.67	9.64	14.32	19.39	22.52	25.75	47.51
7	8.73	10.08	10.13	16.53	21.48	25.39	28.93	53.35
8	8.79	10.58	11.95	18.04	23.59	27.96	32.49	59.89
9	9.65	10.98	12.45	19.34	25.67	30.28	36.12	66.60
10	10.15	11.54	12.65	21.11	28.00	33.63	39.67	72.43
11	12.15	14.54	15.59	24.26	32.07	39.05	45.84	79.13
12	12.90	15.47	18.16	25.99	34.99	42.24	49.20	84.83
13	13.57	16.36	19.01	27.38	37.55	43.95	50.94	87.86
14	14.27	17.26	20.02	28.98	39.67	46.40	53.47	92.21
15	14.82	18.17	20.99	30.47	41.20	47.29	54.87	94.65
16	15.47	19.32	22.34	32.28	43.95	50.42	58.44	99.85
17	15.96	20.21	23.40	33.86	46.18	53.04	61.55	105.11
18	16.28	20.83	24.46	35.38	48.62	55.66	64.63	110.41
19	16.65	21.32	25.02	36.31	50.80	58.25	67.69	115.65
20	17.31	21.65	25.52	36.98	52.12	60.42	70.83	120.98
21	18.07	22.17	26.11	37.64	52.53	61.00	71.74	123.56
22	18.64	22.77	26.98	38.39	52.89	61.47	72.57	125.00
23	19.20	23.31	27.63	39.09	53.17	61.89	73.00	125.74
24	19.98	24.30	29.20	40.62	54.30	63.50	74.78	128.81
25	20.75	25.16	31.05	41.99	55.10	65.09	76.08	131.03

Commercial Base Priority Mail Zone/Weight (Continued)

Maximum Weight (pounds)	Local, Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)	Zone 9 ($)
26	22.01	26.97	34.29	44.23	56.44	66.69	78.46	135.13
27	23.32	28.19	36.38	48.20	57.20	68.24	81.40	140.24
28	24.03	28.56	37.41	49.46	57.98	69.83	84.46	145.50
29	24.77	28.85	38.42	50.12	58.95	71.43	86.74	149.39
30	25.50	29.27	39.32	50.80	60.60	73.00	88.59	152.63
31	26.22	29.56	39.94	51.45	61.48	74.61	90.41	157.00
32	26.52	30.19	40.60	52.05	62.28	76.22	92.26	160.20
33	26.93	31.02	41.61	52.74	63.49	77.79	93.95	163.16
34	27.18	31.83	42.67	53.88	65.00	79.39	95.71	166.25
35	27.48	32.58	43.28	55.02	66.74	80.98	97.36	169.08
36	27.82	33.53	43.85	56.21	68.42	82.08	99.01	171.96
37	28.11	34.15	44.48	57.21	70.21	83.13	100.64	174.80
38	28.39	34.98	45.04	58.35	72.16	84.08	102.23	177.59
39	28.66	35.80	45.56	59.56	73.87	86.30	103.82	180.34
40	28.96	36.55	46.15	60.80	75.05	88.23	105.24	182.78
41	29.27	37.16	46.64	61.34	76.32	90.11	106.76	186.89
42	29.49	37.44	47.05	62.37	77.66	91.34	108.22	189.44
43	29.83	37.72	47.47	63.40	79.52	92.48	109.60	191.86
44	30.04	37.99	47.88	64.42	80.78	93.58	110.84	194.08
45	30.23	38.26	48.31	65.46	81.68	94.59	112.24	196.53
46	30.50	38.54	48.73	66.49	82.59	95.61	113.60	198.86
47	30.72	38.81	49.14	67.52	83.45	96.70	114.85	201.09
48	30.98	39.09	49.56	68.54	84.52	97.63	116.07	203.28
49	31.22	39.35	49.98	69.57	85.68	98.65	117.25	205.26
50	31.35	39.62	50.40	70.61	86.88	99.90	118.48	207.46

Commercial Base Priority Mail Zone/Weight (Continued)

Maximum Weight (pounds)	Local, Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)	Zone 9 ($)
51	31.81	39.90	50.79	71.81	88.07	101.33	119.58	211.06
52	32.28	40.18	51.21	72.32	88.92	102.86	121.00	213.53
53	32.88	40.44	51.63	72.91	89.67	104.54	122.54	216.26
54	33.36	40.73	52.04	73.54	90.31	106.04	124.26	219.29
55	33.88	40.99	52.46	74.00	91.06	107.72	125.93	222.24
56	34.35	41.27	52.88	74.56	91.66	109.24	127.22	224.54
57	34.89	41.54	53.30	75.00	92.36	110.90	128.34	226.55
58	35.42	41.81	53.71	75.48	92.91	112.37	129.40	228.38
59	35.93	42.09	54.12	75.94	93.43	113.14	130.35	230.09
60	36.38	42.36	54.53	76.36	93.90	113.80	131.29	231.70
61	36.97	42.62	54.95	76.74	94.42	114.46	133.05	234.85
62	37.42	42.90	55.36	77.08	94.86	114.96	135.17	238.55
63	38.10	43.18	55.79	77.49	95.40	115.51	137.34	242.38
64	38.43	43.44	56.20	77.83	95.83	116.04	139.44	246.11
65	38.99	43.72	56.63	78.07	96.11	116.62	141.61	249.96
66	39.50	44.00	57.03	78.42	96.59	116.97	143.67	253.59
67	40.09	44.27	58.00	78.70	96.90	117.44	145.59	256.93
68	40.56	44.54	58.73	78.92	98.12	118.05	147.13	259.65
69	41.11	44.82	59.48	79.15	99.30	118.60	148.68	262.43
70	41.54	45.09	60.42	79.40	100.50	119.03	150.28	265.24

Commercial Base Flat Rate Envelope

	($)
Commercial Base Regular Flat Rate Envelope, per piece	7.40
Commercial Base Legal Flat Rate Envelope, per piece	7.70
Commercial Base Padded Flat Rate Envelope, per piece	8.00

Commercial Base Flat Rate Box

Size	Delivery to Domestic Address ($)	Delivery to APO/FPO/DPO Address ($)
Small Flat Rate Box	7.90	7.90
Regular Flat Rate Boxes	13.75	13.75
Large Flat Rate Boxes	19.30	17.80

Commercial Base Regional Rate Boxes

Size	Local, Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)	Zone 9 ($)
A	7.83	8.04	8.34	9.01	10.89	11.63	12.64	23.37
B	8.23	8.64	9.56	12.36	17.50	20.10	22.90	42.98

Commercial Base Dimensional Weight

In Zones 1-9 (including local), parcels exceeding one cubic foot are priced at the actual weight or the dimensional weight, whichever is greater.

For box-shaped parcels, the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) of the parcel, and dividing by 166.

For irregular-shaped parcels (parcels not appearing box-shaped), the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) at the associated maximum cross-sections of the parcel, dividing by 166, and multiplying by an adjustment factor of 0.785.

Commercial Plus Priority Mail Zone/Weight

Maximum Weight (pounds)	Local, Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 $)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)	Zone 9 ($)
0.5	7.16	7.46	7.67	7.88	8.34	8.52	8.80	14.25
1	7.16	7.46	7.67	7.88	8.34	8.52	8.80	14.25
2	7.79	7.96	8.24	8.85	10.44	11.01	11.69	21.81
3	8.00	8.35	8.72	9.64	12.70	14.10	16.45	29.59
4	8.10	8.58	9.21	10.43	14.80	16.78	18.96	35.63
5	8.20	8.63	9.53	11.70	16.87	19.29	21.96	41.46
6	8.31	8.67	9.64	14.32	19.39	22.52	25.75	47.51
7	8.73	10.08	10.13	16.53	21.48	25.39	28.93	53.35
8	8.79	10.58	11.95	18.04	23.59	27.96	32.49	59.89
9	9.65	10.98	12.45	19.34	25.67	30.28	36.12	66.60
10	10.15	11.54	12.65	21.11	28.00	33.63	39.67	72.43
11	12.15	14.54	15.59	24.26	32.07	39.05	45.84	79.13
12	12.90	15.47	18.16	25.99	34.99	42.24	49.20	84.83
13	13.57	16.36	19.01	27.38	37.55	43.95	50.94	87.86
14	14.27	17.26	20.02	28.98	39.67	46.40	53.47	92.21
15	14.82	18.17	20.99	30.47	41.20	47.29	54.87	94.65
16	15.47	19.32	22.34	32.28	43.95	50.42	58.44	99.85
17	15.96	20.21	23.40	33.86	46.18	53.04	61.55	105.11
18	16.28	20.83	24.46	35.38	48.62	55.66	64.63	110.41
19	16.65	21.32	25.02	36.31	50.80	58.25	67.69	115.65
20	17.31	21.65	25.52	36.98	52.12	60.42	70.83	120.98
21	18.07	22.17	26.11	37.64	52.53	61.00	71.74	123.56
22	18.64	22.77	26.98	38.39	52.89	61.47	72.57	125.00
23	19.20	23.31	27.63	39.09	53.17	61.89	73.00	125.74
24	19.98	24.30	29.20	40.62	54.30	63.50	74.78	128.81
25	20.75	25.16	31.05	41.99	55.10	65.09	76.08	131.03

Commercial Plus Priority Mail Zone/Weight (Continued)

Maximum Weight (pounds)	Local, Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)	Zone 9 ($)
26	22.01	26.97	34.29	44.23	56.44	66.69	78.46	135.13
27	23.32	28.19	36.38	48.20	57.20	68.24	81.40	140.24
28	24.03	28.56	37.41	49.46	57.98	69.83	84.46	145.50
29	24.77	28.85	38.42	50.12	58.95	71.43	86.74	149.39
30	25.50	29.27	39.32	50.80	60.60	73.00	88.59	152.63
31	26.22	29.56	39.94	51.45	61.48	74.61	90.41	157.00
32	26.52	30.19	40.60	52.05	62.28	76.22	92.26	160.20
33	26.93	31.02	41.61	52.74	63.49	77.79	93.95	163.16
34	27.18	31.83	42.67	53.88	65.00	79.39	95.71	166.25
35	27.48	32.58	43.28	55.02	66.74	80.98	97.36	169.08
36	27.82	33.53	43.85	56.21	68.42	82.08	99.01	171.96
37	28.11	34.15	44.48	57.21	70.21	83.13	100.64	174.80
38	28.39	34.98	45.04	58.35	72.16	84.08	102.23	177.59
39	28.66	35.80	45.56	59.56	73.87	86.30	103.82	180.34
40	28.96	36.55	46.15	60.80	75.05	88.23	105.24	182.78
41	29.27	37.16	46.64	61.34	76.32	90.11	106.76	186.89
42	29.49	37.44	47.05	62.37	77.66	91.34	108.22	189.44
43	29.83	37.72	47.47	63.40	79.52	92.48	109.60	191.86
44	30.04	37.99	47.88	64.42	80.78	93.58	110.84	194.08
45	30.23	38.26	48.31	65.46	81.68	94.59	112.24	196.53
46	30.50	38.54	48.73	66.49	82.59	95.61	113.60	198.86
47	30.72	38.81	49.14	67.52	83.45	96.70	114.85	201.09
48	30.98	39.09	49.56	68.54	84.52	97.63	116.07	203.28
49	31.22	39.35	49.98	69.57	85.68	98.65	117.25	205.26
50	31.35	39.62	50.40	70.61	86.88	99.90	118.48	207.46

Commercial Plus Priority Mail Zone/Weight (Continued)

Maximum Weight (pounds)	Local, Zones 1 & 2 ($)	Zone 3 ($)	Zone ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)	Zone 9 ($)
51	31.81	39.90	50.79	71.81	88.07	101.33	119.58	211.06
52	32.28	40.18	51.21	72.32	88.92	102.86	121.00	213.53
53	32.88	40.44	51.63	72.91	89.67	104.54	122.54	216.26
54	33.36	40.73	52.04	73.54	90.31	106.04	124.26	219.29
55	33.88	40.99	52.46	74.00	91.06	107.72	125.93	222.24
56	34.35	41.27	52.88	74.56	91.66	109.24	127.22	224.54
57	34.89	41.54	53.30	75.00	92.36	110.90	128.34	226.55
58	35.42	41.81	53.71	75.48	92.91	112.37	129.40	228.38
59	35.93	42.09	54.12	75.94	93.43	113.14	130.35	230.09
60	36.38	42.36	54.53	76.36	93.90	113.80	131.29	231.70
61	36.97	42.62	54.95	76.74	94.42	114.46	133.05	234.85
62	37.42	42.90	55.36	77.08	94.86	114.96	135.17	238.55
63	38.10	43.18	55.79	77.49	95.40	115.51	137.34	242.38
64	38.43	43.44	56.20	77.83	95.83	116.04	139.44	246.11
65	38.99	43.72	56.63	78.07	96.11	116.62	141.61	249.96
66	39.50	44.00	57.03	78.42	96.59	116.97	143.67	253.59
67	40.09	44.27	58.00	78.70	96.90	117.44	145.59	256.93
68	40.56	44.54	58.73	78.92	98.12	118.05	147.13	259.65
69	41.11	44.82	59.48	79.15	99.30	118.60	148.68	262.43
70	41.54	45.09	60.42	79.40	100.50	119.03	150.28	265.24

Commercial Plus Flat Rate Envelope

	($)
Commercial Plus Regular Flat Rate Envelope, per piece	7.40
Commercial Plus Legal Flat Rate Envelope, per piece	7.70
Commercial Plus Padded Flat Rate Envelope, per piece	8.00

Commercial Plus Flat Rate Box

Size	Delivery to Domestic Address ($)	Delivery to APO/FPO/DPO Address ($)
Small Flat Rate Box	7.90	7.90
Medium Flat Rate Boxes	13.75	13.75
Large Flat Rate Boxes	19.30	17.80

Commercial Plus Regional Rate Boxes

Maximum Cubic Feet	Local, Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)	Zone 9 ($)
A	7.83	8.04	8.34	9.01	10.89	11.63	12.64	23.37
B	8.23	8.64	9.56	12.36	17.50	20.10	22.90	42.98

Commercial Plus Dimensional Weight

In Zones 1-9 (including local), parcels exceeding one cubic foot are priced at the actual weight or the dimensional weight, whichever is greater.

For box-shaped parcels, the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) of the parcel, and dividing by 166.

For irregular-shaped parcels (parcels not appearing box-shaped), the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) at the associated maximum cross-sections of the parcel, dividing by 166, and multiplying by an adjustment factor of 0.785.

Commercial Plus Cubic

Maximum Cubic Feet	Local, Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)	Zone 9 ($)
0.10	7.32	7.59	7.81	8.12	8.87	9.14	9.52	16.14
0.20	8.14	8.46	8.71	9.00	9.68	9.93	10.31	17.09
0.30	8.77	8.96	9.28	9.97	11.79	12.45	13.25	24.69
0.40	8.93	9.27	9.66	10.60	13.58	14.89	17.01	30.84
0.50	9.08	9.58	10.22	11.50	16.02	18.08	20.58	38.28

Open and Distribute (PMOD)

a. DDU

Container	Local, Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)	Zone 9 ($)
Half Tray	8.84	10.82	13.08	21.04	21.32	23.18	25.73	32.17
Full Tray	12.02	15.03	17.50	30.63	35.20	37.41	41.74	52.17
EMM Tray	13.78	16.42	20.28	33.88	37.20	40.84	45.42	56.77
Flat Tub	19.69	24.68	30.51	51.60	62.29	67.34	74.96	93.69

b. Processing Facilities

Container	Local, Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)	Zone 9 ($)
Half Tray	7.16	8.87	10.90	19.00	19.42	21.24	22.80	28.51
Full Tray	9.06	11.69	14.55	26.54	31.37	33.58	37.53	46.92
EMM Tray	10.81	12.53	17.07	29.30	33.28	36.64	42.34	52.94
Flat Tub	15.47	20.45	25.91	47.31	57.79	62.90	69.19	86.50

Pickup On Demand Service

Add $~~24.00~~25.00 for each Pickup On Demand stop.

IMpb Noncompliance Fee

Add $~~0.20~~0.25 for each IMpb-noncompliant parcel paying commercial prices, unless the eVS Unmanifested Fee was already assessed on that parcel.

eVS Unmanifested Fee

Add $~~0.20~~0.25 for each unmanifested parcel paying commercial prices, unless the IMpb Noncompliance Fee was already assessed on that parcel.

2115 Parcel Select

* * *

2115.2 Size and Weight Limitations[1]

Parcel Select

	Length	Height	Thickness	Weight
Minimum	large enough to accommodate postage, address, and other required elements on the address side			none
Maximum	130 inches in combined length and girth			70 pounds[4]

Notes

1. ~~An overweight item~~ charge of $100.00 applies to pieces found in the postal network that exceed the 70-pound maximum weight limitation or the 130-inch length plus girth maximum dimensional limit for Postal Service products. Such items are nonmailable and will not be delivered. As described in the Domestic Mail Manual, this charge is payable before release of the item, unless the item is picked up at the same facility where it was entered.

Lightweight

	Length	Height	Thickness	Weight
Minimum	large enough to accommodate postage, address, and other required elements on the address side			none
Maximum	108 inches in combined length and girth			< 16 ounces

* * *

2115.6 Prices

Destination Entered — DDU

a. DDU

Maximum Weight (pounds)	DDU ($)
1	3.30
2	3.42
3	3.54
4	3.66
5	3.78
6	3.90
7	4.02
8	4.14
9	4.27
10	4.40
11	4.53
12	4.66
13	4.79
14	4.92
15	5.05
16	5.18
17	5.31
18	5.44
19	5.57
20	5.70
21	6.21
22	6.30
23	6.36
24	6.40
25	6.44

a. DDU (Continued)

Maximum Weight (pounds)	DDU ($)
26	6.48
27	6.52
28	6.56
29	6.60
30	6.64
31	6.68
32	6.72
33	6.76
34	6.80
35	6.84
36	7.04
37	7.08
38	7.12
39	7.16
40	7.20
41	7.24
42	7.28
43	7.32
44	7.36
45	7.40
46	7.44
47	7.49
48	7.54
49	7.60
50	7.66

a. DDU (Continued)

Maximum Weight (pounds)	DDU ($)
51	7.73
52	7.80
53	7.88
54	7.96
55	8.04
56	8.12
57	8.20
58	8.28
59	8.36
60	8.44
61	8.52
62	8.60
63	8.68
64	8.76
65	8.84
66	8.92
67	9.00
68	9.08
69	9.16
70	9.24
Oversized	13.97

b. Dimensional Weight

Parcels exceeding one cubic foot are priced at the actual weight or the dimensional weight, whichever is greater.

For box-shaped parcels, the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) of the parcel, and dividing by 166.

For irregular-shaped parcels (parcels not appearing box-shaped), the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) at the associated maximum cross-sections of the parcel, dividing by 166, and multiplying by an adjustment factor of 0.785.

c. Oversized Pieces

Regardless of weight, any piece that measures more than 108 inches (but not more than 130 inches) in length plus girth must pay the oversized price. As stated in the Domestic Mail Manual, any piece that is found to be over the 70 pound maximum weight limitation is nonmailable, will not be delivered, and may be subject to the $100.00 overweight item charge.

d. Forwarding and Returns

Parcel Select pieces that are forwarded on request of the addressee or forwarded or returned on request of the mailer will be subject to the applicable Parcel Select Ground price, plus $3.00, when forwarded or returned. For customers using Address Correction Service with Shipper Paid Forwarding/Return, and also using an IMpb, the additional fee will be $2.50.

Destination Entered — DSCF

a. DSCF — 5-Digit Machinable

Maximum Weight (pounds)	DSCF 5-Digit ($)
1	4.84
2	5.02
3	5.20
4	5.38
5	5.56
6	5.74
7	5.93
8	6.12
9	6.31
10	6.50
11	6.69
12	6.87
13	7.06
14	7.25
15	7.44
16	7.63
17	7.82
18	8.01
19	8.20
20	8.39
21	8.58
22	8.77
23	8.96
24	9.15
25	9.34

a. DSCF — 5-Digit Machinable (Continued)

Maximum Weight (pounds)	DSCF 5-Digit ($)
26	9.53
27	9.72
28	9.91
29	10.10
30	10.29
31	10.48
32	10.67
33	10.86
34	11.05
35	11.24

b. DSCF — 3-Digit, 5-Digit Non-Machinable

Maximum Weight (pounds)	DSCF 3-Digit ($)	DSCF 5-Digit ($)
1	7.49	4.84
2	7.67	5.02
3	7.85	5.20
4	8.03	5.38
5	8.21	5.56
6	8.39	5.74
7	8.58	5.93
8	8.77	6.12
9	8.96	6.31
10	9.15	6.50
11	9.34	6.69
12	9.52	6.87
13	9.71	7.06
14	9.90	7.25
15	10.09	7.44
16	10.28	7.63
17	10.47	7.82
18	10.66	8.01
19	10.85	8.20
20	11.04	8.39
21	11.23	8.58
22	11.42	8.77
23	11.61	8.96
24	11.80	9.15
25	11.99	9.34

b. DSCF — 3-Digit, 5-Digit Non-Machinable (Continued)

Maximum Weight (pounds)	DSCF 3-Digit ($)	DSCF 5-Digit ($)
26	12.18	9.53
27	12.37	9.72
28	12.56	9.91
29	12.75	10.10
30	12.94	10.29
31	13.13	10.48
32	13.32	10.67
33	13.51	10.86
34	13.70	11.05
35	13.89	11.24
36	14.20	11.55
37	14.39	11.74
38	14.58	11.93
39	14.77	12.12
40	14.96	12.31
41	15.15	12.50
42	15.34	12.69
43	15.53	12.88
44	15.72	13.07
45	15.91	13.26
46	16.10	13.45
47	16.29	13.64
48	16.48	13.83
49	16.67	14.02
50	16.86	14.21

b. DSCF — 3-Digit, 5-Digit Non-Machinable (Continued)

Maximum Weight (pounds)	DSCF 3-Digit ($)	DSCF 5-Digit ($)
51	17.05	14.40
52	17.24	14.59
53	17.43	14.78
54	17.62	14.97
55	17.81	15.16
56	18.00	15.35
57	18.19	15.54
58	18.38	15.73
59	18.57	15.92
60	18.76	16.11
61	18.95	16.30
62	19.14	16.49
63	19.33	16.68
64	19.52	16.87
65	19.71	17.06
66	19.90	17.25
67	20.09	17.44
68	20.28	17.63
69	20.47	17.82
70	20.66	18.01
Oversized	27.90	27.90

c. Dimensional Weight

Parcels exceeding one cubic foot are priced at the actual weight or the dimensional weight, whichever is greater.

For box-shaped parcels, the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) of the parcel, and dividing by 166.

For irregular-shaped parcels (parcels not appearing box-shaped), the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) at the associated maximum cross-sections of the parcel, dividing by 166, and multiplying by an adjustment factor of 0.785.

d. Oversized Pieces

Regardless of weight, any piece that measures more than 108 inches (but not more than 130 inches) in length plus girth must pay the oversized price. As stated in the Domestic Mail Manual, any piece that is found to be over the 70 pound maximum weight limitation is nonmailable, will not be delivered, and may be subject to the $100.00 overweight item charge.

e. Forwarding and Returns

Parcel Select pieces that are forwarded on request of the addressee or forwarded or returned on request of the mailer will be subject to the applicable Parcel Select Ground price, plus $3.00, when forwarded or returned. For customers using Address Correction Service with Shipper Paid Forwarding/Return, and also using an IMpb, the additional fee will be $2.50.

Destination Entered — DNDC

a. DNDC — Machinable

Maximum Weight (pounds)	DNDC Zones 1 & 2 ($)	DNDC Zone 3 ($)	DNDC Zone 4 ($)	DNDC Zones 5 ($)
1	6.85	7.66	8.63	10.00
2	7.04	8.05	9.17	10.59
3	7.23	8.45	9.72	11.21
4	7.42	8.86	10.29	11.88
5	7.61	9.27	10.86	12.56
6	7.82	9.68	11.42	13.24
7	8.05	10.09	11.97	13.92
8	8.30	10.53	12.53	14.60
9	8.57	11.01	13.12	15.26
10	8.86	11.49	13.71	15.93
11	9.15	11.97	14.30	16.60
12	9.44	12.45	14.89	17.27
13	9.73	12.93	15.47	17.94
14	10.02	13.41	16.05	18.61
15	10.31	13.89	16.63	19.27
16	10.60	14.37	17.18	19.93
17	10.89	14.85	17.69	20.57
18	11.18	15.33	18.18	21.19
19	11.47	15.81	18.65	21.78
20	11.76	16.29	19.11	22.33
21	12.05	16.77	19.57	22.88
22	12.34	17.25	20.02	23.43
23	12.63	17.73	20.47	23.97
24	12.92	18.21	20.92	24.51
25	13.21	18.67	21.37	25.05

a. DNDC — Machinable (Continued)

Maximum Weight (pounds)	DNDC Zones 1 & 2 ($)	DNDC Zone 3 ($)	DNDC Zone 4 ($)	DNDC Zones 5 ($)
26	13.50	19.10	21.82	25.59
27	13.79	19.51	22.26	26.11
28	14.08	19.89	22.69	26.63
29	14.37	20.27	23.10	27.08
30	14.66	20.65	23.50	27.50
31	14.95	21.03	23.90	27.92
32	15.24	21.41	24.30	28.33
33	15.53	21.79	24.70	28.74
34	15.82	22.17	25.09	29.15
35	16.11	22.55	25.47	29.56

b. DNDC — Non-Machinable

Maximum Weight (pounds)	DNDC Zones 1 & 2 ($)	DNDC Zone 3 ($)	DNDC Zone 4 ($)	DNDC Zones 5 ($)
1	9.85	10.66	11.63	13.00
2	10.04	11.05	12.17	13.59
3	10.23	11.45	12.72	14.21
4	10.42	11.86	13.29	14.88
5	10.61	12.27	13.86	15.56
6	10.82	12.68	14.42	16.24
7	11.05	13.09	14.97	16.92
8	11.30	13.53	15.53	17.60
9	11.57	14.01	16.12	18.26
10	11.86	14.49	16.71	18.93
11	12.15	14.97	17.30	19.60
12	12.44	15.45	17.89	20.27
13	12.73	15.93	18.47	20.94
14	13.02	16.41	19.05	21.61
15	13.31	16.89	19.63	22.27
16	13.60	17.37	20.18	22.93
17	13.89	17.85	20.69	23.57
18	14.18	18.33	21.18	24.19
19	14.47	18.81	21.65	24.78
20	14.76	19.29	22.11	25.33
21	15.05	19.77	22.57	25.88
22	15.34	20.25	23.02	26.43
23	15.63	20.73	23.47	26.97
24	15.92	21.21	23.92	27.51
25	16.21	21.67	24.37	28.05

b. DNDC — Non-Machinable (Continued)

Maximum Weight (pounds)	DNDC Zones 1 & 2 ($)	DNDC Zone 3 ($)	DNDC Zone 4 ($)	DNDC Zones 5 ($)
26	16.50	22.10	24.82	28.59
27	16.79	22.51	25.26	29.11
28	17.08	22.89	25.69	29.63
29	17.37	23.27	26.10	30.08
30	17.66	23.65	26.50	30.50
31	17.95	24.03	26.90	30.92
32	18.24	24.41	27.30	31.33
33	18.53	24.79	27.70	31.74
34	18.82	25.17	28.09	32.15
35	19.11	25.55	28.47	32.56
36	19.59	26.11	28.94	33.08
37	19.93	26.50	29.35	33.48
38	20.26	26.88	29.75	33.89
39	20.58	27.26	30.15	34.29
40	20.89	27.62	30.54	34.67
41	21.19	27.97	30.89	35.05
42	21.48	28.32	31.25	35.43
43	21.78	28.67	31.61	35.81
44	22.08	29.03	31.98	36.19
45	22.38	29.37	32.34	36.57
46	22.68	29.72	32.70	36.95
47	22.98	30.08	33.07	37.33
48	23.27	30.42	33.42	37.71
49	23.56	30.77	33.77	38.08
50	23.85	31.10	34.12	38.45

b. DNDC — Non-Machinable (Continued)

Maximum Weight (pounds)	DNDC Zones 1 & 2 ($)	DNDC Zone 3 ($)	DNDC Zone 4 ($)	DNDC Zones 5 ($)
51	24.13	31.44	34.47	38.82
52	24.42	31.78	34.81	39.19
53	24.70	32.12	35.15	39.55
54	24.98	32.45	35.48	39.90
55	25.26	32.77	35.82	40.25
56	25.54	33.08	36.15	40.60
57	25.82	33.40	36.49	40.95
58	26.10	33.70	36.82	41.30
59	26.38	34.02	37.16	41.65
60	26.66	34.33	37.50	42.00
61	26.95	34.65	37.84	42.35
62	27.23	34.97	38.18	42.70
63	27.52	35.28	38.52	43.05
64	27.80	35.60	38.85	43.40
65	28.09	35.92	39.19	43.75
66	28.37	36.24	39.52	44.10
67	28.66	36.56	39.86	44.44
68	28.94	36.88	40.19	44.78
69	29.23	37.20	40.53	45.12
70	29.51	37.52	40.86	45.46
Oversized	43.71	58.44	69.65	80.44

c. Dimensional Weight

Parcels exceeding one cubic foot are priced at the actual weight or the dimensional weight, whichever is greater.

For box-shaped parcels, the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) of the parcel, and dividing by 166.

For irregular-shaped parcels (parcels not appearing box-shaped), the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) at the associated maximum cross-sections of the parcel, dividing by 166, and multiplying by an adjustment factor of 0.785.

d. Oversized Pieces

Regardless of weight, any piece that measures more than 108 inches (but not more than 130 inches) in length plus girth must pay the oversized price. As stated in the Domestic Mail Manual, any piece that is found to be over the 70 pound maximum weight limitation is nonmailable, will not be delivered, and may be subject to the $100.00 overweight item charge.

e. Forwarding and Returns

Parcel Select pieces that are forwarded on request of the addressee or forwarded or returned on request of the mailer will be subject to the applicable Parcel Select Ground price, plus $3.00, when forwarded or returned. For customers using Address Correction Service with Shipper Paid Forwarding/Return, and also using an IMpb, the additional fee will be $2.50.

Non-Destination Entered — Parcel Select Ground

a. Parcel Select Ground

Maximum Weight (pounds)	Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
1	7.01	7.31	7.52	7.63	7.84	7.97	8.15
2	7.59	7.76	8.04	8.55	9.79	10.26	10.79
3	7.75	8.10	8.47	9.29	11.80	13.00	15.05
4	7.85	8.33	8.96	10.08	13.90	15.68	17.56
5	7.95	8.38	9.28	11.35	15.97	18.19	20.56
6	8.06	8.42	9.39	13.97	18.49	21.42	24.35
7	8.33	9.68	9.73	16.03	20.33	23.84	27.08
8	8.39	10.18	11.55	17.54	22.44	26.41	30.64
9	9.25	10.58	12.05	18.84	24.52	28.73	34.27
10	9.65	11.04	12.15	20.46	26.55	31.63	37.27
11	11.65	14.04	15.09	23.61	30.62	37.05	42.80
12	12.40	14.97	17.66	25.34	33.54	40.10	46.10
13	13.07	15.86	18.51	26.73	35.55	41.25	46.95
14	13.77	16.76	19.52	28.33	37.60	43.50	49.40
15	14.32	17.67	20.49	29.82	39.40	45.10	50.80
16	14.97	18.82	21.84	31.63	41.65	47.65	53.85
17	15.46	19.71	22.90	33.21	43.95	50.25	56.75
18	15.78	20.33	23.96	34.73	46.20	52.90	59.80
19	16.15	20.82	24.52	35.66	47.25	54.00	60.95
20	16.81	21.15	25.02	36.33	48.90	56.40	64.10
21	17.57	21.67	25.61	36.99	49.75	57.50	65.55
22	18.14	22.27	26.48	37.74	50.95	59.00	67.15
23	18.70	22.81	27.13	38.44	51.72	59.89	68.35
24	19.48	23.80	28.70	39.97	52.85	61.50	70.15
25	20.25	24.66	30.55	41.34	53.65	62.80	71.45

a. Parcel Select Ground (Continued)

Maximum Weight (pounds)	Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
26	21.51	26.47	33.79	43.58	54.99	64.60	73.70
27	22.82	27.69	35.88	47.55	55.75	66.24	76.45
28	23.53	28.06	36.91	48.81	56.53	67.83	79.50
29	24.27	28.35	37.92	49.47	57.50	69.43	81.75
30	25.00	28.77	38.82	50.15	59.15	71.00	83.50
31	25.72	29.06	39.44	50.80	60.03	72.61	85.45
32	26.02	29.69	40.10	51.40	60.83	74.22	87.00
33	26.43	30.52	41.11	52.09	62.04	75.79	88.80
34	26.68	31.33	42.17	53.23	63.55	77.39	90.55
35	26.98	32.08	42.78	54.37	65.29	78.98	91.95
36	27.32	33.03	43.35	55.56	66.97	80.08	93.60
37	27.61	33.65	43.98	56.56	68.76	81.13	95.20
38	27.89	34.48	44.54	57.70	70.71	82.08	96.80
39	28.16	35.30	45.06	58.91	72.42	84.30	98.30
40	28.46	36.05	45.65	60.15	73.60	86.23	99.70
41	28.77	36.66	46.14	60.69	74.87	88.11	101.30
42	28.99	36.94	46.55	61.72	76.21	89.34	102.60
43	29.33	37.22	46.97	62.75	78.07	90.48	103.70
44	29.54	37.49	47.38	63.77	79.33	91.58	105.20
45	29.73	37.76	47.81	64.81	80.23	92.59	106.50
46	30.00	38.04	48.23	65.84	81.14	93.61	107.75
47	30.22	38.31	48.64	66.87	82.00	94.70	109.05
48	30.48	38.59	49.06	67.89	83.07	95.63	110.15
49	30.72	38.85	49.48	68.92	84.23	96.65	111.25
50	30.85	39.12	49.90	69.96	85.43	97.90	112.45

a. Parcel Select Ground (Continued)

Maximum Weight (pounds)	Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
51	31.31	39.40	50.29	71.16	86.62	99.33	113.55
52	31.78	39.68	50.71	71.67	87.47	100.86	114.85
53	32.38	39.94	51.13	72.26	88.22	102.54	116.35
54	32.86	40.23	51.54	72.89	88.86	104.04	118.05
55	33.38	40.49	51.96	73.35	89.61	105.72	119.60
56	33.85	40.77	52.38	73.91	90.21	107.20	120.85
57	34.39	41.04	52.80	74.35	90.91	107.90	121.70
58	34.92	41.31	53.21	74.83	91.46	108.90	122.75
59	35.43	41.59	53.62	75.29	91.98	109.60	123.65
60	35.88	41.86	54.03	75.71	92.45	110.30	124.45
61	36.47	42.12	54.45	76.09	92.97	111.60	126.20
62	36.92	42.40	54.86	76.43	93.41	112.96	128.30
63	37.60	42.68	55.29	76.84	93.95	113.51	130.40
64	37.93	42.94	55.70	77.18	94.38	114.04	132.45
65	38.49	43.22	56.13	77.42	94.66	114.62	134.45
66	39.00	43.50	56.53	77.77	95.14	114.97	136.60
67	39.59	43.77	57.50	78.05	95.45	115.44	138.35
68	40.06	44.04	58.23	78.27	96.67	116.05	139.85
69	40.61	44.32	58.98	78.50	97.85	116.60	141.35
70	41.04	44.59	59.92	78.75	99.05	117.03	142.95
Oversized	80.00	101.70	123.45	144.90	166.60	188.25	210.00

b. Dimensional Weight

Parcels exceeding one cubic foot are priced at the actual weight or the dimensional weight, whichever is greater.

For box-shaped parcels, the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) of the parcel, and dividing by 166.

For irregular-shaped parcels (parcels not appearing box-shaped), the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) at the associated maximum cross-sections of the parcel, dividing by 166, and multiplying by an adjustment factor of 0.785.

c. Oversized Pieces

Regardless of weight, any piece that measures more than 108 inches (but not more than 130 inches) in length plus girth must pay the oversized price. As stated in the Domestic Mail Manual, any piece that is found to be over the 70 pound maximum weight limitation is nonmailable, will not be delivered, and may be subject to the $100.00 overweight item charge.

d. Forwarding and Returns

Parcel Select pieces that are forwarded on request of the addressee or forwarded or returned on request of the mailer will be subject to the applicable Parcel Select Ground price, plus $3.00, when forwarded or returned. For customers using Address Correction Service with Shipper Paid Forwarding/Return, and also using an IMpb, the additional fee will be $2.50.

Parcel Select Lightweight

Maximum Weight (ounces)	Entry Point/Sortation Level							
	DDU/ 5-Digit ($)	DSCF/ 5-Digit ($)	DNDC/ 5-Digit ($)	DSCF/ SCF ($)	DNDC/ SCF ($)	DNDC/ NDC ($)	None/ NDC ($)	None/ Mixed NDC/Single -Piece ($)
1	2.15	2.55	2.85	3.05	3.28	3.70	4.13	4.45
2	2.15	2.55	2.85	3.05	3.28	3.70	4.13	4.45
3	2.15	2.55	2.85	3.05	3.28	3.70	4.13	4.45
4	2.15	2.55	2.85	3.05	3.28	3.70	4.13	4.45
5	2.17	2.60	2.95	3.16	3.50	3.93	4.43	4.80
6	2.17	2.60	2.95	3.16	3.50	3.93	4.43	4.80
7	2.17	2.60	2.95	3.16	3.50	3.93	4.43	4.80
8	2.17	2.60	2.95	3.16	3.50	3.93	4.43	4.80
9	2.32	2.84	3.28	3.51	3.95	4.43	5.00	5.43
10	2.32	2.84	3.28	3.51	3.95	4.43	5.00	5.43
11	2.32	2.84	3.28	3.51	3.95	4.43	5.00	5.43
12	2.32	2.84	3.28	3.51	3.95	4.43	5.00	5.43
13	2.49	3.10	3.63	4.01	4.43	4.97	5.61	6.10
14	2.49	3.10	3.63	4.01	4.43	4.97	5.61	6.10
15	2.49	3.10	3.63	4.01	4.43	4.97	5.61	6.10
15.999	2.49	3.10	3.63	4.01	4.43	4.97	5.61	6.10

Forwarding and Return Service

If Forwarding Service is used in conjunction with electronic Address Correction Service, forwarded Parcel Select Lightweight parcels pay ~~$4.75~~4.95 per piece. All other Parcel Select Lightweight pieces requesting Forwarding and Return Service that are returned are charged the appropriate First-Class Package Service or Priority Mail price for the piece multiplied by a factor of 2.472.

Pickup On Demand Service

Add ~~$24.00~~25.00 for each Pickup On Demand stop.

IMpb Noncompliance Fee

Add ~~$0.20~~0.25 for each IMpb-noncompliant parcel paying commercial prices, unless the eVS Unmanifested Fee was already assessed on that parcel.

eVS Unmanifested Fee

Add $~~0.20~~0.25 for each unmanifested parcel paying commercial prices, unless the IMpb Noncompliance Fee was already assessed on that parcel.

2120 Parcel Return Service

* * *

2120.2 Size and Weight Limitations[1]

	Length	Height	Thickness	Weight
Minimum	large enough to accommodate postage, address, and other required elements on the address side			none
Maximum	130 inches in combined length and girth			70 pounds[4]

Notes

1. ~~An overweight item~~ charge of $100.00 applies to pieces found in the postal network that exceed the 70-pound maximum weight limitation or the 130-inch length plus girth maximum dimensional limit for Postal Service products. Such items are nonmailable and will not be delivered. As described in the Domestic Mail Manual, this charge is payable before release of the item, unless the item is picked up at the same facility where it was entered.

* * *

2120.6 Prices

RSCF Entered

a. Machinable RSCF

Maximum Weight (pounds)	RSCF ($)
1	4.02
2	4.55
3	4.88
4	5.25
5	5.65
6	6.20
7	6.63
8	7.19
9	7.68
10	8.21
11	8.69
12	9.30
13	9.72
14	10.06
15	10.42
16	10.77
17	11.17
18	11.48
19	11.78
20	12.18
21	12.50
22	12.87
23	13.13
24	13.53
25	13.82

a. Machinable RSCF (Continued)

Maximum Weight (pounds)	RSCF ($)
26	14.26
27	14.56
28	14.87
29	15.19
30	15.47
31	15.81
32	16.12
33	16.39
34	16.81
35	17.11

b. Nonmachinable RSCF

Maximum Weight (pounds)	RSCF ($)
1	7.02
2	7.55
3	7.88
4	8.25
5	8.65
6	9.20
7	9.63
8	10.19
9	10.68
10	11.21
11	11.69
12	12.30
13	12.72
14	13.06
15	13.42
16	13.77
17	14.17
18	14.48
19	14.78
20	15.18
21	15.50
22	15.87
23	16.13
24	16.53
25	16.82

b. Nonmachinable RSCF (Continued)

Maximum Weight (pounds)	RSCF ($)
26	17.26
27	17.56
28	17.87
29	18.19
30	18.47
31	18.81
32	19.12
33	19.39
34	19.81
35	20.11
36	20.43
37	20.54
38	20.85
39	21.00
40	21.28
41	21.55
42	21.70
43	22.02
44	22.29
45	22.57
46	22.83
47	23.03
48	23.42
49	23.77
50	23.99

b. Nonmachinable RSCF (Continued)

Maximum Weight (pounds)	RSCF ($)
51	24.38
52	24.65
53	25.05
54	25.39
55	25.61
56	26.00
57	26.31
58	26.61
59	26.94
60	27.10
61	27.50
62	27.80
63	28.15
64	28.45
65	28.77
66	28.97
67	29.43
68	29.64
69	30.01
70	30.14
Oversized	43.58

c. Balloon Price

RSCF entered pieces exceeding 84 inches in length and girth combined, but not more than 108 inches, and weighing less than 20 pounds are subject to a price equal to that for a 20-pound parcel for the zone to which the parcel is addressed.

d. Oversized Pieces

Regardless of weight, any piece that measures more than 108 inches (but not more than 130 inches) in length plus girth must pay the oversized price. As stated in the Domestic Mail Manual, any piece that is found to be over the 70 pound maximum weight limitation is nonmailable, will not be delivered, and may be subject to the $100.00 overweight item charge.

RDU Entered

a. Machinable RDU

Maximum Weight (pounds)	RDU ($)
1	3.21
2	3.30
3	3.38
4	3.49
5	3.57
6	3.68
7	3.76
8	3.84
9	3.95
10	4.03
11	4.14
12	4.22
13	4.33
14	4.41
15	4.49
16	4.60
17	4.68
18	4.79
19	4.87
20	4.98
21	5.06
22	5.14
23	5.25
24	5.33
25	5.44

a. Machinable RDU (Continued)

Maximum Weight (pounds)	RDU ($)
26	5.48
27	5.57
28	5.67
29	5.76
30	5.86
31	5.96
32	6.03
33	6.13
34	6.22
35	6.32

b. Nonmachinable RDU

Maximum Weight (pounds)	RDU ($)
1	3.21
2	3.30
3	3.38
4	3.49
5	3.57
6	3.68
7	3.76
8	3.84
9	3.95
10	4.03
11	4.14
12	4.22
13	4.33
14	4.41
15	4.49
16	4.60
17	4.68
18	4.79
19	4.87
20	4.98
21	5.06
22	5.14
23	5.25
24	5.33
25	5.44

b. Nonmachinable RDU (Continued)

Maximum Weight (pounds)	RDU ($)
26	5.48
27	5.57
28	5.67
29	5.76
30	5.86
31	5.96
32	6.03
33	6.13
34	6.22
35	6.32
36	6.41
37	6.51
38	6.59
39	6.68
40	6.78
41	6.87
42	6.97
43	7.06
44	7.14
45	7.24
46	7.33
47	7.44
48	7.52
49	7.63
50	7.69

b. Nonmachinable RDU (Continued)

Maximum Weight (pounds)	RDU ($)
51	7.80
52	7.90
53	7.99
54	8.09
55	8.18
56	8.26
57	8.35
58	8.45
59	8.55
60	8.64
61	8.74
62	8.81
63	8.91
64	9.00
65	9.10
66	9.19
67	9.27
68	9.37
69	9.46
70	9.56
Oversized	13.27

c. Oversized Pieces

Regardless of weight, any piece that measures more than 108 inches (but not more than 130 inches) in length plus girth must pay the oversized price. As stated in the Domestic Mail Manual, any piece that is found to be over the 70 pound maximum weight limitation is nonmailable, will not be delivered, and may be subject to the $100.00 overweight item charge.

IMpb Noncompliance Fee

Add $~~0.20~~0.25 for each IMpb-noncompliant parcel paying commercial prices.

2125 First-Class Package Service

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2125.2 Size and Weight Limitations[1]

Commercial

	Length	Height	Thickness	Weight
Minimum	3.5 inches	3.0 inches	0.05 inch	none
Maximum	18 inches	15 inches	22 inch	16 ounces

Retail

	Length	Height	Thickness	Weight
Minimum	large enough to accommodate postage, address, and other required elements on the address side			none
Maximum	108 inches in combined length and girth			13 ounces

Notes

1. A charge of $100.00 applies to pieces found in the postal network that exceed the 70-pound maximum weight limitation or the 130-inch length plus girth maximum dimensional limit for Postal Service products. Such items are nonmailable and will not be delivered. As described in the Domestic Mail Manual, this charge is payable before release of the item, unless the item is picked up at the same facility where it was entered.

2125.6 Prices

Commercial

Maximum Weight (ounces)	Local, Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
1	3.01	3.03	3.06	3.12	3.22	3.35	3.49
2	3.01	3.03	3.06	3.12	3.22	3.35	3.49
3	3.01	3.03	3.06	3.12	3.22	3.35	3.49
4	3.01	3.03	3.06	3.12	3.22	3.35	3.49
5	3.46	3.49	3.51	3.57	3.58	3.69	3.85
6	3.46	3.49	3.51	3.57	3.58	3.69	3.85
7	3.46	3.49	3.51	3.57	3.58	3.69	3.85
8	3.46	3.49	3.51	3.57	3.58	3.69	3.85
9	4.04	4.09	4.12	4.20	4.38	4.53	4.68
10	4.04	4.09	4.12	4.20	4.38	4.53	4.68
11	4.04	4.09	4.12	4.20	4.38	4.53	4.68
12	4.04	4.09	4.12	4.20	4.38	4.53	4.68
13	5.19	5.23	5.27	5.42	5.66	5.81	5.98
14	5.19	5.23	5.27	5.42	5.66	5.81	5.98
15	5.19	5.23	5.27	5.42	5.66	5.81	5.98
15.999	5.19	5.23	5.27	5.42	5.66	5.81	5.98

Retail[1]

Maximum Weight (ounces)	Local, Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
1	4.00	4.10	4.15	4.20	4.25	4.30	4.45
2	4.00	4.10	4.15	4.20	4.25	4.30	4.45
3	4.00	4.10	4.15	4.20	4.25	4.30	4.45
4	4.00	4.10	4.15	4.20	4.25	4.30	4.45
5	4.80	4.85	4.90	4.95	5.00	5.10	5.20
6	4.80	4.85	4.90	4.95	5.00	5.10	5.20
7	4.80	4.85	4.90	4.95	5.00	5.10	5.20
8	4.80	4.85	4.90	4.95	5.00	5.10	5.20
9	5.50	5.55	5.60	5.65	5.70	5.85	5.95
10	5.50	5.55	5.60	5.65	5.70	5.85	5.95
11	5.50	5.55	5.60	5.65	5.70	5.85	5.95
12	5.50	5.55	5.60	5.65	5.70	5.85	5.95
13	6.25	6.30	6.40	6.50	6.55	6.65	6.75

Notes

1. A handling charge of $0.01 per piece applies to foreign-origin, inbound direct entry mail tendered by foreign postal operators, subject to the terms of an authorization arrangement.

Irregular Parcel Surcharge

Add ~~$0.20~~0.25 for each irregularly shaped parcel (such as rolls, tubes, and triangles).

IMpb Noncompliance Fee

Add ~~$0.20~~0.25 for each IMpb-noncompliant parcel paying commercial prices, unless the eVS Unmanifested Fee was already assessed on that parcel.

eVS Unmanifested Fee

Add $~~0.20~~0.25 for each unmanifested parcel paying commercial prices, unless the IMpb Noncompliance Fee was already assessed on that parcel.

Pickup On Demand Service

Add $~~24.00~~25.00 for each Pickup On Demand stop.

2135 USPS Retail Ground

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2135.2 Size and Weight Limitations[1]

	Length	Height	Thickness	Weight
Minimum	large enough to accommodate postage, address, and other required elements on the address side			none
Maximum	130 inches in combined length and girth			70 pounds[1]

Notes

1. ~~An overweight item~~ charge of $100.00 applies to pieces found in the postal network that exceed the 70-pound maximum weight limitation or the 130-inch length plus girth maximum dimensional limit for Postal Service products. Such items are nonmailable and will not be delivered. As described in the Domestic Mail Manual, this charge is payable before release of the item, unless the item is picked up at the same facility where it was entered.

* * *

2135.6 Prices

USPS Retail Ground[1]

Maximum Weight (pounds)	Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
1	7.70	8.10	8.25	8.40	8.70	8.95	9.55
2	8.55	8.85	10.10	10.95	11.75	12.75	13.80
3	9.05	9.90	11.10	12.60	13.30	15.55	17.60
4	9.55	10.75	11.75	13.20	15.80	18.35	20.95
5	10.60	11.50	12.50	13.90	17.35	20.85	24.35
6	11.40	12.00	13.30	16.05	20.10	24.15	28.15
7	12.40	13.60	16.00	18.05	22.50	26.95	31.45
8	12.80	15.05	17.75	20.85	25.65	30.35	35.15
9	13.30	16.25	19.70	23.80	28.95	34.10	39.20
10	14.15	17.45	21.20	25.40	30.80	36.20	41.50
11	15.55	19.20	23.40	27.20	33.15	39.15	45.20
12	16.90	20.60	25.15	29.15	35.55	42.10	48.50
13	17.90	21.75	26.55	30.85	37.00	43.25	49.35
14	19.00	23.20	28.25	32.70	39.05	45.50	51.80
15	19.70	24.50	29.85	34.65	40.85	47.10	53.20
16	20.35	25.85	31.50	36.55	43.10	49.65	56.25
17	21.30	27.20	33.15	38.45	45.40	52.25	59.15
18	21.65	28.15	34.50	40.40	47.65	54.90	62.20
19	22.30	28.85	35.25	41.40	48.70	56.00	63.35
20	23.20	29.20	35.85	42.25	50.35	58.40	66.50
21	24.00	29.55	36.35	42.80	51.20	59.50	67.95
22	24.55	30.25	37.25	43.85	52.40	61.00	69.55
23	25.15	30.85	37.85	44.60	53.40	62.05	70.75
24	25.70	31.50	38.75	45.50	54.55	63.60	72.55
25	26.00	32.00	40.30	46.85	55.80	64.80	73.85

USPS Retail Ground (Continued)

Maximum Weight (pounds)	Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
26	27.00	32.60	41.80	47.75	57.15	66.60	76.10
27	27.85	33.10	43.05	50.20	59.70	69.30	78.85
28	28.70	33.50	44.35	51.50	61.60	71.75	81.90
29	29.55	33.90	45.45	52.30	62.85	73.55	84.15
30	30.45	34.35	46.55	53.00	63.95	74.95	85.90
31	31.35	34.70	47.35	53.80	65.15	76.50	87.85
32	31.70	35.50	48.10	54.30	66.00	77.70	89.40
33	32.25	36.40	49.30	55.05	67.10	79.10	91.20
34	32.50	37.40	50.55	56.15	68.45	80.70	92.95
35	32.85	38.30	51.15	57.35	69.70	82.05	94.35
36	33.20	39.40	51.90	58.70	71.20	83.60	96.00
37	33.50	40.05	52.65	59.70	72.40	85.00	97.60
38	33.90	41.10	53.30	60.85	73.65	86.40	99.20
39	34.25	42.05	54.00	62.15	75.00	87.85	100.70
40	34.65	42.90	54.70	63.50	76.30	89.20	102.10
41	34.95	43.75	55.35	64.10	77.30	90.50	103.70
42	35.20	44.50	55.90	65.40	78.55	91.75	105.00
43	35.70	45.25	56.40	66.80	79.90	93.00	106.10
44	35.90	46.00	57.15	68.20	81.30	94.40	107.60
45	36.15	46.50	57.50	69.80	82.80	95.85	108.90
46	36.40	46.80	58.15	71.05	84.05	97.15	110.15
47	36.75	47.25	58.70	72.75	85.60	98.55	111.45
48	37.10	47.65	59.25	74.10	86.90	99.70	112.55
49	37.30	47.95	59.70	75.45	88.20	100.90	113.65
50	37.45	48.25	60.15	76.95	89.55	102.20	114.85

USPS Retail Ground (Continued)

Maximum Weight (pounds)	Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
51	37.60	48.75	60.70	78.20	90.85	103.35	115.95
52	38.10	49.05	61.10	78.80	91.65	104.45	117.25
53	38.75	49.35	61.45	79.45	92.50	105.60	118.75
54	39.20	49.55	61.90	80.05	93.55	106.95	120.45
55	39.90	49.90	62.25	80.65	94.45	108.20	122.00
56	40.45	50.25	62.60	81.20	95.25	109.20	123.25
57	41.05	50.40	62.95	81.60	95.80	109.90	124.10
58	41.70	50.65	63.40	82.25	96.60	110.90	125.15
59	42.35	50.85	63.70	82.70	97.15	111.60	126.05
60	42.90	51.05	64.30	83.10	97.70	112.30	126.85
61	43.55	51.35	65.45	83.55	98.60	113.60	128.60
62	44.00	51.45	66.25	84.05	99.60	115.15	130.70
63	44.85	51.70	67.40	84.45	100.55	116.65	132.80
64	45.30	53.30	68.35	84.85	101.55	118.15	134.85
65	45.90	53.45	69.25	85.05	102.35	119.60	136.85
66	46.50	53.65	70.40	85.50	103.40	121.15	139.00
67	47.25	53.75	71.60	85.85	104.20	122.50	140.75
68	47.80	53.85	72.45	86.00	104.80	123.50	142.25
69	48.40	53.90	73.35	86.25	105.40	124.60	143.75
70	49.00	54.10	74.55	86.50	106.10	125.75	145.35
Oversized	80.00	101.70	123.45	144.90	166.60	188.25	210.00

Notes

1. Except for oversized pieces, the Zone 1-4 prices are applicable only to parcels containing hazardous or other material not permitted to travel by air transportation. All other parcels for shipment in Zones 1-4 will be converted to Priority Mail service.

Limited Overland Routes

Pieces delivered to or from designated intra-Alaska ZIP Codes not connected by overland routes are eligible for the following prices.

Maximum Weight (pounds)	Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)
1	7.30	7.65	8.00	8.25
2	8.05	8.45	9.10	9.65
3	8.30	9.40	10.35	12.55
4	8.80	9.95	11.00	13.10
5	9.35	10.25	11.60	13.60
6	9.55	10.80	12.20	14.60
7	9.85	11.25	12.95	15.60
8	10.20	11.80	13.65	16.65
9	10.60	12.50	14.40	17.75
10	10.90	12.85	15.05	18.70
11	11.20	13.20	15.65	19.55
12	11.55	13.75	16.35	20.55
13	11.90	14.20	17.10	21.45
14	12.25	14.80	17.75	22.40
15	12.65	15.30	18.50	23.45
16	13.00	15.80	19.20	24.40
17	13.35	16.35	19.90	25.35
18	13.65	16.90	20.60	26.35
19	14.05	17.35	21.20	27.15
20	14.40	17.80	21.80	28.00
21	14.75	18.30	22.40	28.80
22	15.10	18.75	23.00	29.60
23	15.45	19.25	23.60	30.50
24	15.80	19.70	24.25	31.25
25	16.15	20.20	25.00	32.15

Limited Overland Routes (Continued)

Maximum Weight (pounds)	Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)
26	16.45	20.65	25.70	32.95
27	16.85	21.15	26.35	34.00
28	17.20	21.60	27.05	34.85
29	17.60	22.05	27.70	35.70
30	18.10	22.55	28.30	36.50
31	18.65	22.95	29.00	37.25
32	18.95	23.50	29.55	38.05
33	19.35	23.95	30.25	38.85
34	19.85	24.45	30.85	39.70
35	20.45	24.95	31.50	40.55
36	20.70	25.45	32.10	41.40
37	21.15	25.90	32.70	42.25
38	21.60	26.40	33.35	43.15
39	22.10	26.90	33.95	44.00
40	22.55	27.35	34.70	44.90
41	23.00	27.90	35.30	45.65
42	23.35	28.35	35.90	46.55
43	23.80	28.90	36.45	47.35
44	24.10	29.35	37.10	48.20
45	24.45	29.75	37.65	49.15
46	24.80	30.25	38.30	50.05
47	25.20	30.70	38.90	51.00
48	25.50	31.20	39.45	51.80
49	25.90	31.65	40.05	52.75
50	26.30	32.05	40.60	53.65

Limited Overland Routes (Continued)

Maximum Weight (pounds)	Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)
51	26.65	32.55	41.25	54.50
52	27.05	33.05	41.80	55.25
53	27.35	33.45	42.40	56.05
54	27.65	33.90	42.95	56.85
55	28.10	34.30	43.55	57.60
56	28.45	34.80	44.15	58.40
57	28.85	35.25	44.70	59.15
58	29.20	35.70	45.30	59.90
59	29.55	36.15	45.90	60.65
60	29.90	36.60	46.50	61.45
61	30.30	37.05	47.10	62.15
62	30.65	37.50	47.80	63.00
63	31.05	38.00	48.45	63.70
64	31.40	38.40	49.10	64.45
65	31.75	38.85	49.65	65.15
66	32.10	39.25	50.35	65.90
67	32.50	39.75	50.95	66.60
68	32.90	40.15	51.60	67.35
69	33.20	40.60	52.25	68.05
70	33.60	41.75	53.30	68.85
Oversized	49.10	67.30	74.15	89.85

Balloon Price

Limited Overland Routes pieces exceeding 84 inches in length and girth combined (but not more than 108 inches) and weighing less than 20 pounds are subject to a price equal to that for a 20-pound parcel for the zone to which the parcel is addressed.

Oversized Pieces

Regardless of weight, any piece that measures more than 108 inches (but not more than 130 inches) in length plus girth must pay the oversized price. As stated in the Domestic Mail Manual, any piece that is found to be over the 70 pound maximum weight limitation is nonmailable, will not be delivered, and may be subject to the $100.00 overweight item charge.

Pickup On Demand Service

Add ~~$24.00~~25.00 for each Pickup On Demand stop.

Dimensional Weight

In Zones 1-8, parcels exceeding one cubic foot are priced at the actual weight or the dimensional weight, whichever is greater.

For box-shaped parcels, the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) of the parcel, and dividing by 166.

For irregular-shaped parcels (parcels not appearing box-shaped), the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) at the associated maximum cross-sections of the parcel, dividing by 166, and multiplying by an adjustment factor of 0.785.

These dimensional weight rules do not apply to the Limited Overland Routes price category.

IMpb Noncompliance Fee

Add ~~$0.20~~0.25 for each IMpb-noncompliant parcel paying commercial prices.

2600 Special Services

* * *

2605 Address Enhancement Services

* * *

2605.2 Prices

	($)
AEC	
Per record processed	0.029
Minimum charge per list	28.00
AMS API Address Matching System Application Program Interface (per year, per platform) [1]	
Developer's Kit, one platform	6,100.00
Each Additional, per platform	2,150.00
Resell License, one platform	27,750.00
Each Additional, per platform	13,875.00
Additional Database License	
Number of Additional Licenses	
1-100	3,500.00
101-200	7,000.00
201-300	10,500.00
301-400	14,000.00
401-500	17,500.00
501-600	21,000.00
601-700	24,500.00
701-800	28,000.00
801-900	31,500.00
901-1,000	35,000.00
1,001-10,000	50,000.00
10,001-20,000	60,000.00
20,001-30,000	70,000.00
30,001-40,000	80,000.00

	($)
RDI API Developer's Kit[1]	
Each, per platform	930.00
Resell License, one platform	3,500.00
Each Additional, per platform	1980.00

Notes

1. Above API License Fees prorated during the first year based on the date of the license agreement.

2630 Premium Forwarding Service

* * *

2630.2 Prices

	($)
Online Enrollment (Commercial, ~~and~~ Residential, and Local)	20.90
Retail Counter Enrollment (Residential Only)	22.75
Weekly Reshipment (Residential Only)	22.75
Per-Container Reshipment (Local Only)	22.75
Priority Mail Half Tray Box (Commercial Only)	25.35
Priority Mail Full Tray Box (Commercial Only)	46.25
Priority Mail Express Half Tray Box (Commercial Only)	58.35
Priority Mail Express Full Tray Box (Commercial Only)	115.10

2640 Post Office Box Service

* * *

2640.4 Prices

Regular – Semi-Annual Fees[1, 2, 3, 4]

Box Size	C1 ($)	C2 ($)	C3 ($)	C4 ($)	C5 ($)	C6 ($)	C7 ($)
1	35.00 to 240.00	30.00 to 240.00	25.00 to 220.00	20.00 to 200.00	20.00 to 200.00	15.00 to 200.00	10.00 to 200.00
2	55.00 to 340.00	45.00 to 320.00	40.00 to 300.00	30.00 to 260.00	25.00 to 260.00	20.00 to 260.00	15.00 to 260.00
3	100.00 to 430.00	80.00 to 360.00	70.00 to 340.00	50.00 to 300.00	45.00 to 300.00	35.00 to 300.00	25.00 to 300.00
4	150.00 to 690.00	130.00 to 415.00	130.00 to 380.00	100.00 to 320.00	80.00 to 320.00	60.00 to 320.00	45.00 to 320.00
5	200.00 to 1080.00	200.00 to 710.00	180.00 to 570.00	150.00 to 525.00	140.00 to 440.00	105.00 to 440.00	80.00 to 440.00

Notes

1. At ZIP Code locations specified on usps.com, customers who have not had box service for the last six months may obtain an initial 13 months of service for twice the semi-annual fees provided above.

2. 3-month fees must fall within the range consisting of one-half the applicable minimum and one-half the applicable maximum in the above price table.

3. A portion of the fee may serve as postage on packages delivered to competitive Post Office Box service customers after being brought to the Post Office by a private carrier.

4. For customers using the Enterprise PO Box Online system, the semi-annual fees may be prorated one time to align payment periods for multiple boxes. The prorated fee for each such box will be based on the number of months between the expiration of the current fee and the month of the payment alignment.

Postal Facilities Primarily Serving Academic Institutions or Their Students

Period of box use (days)	Price
95 or less	½ semiannual price
96 to 140	¾ semiannual price
141 to 190	Semiannual price
191 to 230	1 ¼ semiannual price
231 to 270	1 ½ semiannual price
271 to full year	Two times semiannual price

Ancillary Post Office Box Services

	($)
Key duplication or replacement	6.00
Lock replacement	22.00
Key deposit[1]	3.00

Notes

1. Key deposit only applies to additional keys or replacement keys.

2645 Competitive Ancillary Services

2645.1 Adult Signature

* * *

2645.1.2 Prices

	($)
Adult Signature Required	6.90
Adult Signature Restricted Delivery	7.15

2645.2 Package Intercept Service

* * *

2645.2.2 Prices

	($)
Package Intercept Service	15.25

* * *

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–90434; File No. SR–MRX–2020–19]

Self-Regulatory Organizations; Nasdaq MRX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To the Exchange's Pricing Schedule at Options 7 To Amend Taker Fees for Regular Orders

November 16, 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 November 2, 2020, Nasdaq MRX, LLC (''MRX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's Pricing Schedule at Options 7, as described further below.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/mrx/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 recently filed to permit certain affiliated market participants (*i.e.,* Affiliated Entities) [3] to aggregate volume and qualify for certain pricing incentives.[4] The purpose of the proposed rule change is to amend the Exchange's Pricing Schedule to enhance participation in the Exchange's Affiliated Entities program in order to encourage additional order flow to the Exchange. Each change is described below.

Regular Taker Fees

Today, as set forth in Options 7, Section 3, Table 1, the Exchange applies a two-tier taker fee structure based on Total Affiliated Member [5] or Affiliated Entity ADV.[6] In Penny Symbols, the Exchange currently charges all non-Priority Customer [7] orders a taker fee of $0.50 per contract, regardless of the tier achieved. In Non-Penny Symbols, the Exchange currently charges all non-Priority Customers a taker fee of $0.90 per contract, regardless of tier achieved. Priority Customer [8] orders do not get charged taker fees for executions in either Penny or Non-Penny Symbols today.

In addition, as set forth in note 2 within Options 7, Section 3, Table 1, Market Maker [9] orders that take liquidity are also currently eligible for ADV-based fee discounts in both Penny and Non-Penny Symbols when trading against Priority Customer orders entered by an Affiliated Member or Affiliated Entity.

[3] An ''Affiliated Entity'' is a relationship between an Appointed Market Maker and an Appointed OFP for purposes of qualifying for certain pricing specified in the Pricing Schedule. Market Makers and OFPs are required to send an email to the Exchange to appoint their counterpart, at least 3 business days prior to the last day of the month to qualify for the next month. The Exchange will acknowledge receipt of the emails and specify the date the Affiliated Entity is eligible for applicable pricing, as specified in the Pricing Schedule. Each Affiliated Entity relationship will commence on the 1st of a month and may not be terminated prior to the end of any month. An Affiliated Entity relationship will terminate after a one (1) year period, unless either party terminates earlier in writing by sending an email to the Exchange at least 3 business days prior to the last day of the month to terminate for the next month. Affiliated Entity relationships must be renewed annually by each party sending an email to the Exchange. Affiliated Members may not qualify as a counterparty comprising an Affiliated Entity. Each Member may qualify for only one (1) Affiliated Entity relationship at any given time. *See* Options 7, Section 1(c).

[4] *See* SR–MRX–2020–17 (not yet published).

[5] An ''Affiliated Member'' is a Member that shares at least 75% common ownership with a particular Member as reflected on the Member's Form BD, Schedule A. *See* Options 7, Section 1(c).

[6] Total Affiliated Member or Affiliated Entity ADV means all ADV executed on the Exchange in all symbols and order types, including volume executed by Affiliated Members or Affiliated Entities. All eligible volume from Affiliated Members or an Affiliated Entity will be aggregated in determining applicable tiers. *See* Options 7, Section 3, Table 3.

[7] Non-Priority Customer include Market Makers, Non-Nasdaq MRX Market Makers (FarMMs), Firm Proprietary/Broker-Dealers, and Professional Customers.

[8] A ''Priority Customer'' is a person or entity that is not a broker/dealer in securities, and does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s), as defined in Nasdaq MRX Options 1, Section 1(a)(36).

[9] The term Market Makers refers to ''Competitive Market Makers'' and ''Primary Market Makers'' collectively.

Today, the discounted fee is $0.05 per contract if the Member has a Total Affiliated Member or Affiliated Entity Priority Customer ADV [10] of 5,000 contracts or more, or $0.00 per contract if the Member has a Total Affiliated Member or Affiliated Entity Priority Customer ADV of 50,000 contracts or more. These fee discounts apply instead of the Market Maker taker fees of $0.50 per contract in Penny Symbols and $0.90 per contract in Non-Penny Symbols.

The Exchange now proposes a number of changes to the current taker fee structure described above. The Exchange first proposes to increase the Non-Penny taker fees for all non-Priority Customer orders from $0.90 to $1.10 per contract, regardless of tier. Priority Customer orders will continue to be charged no fee under this proposal.

The Exchange also proposes to amend the note 2 incentive that currently offers discounted taker fees to qualifying Market Maker orders in all symbols by separating the incentive structure between Penny and Non-Penny Symbols. For Penny Symbols, the Exchange proposes to replace the current language in note 2 with the following:

A Taker Fee of $0.20 per contract applies instead when trading with Priority Customer orders in Penny Symbols entered by an Affiliated Member or Affiliated Entity. A Taker Fee of $0.10 per contract applies instead when trading with Priority Customer orders in Penny Symbols entered by an Affiliated Member or Affiliated Entity if the Member has a Total Affiliated Member or Affiliated Entity Priority Customer ADV of 0.20% to less than 0.75% Customer Total Consolidated Volume. A Taker Fee of $0.00 per contract applies instead when trading with Priority Customer orders in Penny Symbols entered by an Affiliated Member or Affiliated Entity if the Member has a Total Affiliated Member or Affiliated Entity Priority Customer ADV of 0.75% Customer Total Consolidated Volume or more.

For Non-Penny Symbols, the Exchange proposes to introduce separate discounted Market Maker taker fees in new note 3, which would replace the note 2 incentive currently offered for such orders. The new incentive will be structured similarly to the amended note 2 incentive, except with respect to the amount of the discounted taker fees. Otherwise, the proposed tier structure and related qualifications will be identical to the ones proposed above for the amended note 2 incentive. As proposed, new note 3 will be added to Options 7, Section 3, Table 1 as follows:

A Taker Fee of $0.90 per contract applies instead when trading with Priority Customer orders in Non-Penny Symbols entered by an Affiliated Member or Affiliated Entity. A Taker Fee of $0.50 per contract applies instead when trading with Priority Customer orders in Non-Penny Symbols entered by an Affiliated Member or Affiliated Entity if the Member has a Total Affiliated Member or Affiliated Entity Priority Customer ADV of 0.20% to less than 0.75% Customer Total Consolidated Volume. A Taker Fee of $0.20 per contract applies instead when trading with Priority Customer orders in Non-Penny Symbols entered by an Affiliated Member or Affiliated Entity if the Member has a Total Affiliated Member or Affiliated Entity Priority Customer ADV of 0.75% Customer Total Consolidated Volume or more.

Taken together, the proposed note 2 and note 3 incentives differ from the current note 2 incentive in a few key ways. First, the current incentive structure will be expanded from two to three tiers with the introduction of a top tier that will contain a more stringent volume requirement than the lower tiers in order for the Member to qualify for free executions. The Exchange will also reduce the amount of the discount for some tiers,[11] while raising the volume requirement in the new top tier to qualify for free executions. Second, the base tier qualifications will be modified to remove the volume requirement stipulating that the Member have a Total Affiliated Member or Affiliated Entity Priority Customer ADV of 5,000 contracts or more. As amended, the base tiers would offer the $0.20 (Penny Symbols) and $0.90 (Non-Penny Symbols) discounted Market Maker taker fees when trading with Priority Customer orders that are entered by an Affiliated Member or Affiliated Entity, without requiring them to meet a requisite volume threshold. As noted above, this would further the Exchange's goal to encourage Members to become Affiliated Entities, provided they are not already Affiliated Members, thereby enhancing participation in the Exchange's newly established Affiliated Entity program to bring increased order flow.

Third, the cumulative volume thresholds in current note 2 would be replaced by total industry percentage thresholds, specifically thresholds that are based on a percentage of Customer Total Consolidated Volume.[12] The Exchange notes that the proposed percentage threshold of 0.20% Customer Total Consolidated Volume is comparable in terms of requisite volume to the existing ADV threshold of 50,000 contracts. The proposed percentage threshold for the new top tier requires additional volume to meet the proposed criteria of 0.75% Customer Total Consolidated Volume.[13] The Exchange is proposing to replace the current cumulative volume thresholds with total industry volume percentages to align with increasing Member activity on MRX over time. The Exchange notes that total industry percentage thresholds are established concepts within its Pricing Schedule today.[14]

Lastly, the Exchange proposes to relocate the defined term ''Customer Total Consolidated Volume'' from Options 7, Section 3, Table 3 to Options 7, Section 1(c). Because this term is used throughout the Pricing Schedule, the Exchange believes that its relocation to the general definition section in Section 1(c) is appropriate.

Flash Order Definition

The Exchange proposes a non-substantive, clarifying change to the definition of a Flash Order in its Pricing Schedule. A Flash Order is currently defined as an order that is exposed at the National Best Bid or Offer by the Exchange to all Members for execution, as provided under Supplementary Material .02 to Options 5, Section 2.[15] Today, the initiation of a Flash Order is considered as ''taker'' (*i.e.,* removing liquidity from the book), while responses to a Flash Order is considered as ''maker'' (*i.e.,* adding liquidity to the book). Accordingly, the current definition also indicates that for all Flash Orders, the Exchange will charge the applicable taker fee and for responses that trade against a Flash

[10] Total Affiliated Member or Affiliated Entity Priority Customer ADV means all Priority Customer ADV executed on the Exchange in all symbols and order types, including volume executed by Affiliated Members or Affiliated Entities. All eligible volume from Affiliated Members or an Affiliated Entity will be aggregated in determining applicable tiers. *See* Options 7, Section 3, Table 3.

[11] As proposed, the discounted Market Maker taker fees are $0.20 and $0.10 in the lower tiers for Penny Symbols, and $0.90 and $0.50 in the lower tiers for Non-Penny Symbols. Today, the discounted Market Maker taker fee is $0.05 in the lower tier across all symbols.

[12] Customer Total Consolidated Volume means the total volume cleared at The Options Clearing Corporation in the Customer range in equity and ETF options in that month. *See* Options 7, Section 3, Table 3.

[13] Today, 0.75% of Customer Total Consolidated Volume on the Exchange is approximately 165,000 contracts per day.

[14] Specifically, the qualifying tier thresholds for the Exchange's maker/taker pricing are currently based on Customer Total Consolidated Volume percentages. *See* Options 7, Section 3, Table 3.

[15] *See* Options 7, Section 1(c).

Order, the Exchange will provide the applicable maker rebate. The Exchange is not proposing to change its current billing practices with respect to Flash Orders; however, because the Exchange does not currently offer maker rebates and instead charges maker fees, the Exchange proposes to clarify that for responses that trade against a Flash Order, it will charge the applicable maker fee. As such, the Exchange is aligning the rule text to current billing practices.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[16] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[17] in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange's proposed changes to its Pricing Schedule are reasonable in several respects. As a threshold matter, the Exchange is subject to significant competitive forces in the market for options securities transaction services that constrain its pricing determinations in that market. The fact that this market is competitive has long been recognized by the courts. In *NetCoalition* v. *Securities and Exchange Commission,* the D.C. Circuit stated as follows: ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .'' [18]

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [19]

Numerous indicia demonstrate the competitive nature of this market. For example, clear substitutes to the Exchange exist in the market for options security transaction services. The Exchange is only one of sixteen options exchanges to which market participants may direct their order flow. Within this environment, market participants can freely and often do shift their order flow among the Exchange and competing venues in response to changes in their respective pricing schedules. As such, the proposal represents a reasonable attempt by the Exchange to increase its liquidity and market share relative to its competitors.

Regular Taker Fees

The Exchange believes that the proposed changes to its regular taker fee structure are reasonable for several reasons. While the Exchange is proposing to increase the Non-Penny Symbol taker fees for all non-Priority Customer orders from $0.90 to $1.10 in Tier 1 and Tier 2, the Exchange believes that its fees remain competitive and will continue to encourage market participants, and, in particular, Market Makers to execute more volume on MRX. Although the base taker fees for non-Priority Customers are increasing under this proposal, the Exchange believes that the fee increase is balanced by the potential for the new discounted taker fee structure proposed for Market Makers to encourage additional liquidity and opportunities for trading, to the benefit of all market participants. As discussed further below, the Exchange is proposing taker fee incentives that specifically target Market Maker activity on the Exchange. An increase in Market Maker activity may result in tighter spreads and more trading, improving the quality of the MRX market and increasing its attractiveness to existing and prospective participants. The Exchange notes that the proposed taker fees remain in line with similar fees charged by other options exchanges.[20]

The Exchange believes that the new discounted Market Maker taker fee structure that it is proposing in notes 2 and note 3 of Options 7, Section 3, Table 1 is reasonable. As noted above, the proposed changes would further the Exchange's goal of enhancing participation in the Exchange's newly established Affiliated Entity program, which is designed to further incentivize Members to aggregate volume and bring more order flow to MRX to qualify for fee incentives. For the reasons described in the following paragraphs, the Exchange believes that the proposed discounted taker fee incentives in proposed notes 2 and 3 will be beneficial for all market participants by encouraging an active and liquid market on MRX.

As discussed above, the note 2 and note 3 incentives would continue to offer Market Makers the opportunity to receive discounted taker fees when trading with Priority Customer orders entered by an Affiliated Member or Affiliated Entity, with a few key differences. The Exchange believes that expanding the current two tier incentive structure to three tiers will continue to reward Market Makers for executing increasingly larger Priority Customer volume on MRX to obtain the proposed discounted fees. Permitting Members to aggregate volume for purposes of qualifying the Market Maker under an Affiliated Member relationship or an Appointed Market Maker [21] under an Affiliated Entity relationship will also encourage the counterparty order flow providers that comprise the Affiliated Member or Affiliated Entity relationship to bring additional Priority Customer order flow to MRX. While the Exchange is reducing the amount of the discount for the lower tiers,[22] the Exchange believes this is reasonable given that it will be significantly easier to qualify for the discounted taker fee in the base incentive tier under this proposal.[23]

The Exchange is also changing the volume qualifications for the discounted taker fee incentives by removing (for the base tiers only) or replacing the current cumulative volume thresholds with

[16] 15 U.S.C. 78f(b).

[17] 15 U.S.C. 78f(b)(4) and (5).

[18] *NetCoalition* v. *SEC,* 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

[19] Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

[20] For instance, the Exchange's affiliate, Nasdaq Options Market (''NOM'') charges NOM Market Makers, Non-NOM Market Makers, Firms, and Broker-Dealers a $1.10 per contract Fee to Remove Liquidity in Non-Penny Symbols. *See* NOM Pricing Schedule at Options 7, Section 2(1). In addition, MIAX PEARL charges all MIAX PEARL Market Makers, Non-Priority Customers, Firms, BDs, and Non-MIAX PEARL Market Makers a base taker fee of $1.10 per contract for Non-Penny Classes. *See* MIAX PEARL Fee Schedule at Section (1)(a).

[21] An ''Appointed Market Maker'' is a Market Maker who has been appointed by an OFP for purposes of qualifying as an Affiliated Entity. *See* Options 7, Section 1(c).

[22] *See supra* note 11.

[23] As proposed, the Exchange will no longer require Market Makers to meet a requisite volume threshold in order to qualify for the discounted taker fees of $0.20 (Penny Symbols) and $0.90 (Non-Penny Symbols) in the base incentive tier. *See* proposed notes 2 and 3 in Options 7, Section 3, Table 1.

total industry percentage thresholds for the Affiliated Member or Affiliated Entity. The Exchange believes that removing the volume requirements for the base tier so that Market Makers would be able to more easily obtain the benefit of the discounted taker fee if they trade with any Priority Customer orders entered by an Affiliated Member or Affiliated Entity would further incentivize Market Makers to aggregate and execute large volumes of Priority Customer orders on the Exchange to qualify for the discounted Market Maker taker fees.

The Exchange also believes that replacing the current cumulative volume thresholds with total industry percentage thresholds is reasonable in order to align with increasing Member activity on MRX over time. The Exchange is proposing to base the discounted Market Maker taker fee volume requirements on a percentage of industry volume in recognition of the fact that the volume executed by a Member may rise or fall with industry volume. A percentage of industry volume calculation allows the qualifications within notes 2 and 3 to be calibrated to current market volumes rather than requiring a static amount of volume regardless of market conditions. While the amount of volume required by the proposed qualifications in notes 2 and 3 may change in any given month due to increases or decreases in industry volume, the Exchange believes that the proposed threshold requirements are set at appropriate levels. The proposed thresholds of 0.20% Customer Total Consolidated Volume, which is comparable to the existing ADV requirement of 50,000 contracts, and 0.75% Customer Total Consolidated Volume, which is new and requires additional volume,[24] are both intended to continue to reward Market Makers for executing more volume on MRX. To the extent Market Maker activity is increased by this proposal, market participants will increasingly compete for the opportunity to trade on the Exchange, 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. As noted above, total industry percentage thresholds are also established concepts within the Exchange's Pricing Schedule.[25]

The Exchange believes that its proposal to amend the regular taker fee structure in the manner described above is equitable and not unfairly discriminatory. As it relates to the increase in Non-Penny Symbol taker fees, the Exchange will apply this change to all non-Priority Customers while Priority Customers will continue to not be charged taker fees under this proposal. The Exchange continues to believe that it is equitable and not unfairly discriminatory to provide free executions to Priority Customer orders as the Exchange is seeking to attract this order flow. The Exchange believes that attracting more volume from Priority Customers benefits all market participants by providing more trading opportunities on MRX.

Furthermore, the Exchange's proposal to provide the discounted Market Maker taker fees in note 2 and note 3 is equitable and not unfairly discriminatory. As discussed above, the proposed threshold of 0.20% Customer Total Consolidated Volume is comparable to the existing ADV requirement of 50,000 contracts, so the Exchange anticipates minimal impact to Market Makers as a result of replacing the current cumulative volume threshold with the new total industry percentage threshold. While the proposed threshold of 0.75% Customer Total Consolidated Volume is new and requires additional volume,[26] the Exchange likewise anticipates minimal impact with this proposed change because no Market Makers meet the current ADV threshold for free executions, and thus would not fall out of the proposed highest tier as a result of this change. The Exchange also believes that it is equitable and not unfairly discriminatory to continue to offer the discounted taker fee incentives only to Market Makers. Market Makers have special obligations to the market (such as quoting obligations) that other market participants do not. As such, these incentives are designed to increase Market Maker participation and reward Market Makers for the unique role they play in ensuring a robust market. Furthermore, providing the discounted taker fees specifically to Market Makers that trade with Priority Customer orders entered by Affiliated Members or Affiliated Entities will encourage firms to bring more of this order flow to the Exchange. Priority Customer liquidity benefits all market participants by providing more trading opportunities and attracting other market participants, thus facilitating tighter spreads and increased order flow to the benefit of all market participants. In addition, all Members that are not Affiliated Members may enter into an Affiliated Entity relationship. Thus, rewarding Members that use these programs to aggregate volume to bring a more order flow is beneficial to all market participants, who are free to interact with such order flow.

Lastly, the Exchange believes that the proposed change to relocate the definition of Customer Total Consolidated Volume into Options 7, Section 1(c) is reasonable, equitable and not unfairly discriminatory. Because this term is used throughout the Pricing Schedule, the Exchange believes that its relocation to the general definition section in Section 1(c) is appropriate and brings greater transparency to the Pricing Schedule.

Flash Order Definition

The Exchange believes that the proposed change to clarify in the definition of a Flash Order that it will charge the applicable maker fee for responses that trade against the Flash Order (instead of providing that it will provide the applicable maker rebate) is reasonable, equitable, and not unfairly discriminatory. As discussed above, the Exchange is not changing its current billing practices with respect to Flash Orders, and Members are being uniformly charged the applicable maker fee for their executed responses against Flash Orders today. Accordingly, the proposed change aligns the rule text to current practice.

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. In terms of inter-market competition, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other options exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited. If the changes proposed herein are unattractive to market participants, it is likely that the Exchange will lose market share as a result. Accordingly, the Exchange does not believe that the

[24] *See supra* note 13.

[25] *See supra* note 14.

[26] *See supra* note 13.

proposed changes will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets.

In terms of intra-market competition, the Exchange does not believe that its proposal will place any category of market participant at a competitive disadvantage. The proposed changes to the regular taker fee structure are ultimately designed to incentivize Members to bring additional order flow to the Exchange and create a more active and liquid market on MRX. The proposed discounted taker fees will continue to reward Market Makers for executing increasingly larger Priority Customer volume entered by Affiliated Members or Affiliated Entities on MRX to obtain the proposed incentives. As discussed above, permitting Members to aggregate volume for purposes of qualifying the Market Maker under an Affiliated Member relationship or an Appointed Market Maker under an Affiliated Entity relationship will also encourage the counterparty order flow providers that comprise the Affiliated Member or Affiliated Entity relationship to bring additional Priority Customer order flow to MRX. All Members will benefit from any increase in market activity that the proposal effectuates through increased trading opportunities and price discovery.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,[27] and Rule 19b–4(f)(2)[28] 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: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–MRX–2020–19 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–MRX–2020–19. 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–MRX–2020–19 and should be submitted on or before December 11, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[29]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–25617 Filed 11–19–20; 8:45 am]

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[27] 15 U.S.C. 78s(b)(3)(A)(ii).

[28] 17 CFR 240.19b–4(f)(2).

[29] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–90432; File No. SR–CboeEDGX–2020–053]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fee Schedule

November 16, 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 November 2, 2020, Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') is filing with the Securities and Exchange Commission (''Commission'') a proposed rule change to amend the fee schedule. 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/options/regulation/rule_filings/edgx/*), 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

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its fee schedule applicable to its equities trading platform (''EDGX Equities'') by: (1) Eliminating certain volume tiers; (2) updating the Non-Displayed Add Volume Tiers; and (3) updating the Retail Volume Tiers, effective November 2, 2020.

The Exchange first notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. More specifically, the Exchange is only one of 16 registered equities exchanges, as well as a number of alternative trading systems and other off-exchange venues that do not have similar self-regulatory responsibilities under the Exchange Act, to which market participants may direct their order flow. Based on publicly available information,[3] no single registered equities exchange has more than 18% of the market share. Thus, in such a low-concentrated and highly competitive market, no single equities exchange possesses significant pricing power in the execution of order flow. The Exchange in particular operates a ''Maker-Taker'' model whereby it pays credits to members that provide liquidity and assesses fees to those that remove liquidity. The Exchange's fee schedule sets forth the standard rebates and rates applied per share for orders that provide and remove liquidity, respectively. Currently, for orders priced at or above $1.00, the Exchange provides a standard rebate of $0.00160 per share for orders that add liquidity and assesses a fee of $0.00270 per share for orders that remove liquidity. For orders priced below $1.00, the Exchange a standard rebate of $0.00009 per share for orders that add liquidity and assesses a fee of 0.30% of Dollar Value for orders that remove liquidity. Additionally, in response to the competitive environment, the Exchange also offers tiered pricing which provides Members opportunities to qualify for higher rebates or reduced fees where certain volume criteria and thresholds are met. Tiered pricing provides an incremental incentive for Members to strive for higher tier levels, which provides increasingly higher benefits or discounts for satisfying increasingly more stringent criteria.

Elimination of Volume Tiers

Pursuant to footnote 1 of the Fees Schedule, the Exchange currently offers Add Volume Tiers (tiers 1 through 4, plus six various additional tiers) that provide Members an opportunity to receive an enhanced rebate from the standard fee assessment for liquidity adding orders that yield fee codes ''B'',[4] ''V'',[5] ''Y'',[6] ''3'',[7] and ''4''.[8] The Add Volume Tiers currently offer ten different tiers that vary in levels of criteria difficulty and incentive opportunities in which Members may qualify for enhanced rebates for such orders. The Exchange proposes to eliminate three of those tiers. First, the Exchange proposes to eliminate Growth Tier 1 (and renumber Growth Tiers 2 and 3 accordingly), which provides a $0.0020 per share rebate for Members that (1) add an ADV [9] of greater than or equal to 0.10% of the TCV [10] or (2) have a Step-Up Add TCV from March 2019 greater than or equal to 0.05%. The Exchange also proposes to eliminate its Cross-Asset Volume Tiers. Particularly, Cross-Asset Volume Tier 1 provides a $0.0027 per share rebate for Members that (1) add an ADV greater than or equal to 0.20% of the TCV and (2) have an ADV in Customer orders on EDGX Options greater than or equal to 0.08% of average OCV.[11] Cross-Asset Volume Tier 2 similarly provides a $0.0027 per share rebate for Members that (1) add an ADV greater than or equal to 0.05% of the TCV and (2) have an ADV in AIM orders on EDGX Options greater than or equal to 25,000 contracts. The Exchange also proposes to eliminate Tape B Volume Tier, which is currently described under footnote 2 of the fees schedule (the Exchange also proposes to remove footnote 2 from the applicable Fees Code Table). Particularly, Tape B Volume Tier consists of one tier which applies to orders yielding fee code B and 4 and provides a $0.0027 per share rebate to Members that add an ADV greater than or equal to 0.10% of the TCV in Tape B securities.

In particular, the Exchange proposes to eliminate Cross-Asset Tier 1 as no Member has reached this tier in several months and the Exchange therefore no longer wishes to, nor is it required to, maintain such tier. The Exchange proposes to eliminate Growth Tier 1, Cross-Asset Tier 2 and Tape B Volume Tier as it no longer wishes to, nor is it required to, maintain such tiers. More specifically, the proposed rule change removes these tiers as the Exchange would rather redirect resources and funding into other programs and tiers intended to incentivize increased order flow.

Proposed Updates to the Non-Displayed Add Volume Tiers

Currently, the Exchange provides for three Non-Displayed Add Volume Tiers under footnote 1 of the Fee Schedule. These tiers offer enhanced rebates on Members' orders yielding fee codes ''DM'',[12] ''HA'',[13] ''MM'' [14] and ''RP'' [15] where a Member reaches certain required volume-based criteria offered in each tier. Specifically, the Non-Displayed Add Volume Tiers are as follows:

- Tier 1 provides an enhanced rebate of $0.0015 for a Member's qualifying orders (*i.e.,* yielding fee codes DM, HA, MM and RP) where a Member adds an ADAV [16] greater than or equal to 0.01% of TCV for Non-Displayed orders that yield fee codes DM, HA, HI, MM or RP.
- Tier 2 provides an enhanced rebate of $0.0022 for a Member's qualifying

[3] *See* Cboe Global Markets, U.S. Equities Market Volume Summary, Month-to-Date (October 28, 2020), available at *https://markets.cboe.com/us/equities/market_statistics/.*

[4] Appended to orders that add liquidity to EDGX (Tape B) and offered a rebate of $0.00160 per share.

[5] Appended to orders that add liquidity to EDGX (Tape A) and offered a rebate of $0.00160 per share.

[6] Appended to orders that add liquidity to EDGX (Tape C) and offered a rebate of $0.00160 per share.

[7] Appended to orders that add liquidity to EDGX pre and post market (Tape A or C) and offered a rebate of $0.00160 per share.

[8] Appended to orders that add liquidity to EDGX pre and post market (Tape B) and offered a rebate of $0.00160 per share.

[9] ''ADV'' means average daily volume calculated as the number of shares added to, removed from, or routed by, the Exchange, or any combination or subset thereof, per day. ADV is calculated on a monthly basis.

[10] ''TCV'' means total consolidated volume calculated as the volume reported by all exchanges and trade reporting facilities to a consolidated transaction reporting plan for the month for which the fees apply.

[11] ''OCV'' means for purposes of equities pricing, the total equity and ETF options volume that clears in the Customer range at the Options Clearing Corporation (''OCC'') for the month for which the fees apply, excluding volume on any day that the Exchange experiences an Exchange System Disruption and on any day with a scheduled early market close, using the definition of Customer as provided under the Exchange's fee schedule for EDGX Options.

[12] Appended to orders that add liquidity using MidPoint Discretionary order within discretionary range and are provided a rebate of $0.00100.

[13] Appended to non-displayed orders that add liquidity and are provided a rebate of $0.00100.

[14] Appended to non-displayed orders that add liquidity using Mid-Point Peg and are provided a rebate of $0.00100.

[15] Appended to non-displayed orders that add liquidity using Supplemental Peg and are provided a rebate of $0.00100.

[16] ''ADAV'' means average daily added volume calculated as the number of shares added per day.

orders where a Member adds an ADAV greater than or equal to 0.02% of TCV for Non-Displayed orders that yield fee codes DM, HA, HI, MM or RP.

• Tier 3 provides an enhanced rebate of $0.0025 for a Member's qualifying orders where a Member has an ADAV greater than or equal to 0.05% of TCV for Non-Displayed orders that yield fee codes DM, HA, HI, MM or RP.

The Exchange proposes to update the criteria in Non-Displayed Add Volume Tiers 2 and 3 as follows below. The Exchange notes that the enhanced rebates currently provided in each tier remain the same.

• To meet the proposed criteria in Tier 1 [sic], a Member must have an ADAV greater than or equal to 0.05% (instead of 0.02%) of TCV for Non-Displayed orders that yield fee codes DM, HA, HI, MM or RP.

• To meet the proposed criteria in Tier 3, a Member must have an ADAV greater than or equal to 0.10% (instead of 0.05%) of TCV for Non-Displayed orders that yield fee codes DM, HA, HI, MM or RP.

The Exchange notes Non-Displayed Add Volumes Tiers 2 and 3, as modified, continue to be available to all Members and provide Members an opportunity to receive an enhanced rebate, albeit using more stringent criteria. Moreover, the proposed changes are designed to encourage Members to increase non-displayed liquidity on the Exchange, which further contributes to a deeper, more liquid market and provides even more execution opportunities for active market participants at improved prices.

Retail Volume Tiers

Pursuant to footnote 3 of the fee schedule, the Exchange currently offers Retail Volume Tiers which provide Retail Member Organizations (''RMOs'')[17] an opportunity to receive an enhanced rebate from the standard rebate for Retail Orders[18] that add liquidity (*i.e.,* yielding fee code ''ZA''[19]). Currently, the Retail Volume Tiers offer three levels of criteria difficulty and incentive opportunities in which RMOs may qualify for enhanced rebates for Retail Orders. The tier structures are designed to encourage RMOs to increase their order flow in order to receive an enhanced rebate on their liquidity adding orders, and the Exchange now proposes to amend existing Retail Volume Tiers 1, 2 and 3.

Specifically, the current Retail Volume Tiers are as follows:

• Tier 1 provides an enhanced rebate of $0.0034 for a Member's qualifying orders (*i.e.,* yielding fee code ZA) where a Member (1) has a Retail Step-Up Add TCV (*i.e.* yielding fee code ZA) from February 2020 greater than or equal to 0.05% and (2) adds a Retail Order ADV (*i.e.,* yielding fee code ZA) greater than or equal to 0.20% of the TCV.

• Tier 2 provides an enhanced rebate of $0.0037 for a Member's qualifying orders (*i.e.,* yielding fee code ZA) where a Member has a Retail Step-Up Add TCV (*i.e.* yielding fee code ZA) from May 2020 greater than or equal to 0.10%.

• Tier 3 provides an enhanced rebate of $0.0038 for a Member's qualifying orders (*i.e.,* yielding fee code ZA) where a Member adds a Retail Order ADV (*i.e.* yielding fee code ZA) greater than or equal to 0.50%.

The Exchange proposes to update the criteria in Retail Volume Tiers 1, 2 and 3 as follows below.

• To meet the proposed criteria in Tier 1, a Member must add a Retail Order ADV (*i.e.* yielding fee code ZA) greater than or equal to 0.35% (instead of 0.20%) of the TCV. The Exchange also proposes to eliminate the first prong of current Retail Volume Tier 1 (*i.e.,* that a Member have a Retail Step-Up Add TCV from February 2020 ≥0.05%).

• To meet the proposed criteria in Tier 2, a Member must continue to meet the current prong of Retail Volume Tier 2 but also meet a new additional prong requiring that a Member remove a Retail Order ADV (*i.e.,* yielding fee code ZR) greater than or equal to 0.15% of the TCV.

• To meet the proposed criteria in Tier 3, a Member must add a Retail Order ADV (*i.e.* yielding fee code ZA) greater than or equal to 0.60% (instead of 0.50%). The Exchange also proposes to reduce the rebate from $0.0038 to $0.0036 per share.

The Exchange notes Retail Volume Tiers 1, 2 and 3, as modified, continue to be available to all RMOs and provide RMOs an opportunity to receive an enhanced rebate, albeit using a more stringent criteria. Moreover, the proposed changes are designed to encourage RMOs to increase retail order flow on the Exchange encourage Members to increase non-displayed liquidity [sic] on the Exchange, which further contributes to a deeper, more liquid market and provides even more execution opportunities for active market participants at improved prices.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[20] in general, and furthers the objectives of Section 6(b)(4),[21] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members, issuers and other persons using its facilities. The Exchange operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. The proposed rule changes reflect a competitive pricing structure designed to incentivize market participants to direct their order flow to the Exchange, which the Exchange believes would enhance market quality to the benefit of all Members.

In particular, the Exchange believes the proposal to remove the Growth Tier 1, Cross-Asset Volume Tier 2 and Tape B Volume Tier is reasonable because the Exchange is not required to maintain these tiers and Members still have a number of other opportunities and a variety of ways to receive enhanced rebates for displayed liquidity adding orders, including via the existing add volume tiers and growth tiers. The Exchange believes the proposal to eliminate these tiers is also equitable and not unfairly discriminatory because it applies to all Members (*i.e.,* the tier won't be available for any Member). The Exchange notes that recently one Member was satisfying the criteria of Growth Tier 1, one Member was satisfying the criteria of the Tape B Volume Tier and two members were satisfying the criteria of Cross-Asset Tier 2. The Exchange also notes that the proposed change does not preclude any Member, including the Members that were receiving the rebates under these tiers, from achieving the remaining add volume tiers and growth volume tiers to qualify for the remaining enhanced rebates or other available enhances [sic] rebates under other incentive tiers.[22] Additionally, those Members are still entitled to a rebate for its displayed

[17] A ''Retail Member Organization'' or ''RMO'' is a Member (or a division thereof) that has been approved by the Exchange under this Rule to submit Retail Orders. *See* EDGX Rule 11.21(a)(1).

[18] A ''Retail Order'' is an agency or riskless principal order that meets the criteria of FINRA Rule 5320.03 that originates from a natural person and is submitted to the Exchange by a Retail Member Organization, provided that no change is made to the terms of the order with respect to price or side of market and the order does not originate from a trading algorithm or any other computerized methodology. *See* EDGX Rule 11.21(a)(2).

[19] Appended to Retail Orders that add liquidity to EDGX and offered a rebate of $0.0032 per share.

[20] 15 U.S.C. 78f.

[21] 15 U.S.C. 78f(b)(4).

[22] *See e.g.,* Cboe EDGX Equities Fee Schedule, Footnote 1, which provides various Add/Remove Volume Tiers applicable to fee codes B, V, Y, 3 and 4.

orders adding liquidity (*i.e.,* the standard rebate), albeit a rebate that is lower than the amount under Growth Tier 1, Tape B Volume Tier and Cross-Asset Volume Tier 2. The proposed rule change merely results in Members not receiving particular enhanced rebates, which as noted above, the Exchange is not required to offer or maintain. Additionally, as noted above, those Members, along with all other Members, are eligible to qualify for the remaining add volume tier rebates should they satisfy the respective criteria.

The Exchange also believes the proposed amendment to remove the Cross-Asset Tier 1 is reasonable because no Member has achieved this tier in several months. Furthermore, the Exchange is not required to maintain this tier and as discussed, Members still have a number of other opportunities and a variety of ways to receive enhanced rebates, including the proposed enhanced standard rebates for displayed orders adding liquidity. The Exchange believes the proposal to eliminate these tiers is also equitable and not unfairly discriminatory because it applies to all Members.

The Exchange believes the proposed changes to the Non-Displayed Add Volume Tiers 2 and 3 and Retail Volume Tiers 1, 2 and 3 are reasonable because each tier, as modified, continues to be available to all Members and RMOs, respectively, and provide Members and RMOs, respectively, an opportunity to receive an enhanced rebate, albeit using more stringent criteria. The Exchange next notes that relative volume-based incentives and discounts have been widely adopted by exchanges,[23] including the Exchange,[24] and are reasonable, equitable and non-discriminatory because they are open to all Members (and RMOs as applicable) on an equal basis and provide additional benefits or discounts that are reasonably related to (i) the value to an exchange's market quality and (ii) associated higher levels of market activity, such as higher levels of liquidity provision and/or growth patterns. Additionally, as noted above, the Exchange operates in a highly competitive market. The Exchange is only one of several equity venues to which market participants may direct their order flow, and it represents a small percentage of the overall market. It is also only one of several maker-taker exchanges. Competing equity exchanges offer similar tiered pricing structures to that of the Exchange, including schedules of rebates and fees that apply based upon members achieving certain volume thresholds. These competing pricing schedules, moreover, are presently comparable to those that the Exchange provides, including the pricing of comparable tiers.

The Exchange also believes that the current enhanced rebates under Non-Displayed Tiers 2 and 3 and Retail Volume Tiers 1 and 2, along with the proposed reduced rebate under Retail Volume Tier 3, continue to be commensurate with the proposed criteria. That is, the additional rebates reasonably reflect the difficulty in achieving the corresponding criteria as amended. Also, the Exchange's affiliated equities exchange, BZX Equities, currently has Non-Displayed Volume Tiers in place, which offer substantially similar enhanced rebates and corresponding criteria.[25]

Overall, the Exchange believes that the proposed changes to the Non-Displayed Add Volume Tiers, each based on a Member's liquidity adding orders, will benefit all market participants by incentivizing continuous liquidity and, thus, deeper more liquid markets as well as increased execution opportunities. Particularly, the proposed changes to the Non-Displayed Add Volume Tiers are designed to incentivize non-displayed liquidity, which further contributes to a deeper, more liquid market and provide even more execution opportunities for active market participants at improved prices. This overall increase in activity deepens the Exchange's liquidity pool, offers additional cost savings, supports the quality of price discovery, promotes market transparency and improves market quality, for all investors.

The Exchange also believes that the proposal represents an equitable allocation of fees and rebates and is not unfairly discriminatory because all Members are eligible for Non-Displayed Add Volume Tiers and would have the opportunity to meet the tiers' criteria and would receive the proposed fee if such criteria is met. Without having a view of activity on other markets and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would definitely result in any Members qualifying for the proposed tiers. The Exchange notes that most recently, three members satisfied Non-Displayed Tier 2 and five Members satisfied Non-Displayed Tier 3. While the Exchange has no way of predicting with certainty how the proposed tier will impact Member activity, the Exchange anticipates that approximately four Members will be able to satisfy Non-Displayed Tier 2 (as amended) and one Member will be able to satisfy Non-Displayed Tier 3 (as amended). The Exchange also notes that proposed tiers will not adversely impact any Member's ability to qualify for other reduced fee or enhanced rebate tiers. Should a Member not meet the proposed criteria under any of the proposed tiers, the Member will merely not receive that corresponding reduced fee.

The Exchange believes that the proposal relating to the Retail Volume Tiers also represents an equitable allocation of rebates and is not unfairly discriminatory because all RMOs will continue to be eligible for each Retail Volume Tier. The proposed changes are designed as an incentive to any and all RMOs interested in meeting the tier criteria, as amended to submit additional adding and/or removing, or Retail, order flow to the Exchange. The Exchange notes that greater add volume order flow provides for deeper, more liquid markets and execution opportunities, and greater remove volume order flow increases transactions on the Exchange, which incentivizes liquidity providers to submit additional liquidity and execution opportunities, thus, providing an overall increase in price discovery and transparency on the Exchange. Also, an increase in Retail Order flow, which orders are generally submitted in smaller sizes, tends to attract Market-Makers, as smaller size orders are easier to hedge. Increased Market-Maker activity facilitates tighter spreads, signaling an additional corresponding increase in order flow from other market participants, which contributes towards a robust, well-balanced market ecosystem. Increased overall order flow benefits all investors by deepening the Exchange's liquidity pool, potentially providing even greater execution incentives and opportunities, offering

[23] *See e.g.,* Nasdaq PSX Price List, Rebate to Add Displayed Liquidity (Per Share Executed), which provides rebates to members for adding displayed liquidity over certain thresholds of TCV ranging between $0.0020 and $0.0026; Cboe BZX U.S. Equities Exchange Fee Schedule, Footnote 1, Add Volume Tiers, which provides similar incentives for liquidity adding orders and offers rebates ranging between $0.0018 and $0.0032; Nasdaq Price List, Rebate to Add Displayed Designated Retail Liquidity, which offer rebates of $0.00325 and $0.0033 for Add Displayed Designated Retail Liquidity.

[24] *See generally,* Cboe EDGX U.S. Equities Exchange Fee Schedule, Footnote 1, Add Volume Tiers, which provides incentives for ADV/ADAV order flow as a percentage of TCV and for criteria based on certain other threshold components (*i.e.* Step-Up Add TCV, average OCV, and AIM and Customer orders); and Footnote 3, Retail Volume Tiers, which provides incentives for Retail Step-Up Add TCV and Retail Order ADV as a percentage of TCV.

[25] *See e.g.,* Cboe BZX Equities Fee Schedule, Footnote 1, which provides various Non-Displayed Add Volume Tiers.

additional flexibility for all investors to enjoy cost savings, supporting the quality of price discovery, promoting market transparency and improving investor protection. The Exchange also notes all RMOs will continue to have the opportunity to submit the requisite order flow and will receive the applicable enhanced rebate if the tier criteria is met. The Exchange additionally notes that while the Retail Volume Tiers are applicable only to RMOs, the Exchange does not believe this application is discriminatory as the Exchange offers similar rebates to non-RMO order flow.[26]

Without having a view of activity on other markets and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would definitely result in any RMOs qualifying for the proposed amended tier. The Exchange notes that most recently, two Members satisfied Retail Volume Tier 1, one Member satisfied Retail Volume Tier 2 and two Members satisfied Retail Volume Tier 3. While the Exchange has no way of predicting with certainty how the proposed tier will impact Member activity, the Exchange anticipates that approximately one Member will be able to satisfy Retail Volume Tier 1 (as amended), one Member will be able to satisfy Retail Volume Tier 2 (as amended) and one Member will be able to satisfy Retail Volume Tier 3 (as amended). The Exchange also notes that the proposed amended tiers will not adversely impact any RMO's ability to qualify for other rebate tiers. Rather, should a RMO not meet the criteria for Retail Volume Tier 1, 2 or 3 as amended, the RMO will merely not receive the corresponding proposed enhanced rebate. Furthermore, the proposed rebate would uniformly apply to all RMOs that meet the required criteria

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule changes will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Rather, as discussed above, the Exchange believes that the proposed change would encourage the submission of additional order flow to a public exchange, thereby promoting market depth, execution incentives and enhanced execution opportunities, as well as price discovery and transparency for all Members. As a result, the Exchange believes that the proposed change furthers the Commission's goal in adopting Regulation NMS of fostering competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.''

The Exchange believes the proposed rule change does not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Particularly, the proposed changes to the Non-Displayed Add Volume Tiers applies to all Members equally in that all Members are eligible for these tiers, have a reasonable opportunity to meet the tiers' criteria and will receive the enhanced rebates if such criteria is met. Similarly, the proposed changes to the Retail Volume Tiers apply to all RMOs equally in that all RMOs are eligible for those tiers, have a reasonable opportunity to meet the tiers' criteria and will receive the enhanced rebates if such criteria are met. Additionally, the proposed tiers are designed to attract additional order flow to the Exchange. The Exchange believes that the updated tier criteria would incentivize market participants to direct liquidity adding and/or removing order flow to the Exchange, bringing with it additional execution opportunities for market participants and improved price transparency. Greater overall order flow, trading opportunities, and pricing transparency benefits all market participants on the Exchange by enhancing market quality and continuing to encourage Members to send orders, thereby contributing towards a robust and well-balanced market ecosystem.

Next, the Exchange believes the proposed rule change does not impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. As previously discussed, the Exchange operates in a highly competitive market. Members have numerous alternative venues that they may participate on and direct their order flow, including 15 other equities exchanges and off-exchange venues and alternative trading systems. Additionally, the Exchange represents a small percentage of the overall market. Based on publicly available information, no single equities exchange has more than 18% of the market share. Therefore, no exchange possesses significant pricing power in the execution of order flow. Indeed, 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. Moreover, 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.'' The fact that this market is competitive has also long been recognized by the courts. In *NetCoalition* v. *Securities and Exchange Commission*, the DC Circuit stated as follows: ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . .''. Accordingly, the Exchange does not believe its proposed fee change imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

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) of the Act[27] and paragraph (f) of Rule 19b–4[28] 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 will institute proceedings to determine whether the proposed rule

[26] Such as the other Add/Remove Volume Tiers under Footnote 1 of the EDGX Fees Schedule which provide opportunities to all Members to submit the requisite order flow to receive an enhanced rebate.

[27] 15 U.S.C. 78s(b)(3)(A).

[28] 17 CFR 240.19b–4(f).

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–CboeEDGX–2020–053 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–CboeEDGX–2020–053. 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 offices 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– CboeEDGX–2020–053, and should be submitted on or before December 11, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[29]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–25615 Filed 11–19–20; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–90433; File No. SR–NYSEAMER–2020–81]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of Proposed Change Amending the NYSE American Options Fee Schedule Regarding an Incentive Program for Floor Brokers

November 16, 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 November 10, 2020, NYSE American LLC (''NYSE American'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the NYSE American Options Fee Schedule (''Fee Schedule'') regarding an incentive program for Floor Brokers. The Exchange proposes to implement the fee change effective November 10, 2020.[4] The proposed change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to modify the Fee Schedule to eliminate an incentive program that was designed to encourage Floor Brokers to increase their billable volume (the ''Rebate''). The Exchange proposes to implement the rule changes on November 10, 2020.

Currently, the Exchange provides a $35,000 Rebate each month that a Floor Broker organization achieves the requisite minimum average daily volume (''ADV'') of billable contracts.[5] To qualify for the monthly Rebate, a Floor Broker must execute the greater of:

(i) 75,000 contract sides in billable ADV or

(ii) 150% of the Floor Broker's total billable ADV in contract sides during the first half of 2019 (*i.e.,* January–June 2019).[6]

The Exchange adopted the Rebate—a voluntary program—in June 2020 to encourage Floor Broker organizations to execute billable volume on the Exchange.[7] However, because the Rebate program is underutilized (and therefore did not achieve its intended effect), the Exchange proposes to eliminate the Rebate program from the Fee Schedule.[8]

The Exchange believes that the elimination of the Rebate would impact some firms that would no longer receive this benefit; however, given that the Rebate was underutilized, the Exchange believes that most Floor Brokers firms would not be impacted by its removal.

[29] 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] The Exchange originally filed to amend the Fee Schedule on October 30, 2020. (SR–NYSEAMER–2020–78) and withdrew such filing on November 10, 2020.

[5] *See* Fee Schedule, Section III.E.2., Floor Broker Billable Volume Rebate (the ''FB Billable Volume Rebate'').

[6] *See id.* The calculation for billable ADV applies to manual executions and QCCs, but excludes any Customer volume and non-billable Professional Customer QCC volume, Firm Facilitation trades, and any volume calculated to achieve the Firm Monthly Fee Cap and the Strategy Execution Fee Cap, regardless of whether either of these caps is achieved. *See id.*

[7] *See* Securities Exchange Act Release No. 89045 (June 11, 2020), 85 FR 36644 (June 17, 2020) (SR–NYSEAMER–2020–45) (notice regarding adoption of the Rebate).

[8] *See* proposed Fee Schedule, Section III.E.2. (held as ''Reserved'').

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[9] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[10] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes that the proposed rule change to eliminate the Rebate from the Fee Schedule is reasonable because this program is underutilized and has generally not incentivized Floor Broker organizations to bring liquidity and increase billable manual executions on the Exchange. The Exchange believes eliminating an underutilized incentive program would simplify the Fee Schedule. The Exchange believes that eliminating the Rebate program from the Fee Schedule is equitable and not unfairly discriminatory because the program would be eliminated in its entirety and would no longer be available to any Floor Broker organization.

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 elimination of the Rebate program from the Fee Schedule would not affect intramarket or intermarket competition because the Rebate has not incentivized Floor Broker organizations to add liquidity or increase billable manual executions on the Exchange. Because only those Floor Brokers that met a minimum monthly volume were eligible to earn the Rebate, the proposed elimination of the Rebate would remove a potential burden on competition in that it would level the playing field for all Floor Broker firms operating on the Exchange.

The Exchange operates in a highly competitive market in which market participants can readily favor one of the 16 competing option exchanges. In such an environment, the Exchange must continually adjust its fees and rebates to remain competitive with other exchanges and to attract order flow to the Exchange. The Exchange believes that the proposed rule change reflects this competitive environment because it removes an underutilized Rebate that did not achieve its intended purpose of attracting order flow.

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)[11] of the Act and subparagraph (f)(2) of Rule 19b–4[12] 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)[13] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEAMER–2020–81 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–2020–81. 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–2020–81, and should be submitted on or before December 11, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–25616 Filed 11–19–20; 8:45 am]

BILLING CODE 8011–01–P

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(4) and (5).

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(2).

[13] 15 U.S.C. 78s(b)(2)(B).

[14] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: 30-Day notice.

SUMMARY: The Small Business Administration (SBA) is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act and OMB procedures, SBA is publishing this notice to allow all interested members of the public an additional 30 days to provide comments

on the proposed collection of information.

DATES: Submit comments on or before December 21, 2020.

ADDRESSES: Comments should refer to the information collection by title and/or OMB Control Number and should be sent to: *Agency Clearance Officer,* Curtis Rich, Small Business Administration, 409 3rd Street SW, 5th Floor, Washington, DC 20416; and *SBA Desk Officer,* Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503. You may obtain a copy of the information collection and supporting documents from the Agency Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Curtis Rich, Agency Clearance Officer, (202) 205–7030, *curtis.rich@sba.gov.*

SUPPLEMENTARY INFORMATION: The Governor of the State U.S. territory or possession affected by a disaster submits this information collection to request that SBA issue a disaster declaration. The information identifies the time, place and nature of the incident and helps SBA to determine whether the regulatory criteria for a disaster declaration have been met, and disaster assistance can be made available to the affected region.

Solicitation of Public Comments: Comments may be submitted on (a) whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Title: Disaster Business Application.

OMB Control Number: 3245–0121.

Description of Respondents: 29.

Estimated Annual Responses: 61.

Estimated Annual Hour Burden: 1,220.

Curtis Rich,

Management Analyst.

[FR Doc. 2020–25638 Filed 11–19–20; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments

ACTION: 60-day notice and request for comments.

SUMMARY: The Small Business Administration (SBA) intends to request approval, from the Office of Management and Budget (OMB) for the collection of information described below. The Paperwork Reduction Act (PRA) requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

DATES: Submit comments on or before January 19, 2021.

ADDRESSES: Send all comments to Kelly Templeton Financial Analyst, Office of Portfolio Management and Office of Financial Program Operations, Small Business Administration, 409 3rd Street, 6th Floor, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Kelly Templeton Financial Analyst, Office of Portfolio Management and Office of Financial Program Operations, *Kelly.templeton@sba.gov,* or Curtis B. Rich, Management Analyst, 202–205–7030, *curtis.rich@sba.gov;*

SUPPLEMENTARY INFORMATION: SBA has authority under 15 U.S.C. 634(b) and 31 U.S.C. 3711 to compromise and settle debts owed to the Agency by borrowers or guarantors in SBA's loan programs. The financial information provided by debtors on SBA Form 770 is a prerequisite to such compromise or settlement. SBA uses the information in making a determination regarding the repayment and or compromise of the debts and other liquidation proceedings, including litigation by the Agency and/or the Department of Justice.

Solicitation of Public Comments

SBA is requesting comments on (a) Whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Summary of Information Collection

OMB Control Number: 3245–0012.

Title: Financial Statement of Debtor.

Description of Respondents: Debtors in SBA Loan Program.

Form Number: SBA Form 770.

Total Estimated Number of Respondents: 5,000.

Total Estimated Annual Responses: 5,000.

Total Estimated Annual Hour Burden: 5,000.

Curtis Rich,

Management Analyst.

[FR Doc. 2020–25703 Filed 11–19–20; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments

ACTION: 60-Day notice and request for comments.

SUMMARY: The Small Business Administration (SBA) intends to request approval, from the Office of Management and Budget (OMB) for the collection of information described below. The Paperwork Reduction Act (PRA) requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

DATES: Submit comments on or before January 19, 2021.

ADDRESSES: Send all comments to Renee Mascarenas, Financial Specialist, Denver Finance Center, Small Business Administration, 721 19th Street, 3rd Floor, Denver, CO 80202.

FOR FURTHER INFORMATION CONTACT: Renee Mascarenas, Financial Specialist, Denver Finance Center, *renee.mascarenas@sba.gov* 303–844–7179, or Curtis B. Rich, Management Analyst, 202–205–7030, *curtis.rich@sba.gov.*

SUPPLEMENTARY INFORMATION: SBA Form 172 is only used by lenders for loans that have been purchased by SBA and are being serviced by approved SBA lending partners. The lenders use the SBA Form 172 to report loan payment data to SBA on a monthly basis. The purpose of this reporting is to (1) show the remittance due SBA on a loan serviced by participating lending institutions (2) update the loan receivable balances.

Solicitation of Public Comments

SBA is requesting comments on (a) Whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Summary of Information Collection

Collection: 3245–0131

(1) *Title:* Transaction Report on Loans Serviced by Lender

Description of Respondents: SBA Lenders.

Form Number: SBA Form 172.

Total Estimated Annual Responses: 1,012.

Total Estimated Annual Hour Burden: 9,636.

Curtis Rich,

Management Analyst.

[FR Doc. 2020–25687 Filed 11–19–20; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

Meeting of the Interagency Task Force on Veterans Small Business Development

AGENCY: U.S. Small Business Administration (SBA).

ACTION: Notice of open Federal Advisory Committee meeting.

SUMMARY: The SBA is issuing this notice to announce the date, time, and agenda for the next meeting of the Interagency Task Force on Veterans Small Business Development (IATF).

DATES: Wednesday, December 2, 2020, from 1:00 p.m. to 3:00 p.m. EST.

ADDRESSES: Due to the coronavirus pandemic, the meeting will be held via Microsoft Teams.

FOR FURTHER INFORMATION CONTACT: The meeting is open to the public; however advance notice of attendance is strongly encouraged. To RSVP and confirm attendance, the general public should email *veteransbusiness@sba.gov* with subject line—''RSVP for 12/2/20 IATF Public Meeting.'' To submit a written comment, individuals should email *veteransbusiness@sba.gov* with subject line—''Response for 12/2/20 IATF Public Meeting'' no later than November 26, or contact Timothy Green, Deputy Associate Administrator, Office of Veterans Business Development (OVBD) at (202) 205–6773. Comments received in advanced will be addressed as time allows during the public comment period. All other submitted comments will be included in the meeting record. During the live meeting, those who wish to comment will be able to do so only via the online platform chat function and will be included in the meeting record. Participants attending can join by dialing: 202–765–1264 conference ID: 449 400 128#.

Special accommodation requests should be directed to OVBD at (202) 205–6773 or *veteransbusiness@sba.gov.* All applicable documents will be posted on the IATF website prior to the meeting: *https://www.sba.gov/page/interagency-task-force-veterans-small-business-development.* For more information on veteran owned small business programs, please visit *www.sba.gov/ovbd.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., Appendix 2), SBA announces the meeting of the Interagency Task Force on Veterans Small Business Development (IAFT). The IATF is established pursuant to Executive Order 13540 to coordinate the efforts of Federal agencies to improve capital, business development opportunities, and pre-established federal contracting goals for small business concerns owned and controlled by veterans and service-disabled veterans.

The purpose of this meeting is to discuss efforts that support service-disabled veteran-owned small businesses, updates on past and current events, and the IATF's objectives for fiscal year 2020.

Dated: November 12, 2020.

Nicole Nelson,

Committee Management Officer (Acting).

[FR Doc. 2020–25656 Filed 11–19–20; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

Meeting of the Advisory Committee on Veterans Business Affairs

AGENCY: U.S. Small Business Administration (SBA).

ACTION: Notice of open federal advisory committee meeting.

SUMMARY: The SBA is issuing this notice to announce the date, time, and agenda for a meeting of the Advisory Committee on Veterans Business Affairs (ACVBA).

DATES: Thursday, December 3, 2020, from 9:00 a.m. to 3:30 p.m. EDT.

ADDRESSES: Due to the coronavirus pandemic, the meeting will be held via Microsoft Teams using a call-in number listed below.

FOR FURTHER INFORMATION CONTACT: The meeting is open to the public; however advance notice of attendance is strongly encouraged. To RSVP and confirm attendance, the general public should email *veteransbusiness@sba.gov* with subject line—''RSVP for 12/3/20 ACVBA Public Meeting.'' To submit a written comment, individuals should email *veteransbusiness@sba.gov* with subject line—''Response for 12/3/20 ACVBA Public Meeting'' no later than November 25, or contact Timothy Green, Deputy Associate Administrator, Office of Veterans Business Development (OVBD) at (202) 205–6773. Comments received in advanced will be addressed as time allows during the public comment period. All other submitted comments will be included in the meeting record. During the live meeting, those who wish to comment will be able to do so only via the online platform chat function and will be included in the meeting record. Participants attending can join by dialing: 202–765–1264 ID: 298 825 239#.

Special accommodation requests should be directed to OVBD at (202) 205–6773 or *veteransbusiness@sba.gov.* All applicable documents will be posted on the ACVBA website prior to the meeting: *https://www.sba.gov/page/advisory-committee-veterans-business-affairs.* For more information on veteran owned small business programs, please visit *www.sba.gov/ovbd.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., Appendix 2), SBA announces the meeting of the Advisory Committee on Veterans Business Affairs. The ACVBA is established pursuant to 15 U.S.C. 657(b) note and serves as an independent source of advice and policy. The purpose of this meeting is to discuss efforts that support veteran-owned small businesses, updates on past and current events, and the ACVBA's objectives for fiscal year 2020.

Dated: November 12, 2020.

Nicole Nelson,

Committee Management Officer (Acting).

[FR Doc. 2020–25655 Filed 11–19–20; 8:45 am]

BILLING CODE P

SURFACE TRANSPORTATION BOARD

[Docket Nos. AB 1307X; and AB 1308X]

York Railway Company—Discontinuance Exemption—in York County, Pa.; and Yorkrail, LLC—Abandonment Exemption—in York County, Pa.

Yorkrail, LLC (Yorkrail) and York Railway Company (YRC) (collectively, Applicants) jointly filed a verified notice of exemption under 49 CFR part 1152 subpart F—*Exempt Abandonments and Discontinuances of Service* for Yorkrail to abandon, and YRC to

discontinue service over,[1] approximately 8.59 miles of rail line extending: (1) Between approximately milepost 20.07, in the Village of Bair, Pa., in West Manchester Township, and approximately milepost 23.3, in the Borough of Spring Grove, Pa., in Jackson Township; and (2) between approximately milepost 24.10, near Spring Grove, and approximately milepost 29.46, near Hanover, Pa., in Heidelberg Township (the Line).[2] The Line traverses U.S. Postal Service Zip Codes 17362, 17331, and 17408. There are no stations on the Line.

Applicants have certified that: (1) No local traffic has moved over the Line for at least two years; (2) no overhead traffic has moved over the Line for at least two years; (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the two-year period; and (4) the requirements at 49 CFR 1105.12 (newspaper publication) and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met. Applicants request waiver of the 20-day advance service requirement for the environmental and historic report under 49 CFR 1105.7 and 1105.8; that request has been granted in a separate decision. *See York Ry.—Discontinuance Exemption—in York Cnty., Pa.,* AB 1307X et al. (STB served November 17, 2020).

As a condition to these exemptions, any employee adversely affected by the abandonment and discontinuance shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received,[3] the exemptions will be effective on December 20, 2020, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[4] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2), and interim trail use/rail banking requests under 49 CFR 1152.29 must be filed by November 30, 2020.[5] Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by December 10, 2020.

A copy of any petition filed with the Board should be sent to Applicants' representative, Eric M. Hocky, Clark Hill PLC, Two Commerce Square, 2001 Market St., Suite 2620, Philadelphia, PA 19103.

If the verified notice contains false or misleading information, the exemptions are void ab initio.

Applicants have filed a combined environmental and historic report that addresses the potential effects, if any, of the abandonment on the environment and historic resources. OEA will issue a Draft Environmental Assessment (Draft EA) by November 27, 2020. The Draft EA will be available to interested persons on the Board's website, by writing to OEA, or by calling OEA at (202) 245–0305. Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877–8339. Comments on environmental and historic preservation matters must be filed within 15 days after the Draft EA becomes available to the public.

Environmental, historic preservation, public use, or interim trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), Yorkrail shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the Line. If consummation has not been effected by Yorkrail's filing of a notice of consummation by November 20, 2021, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available at *www.stb.gov.*

Decided: November 17, 2020.

By the Board, Allison C. Davis, Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2020–25692 Filed 11–19–20; 8:45 am]

BILLING CODE 4915–01–P

[1] The joint verified notice was initially submitted indicating that both entities were seeking abandonment authority. By letter dated November 13, 2020, Applicants requested that the Board caption the proceedings as seeking discontinuance and abandonment exemptions to the extent that was more appropriate. *See also York Ry.—Discontinuance Exemption—in York Cnty., Pa.,* AB 1307X et al. (STB served November 17, 2020).

[2] Applicants state that ''YRC owns all of the common carrier operating rights with respect to [the Line], while Yorkrail is a carrier by virtue of its ownership of the underlying rail assets comprising [the Line].'' (Verified Notice 2.) *See also Md. & Pa. R.R. & Yorkrail, Inc.—Intracorporate Family Transaction Exemption,* FD 33815 (STB served Dec. 13, 1999). According to Applicants, Genesee & Wyoming, Inc., gained control of the two companies in 2002. *See Genesee & Wyo. Inc.—Control Exemption—ETR Acquis. Corp.,* FD 34148 (STB served Feb. 28, 2002).

[3] Persons interested in submitting an OFA must first file a formal expression of intent to file an offer, indicating the type of financial assistance they wish to provide (*i.e.,* subsidy or purchase) and demonstrating that they are preliminarily financially responsible. *See* 49 CFR 1152.27(c)(2)(i).

[4] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemptions' effective date. *See Exemption of Out-of-Serv. Rail Lines,* 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemptions' effective date.

[5] Filing fees for OFAs and trail use requests can be found at 49 CFR 1002.2(f)(25) and (27), respectively.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2020–0060]

Agency Information Collection Activities: Requests for Comments; Clearance of New Approval of Information Collection: Pilot Professional Development

AGENCY: (FAA), DOT

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval for a new information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on October 7, 2016 (81FR69908). A second 60-day **Federal Register** Notice was published on September 29, 2020 (85FR61083). The collection involves the development and approval of new and revised training curriculum for certificate holders using part 121 pilot training and qualification programs.

DATES: Written comments should be submitted by December 21, 2020.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget,

Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Sheri Pippin by email at: *sheri.pippin@faa.gov;* phone: 424–405–7256

SUPPLEMENTARY INFORMATION: *Public Comments Invited:* You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

OMB Control Number: 2120–XXXX.

Title: Pilot Professional Development.

Form Numbers: None.

Type of Review: New collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on October 7, 2016 (81FR69908). A second 60-day **Federal Register** Notice was published on September 29, 2020 (85FR61083). This action amends the requirements primarily applicable to air carriers conducting domestic, flag, and supplemental operations to enhance the professional development of pilots in those operations. This action requires air carriers conducting domestic, flag, and supplemental operations to provide new-hire pilots with an opportunity to observe flight operations and become familiar with procedures before serving as a flightcrew member in operations; to revise the upgrade curriculum; and to provide leadership and command and mentoring training for all pilots in command. This final rule will mitigate incidents of unprofessional pilot behavior and reduce pilot errors that can lead to a catastrophic event.

Summary: The final rule requires the development and approval of new and revised training curriculums for the following:

- Leadership and command and mentoring ground training for pilots currently serving as PIC (§ 121.429) and recurrent PIC leadership and command and mentoring training (§§ 121.409(b) and 121.427);
- Leadership and command training and recurrent leadership and command training for pilots serving as SIC in operations that require three or more pilots (§ 121.432(a));
- Upgrade training curriculum requirements (§§ 121.420 and 121.426);
- Part 121 appendix H requirements; and
- Approval of Qualification Standards Document for certificate holders using an Advanced Qualification Program (AQP) (§ 121.909).

The final rule also requires some additional recordkeeping related to maintaining records of pilots completing the following:

- Leadership and command and mentoring ground training for pilots currently serving as PIC (§ 121.429);
- Leadership and command training and recurrent leadership and command training for pilots serving as SIC in operations that require three or more pilots (§ 121.432(a));
- Recurrent PIC leadership and command and mentoring ground training (§ 121.427); and
- Operations familiarization for new-hire pilots (§ 121.435).

Use: This information will be used to ensure safety-of-flight by making certain that adequate training is obtained and maintained by those who operate under part 121. The FAA will review the respondents' training programs and training courseware through routine certification, inspection and surveillance of certificate holders using part 121 pilot training and qualification programs to ensure compliance and adherence to regulations and, where necessary, to take enforcement action.

Respondents: As of February 2017, there were 79 certificate holders who use part 121 pilot training and qualification programs. They collectively employed 39,122 PICs and 42,227 SICs.

Frequency: Information is collected on occasion. Responses will vary based on type of operation.

Estimated Average Burden per Response: 206 hours.

Estimated Total Annual Burden: 9,614 Hours.

Issued in Washington, DC, on November 17, 2020.

Sandra L. Ray,

Aviation Safety Inspector, FAA Policy Integration Branch, AFS–270.

[FR Doc. 2020–25699 Filed 11–19–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Transportation Project in Florida

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of limitation on claims for judicial review of actions by Florida Department of Transportation (FDOT).

SUMMARY: The FHWA, on behalf of the FDOT, is issuing this notice to announce actions taken by FDOT and other Federal Agencies that are final agency actions. These actions relate to the proposed regional transportation improvement creating a new alignment from State Road 30 (US 98) in Walton County to State Road 79 in Bay County, State of Florida. These actions grant licenses, permits, or approvals for the project.

DATES: A claim seeking judicial review of the Federal Agency actions on the listed highway project will be barred unless the claim is filed on or before March 29, 2021. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: For FDOT: Jason Watts, Director, Office of Environmental Management, FDOT, 605 Suwannee Street, MS 37, Tallahassee, Florida 32399; telephone (850) 414–4316; email: *Jason.Watts@dot.state.fl.us.* The FDOT Office of Environmental Management's normal business hours are 8:00 a.m. to 5:00 p.m. (Eastern Standard Time), Monday through Friday, except State holidays.

SUPPLEMENTARY INFORMATION: Effective December 14, 2016, the FHWA assigned, and the FDOT assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that FDOT and other Federal Agencies have taken final agency actions subject to 23 U.S.C. 139 (l)(1) by issuing licenses, permits, or approvals for the proposed improvement highway project. The actions by FDOT and other Federal Agencies on the project, and the laws under which such actions were taken are described in the Final Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) issued on May 11, 2020, and in other project records for the listed project. The EA, FONSI, and other documents for the listed project are available by contacting FDOT at the address provided above. The EA, FONSI, and additional project documents can be viewed and downloaded from the project website at: *https://nwflroads.com/projects/424464-2.*

The project subject to this notice is:

Project Location: Walton and Bay County, Florida—West Bay Parkway near Panama City Beach. The propose improvements include a new alignment

consisting of a four-lane, divided suburban roadway with a new high-level crossing of the Gulf Intracoastal Waterway (GICW) which is a navigable waterway that traverses the project area and connects Choctawhatchee Bay in Walton County with West Bay in Bay County.

Project Actions: This notice applies to the EA, FONSI, and all other Federal Agency licenses, permits, or approvals for the listed project as of the issuance date of this notice including but not limited to the Biological Assessment, Biological Opinion and Environmental Resource Permits and all laws under which such actions were taken, including but not limited to:

1. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351; Federal—Aid Highway Act (FAHA) [23 U.S.C. 109 and 23 U.S.C. 128].

2. *Air:* Clean Air Act (CAA), 42 U.S.C. 7401–7671(q).

3. *Land:* Section 4(f) of the Department of Transportation Act of 1966 (4f) [49 U.S.C. 303 and 23 U.S.C. 138].

4. *Wildlife:* Endangered Species Act (ESA) [16 U.S.C. 1531–1544 and 1536]; Marine Mammal Protection Act [16 U.S.C. 1361], Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d); Migratory Bird Treaty Act (MBTA) [16 U.S.C. 703–712]; Magnuson-Stevenson Fishery Conservation and Management Act of 1976, as amended [16 U.S.C. 1801 *et seq.*].

5. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended (106) [16 U.S.C. 470(f) *et seq.*]; Archaeological Resources Protection Act of 1977 (ARPA) [16 U.S.C. 470(aa)–470(II)]; Archaeological and Historic Preservation Act (AHPA) [16 U.S.C. 469–469(c)]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013].

6. *Social and Economic:* Civil Rights Act of 1964 (Civil Rights) [42 U.S.C. 20009(d)–2000(d)(1)]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209].

7. *Wetlands and Water Resources:* Clean Water Act (Section 404, Section 401, Section 319) [33 U.S.C. 1251–1377]; Coastal Barriers Resources Act (CBRA) [16 U.S.C. 3501 *et seq.*]; Coastal Zone Management Act (CZMA) [16 U.S.C. 1451–1465]; Land and Water Conservation Fund (LWCF) [16 U.S.C. 4601–4604]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300(f)–300(j)(6)]; Rivers and Harbors Act of 1899 [33 U.S.C. 401–406]; Wild and Scenic Rivers Act [16 U.S.C. 1271–1287]; Emergency Wetlands Resources Act [16 U.S.C. 3921, 3931]; Wetlands Mitigation, [23 U.S.C. 103(b)(6)(M) and 103(b)(11)]; Flood Disaster Protection Act [42 U.S.C. 4001–4128].

8. *Executive Orders:* E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

(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: October 19, 2020.

Karen M. Brunelle,

Director, Office of Project Development, Federal Highway Administration, Tallahassee, Florida.

[FR Doc. 2020–24001 Filed 11–19–20; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2020–0087]

Petition for Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this provides the public notice that on November 5, 2020, Illinois Central Railroad Company, for itself and on behalf of the U.S. railroad subsidiaries operating under the Canadian National Railway Company (CN), petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 232, *Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End-of-Train Devices.* FRA assigned the petition Docket Number FRA–2020–0087.

Specifically, CN proposes to use software technology to implement a virtual three-dimensional simulation as an alternative to satisfy the ''hands-on'' portion of periodic refresher training required by 49 CFR 232.203(b)(8). Refresher training is required at intervals not to exceed 3 years, and must consist of classroom and hands-on training, as well as testing. CN states the training will better equip CN employees to perform Class I freight air brake tests and there will be no impact on safety.

The instructor-led simulation is based on performance of a Class I freight air brake test and is designed to place the user in a virtual realistic scenario. The user is required to perform a variety of inspection tasks relating to preprogrammed defects including, but not limited to, closed cut-out cocks, uncoupled air hoses, closed angle cocks, improperly positioned retainer valves, fouled brake rigging, and using a two-way end-of-train device. CN states that it is often difficult to stage various types of freight air brake equipment with defects to demonstrate the location of key components. CN also states that the simulation allows CN to control the environment and employees are better able to examine components of the air brake system. Furthermore, given the restrictions of person-to-person contact related to COVID–19, safety is further enhanced by utilizing the simulation. CN proposes to apply this waiver system-wide to all CN personnel responsible for performing Class I freight air brakes tests. CN explains it may use the simulation as a supplement at initial training, but it will not replace traditional hands-on training employees receive at initial training.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov.*

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Website: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation (DOT), 1200 New Jersey Ave. SE, W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Ave. SE, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m.,

Monday through Friday, except Federal Holidays.

Communications received by January 4, 2021 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See also *https://www.regulations.gov/privacyNotice* for the privacy notice of *regulations.gov*.

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2020–25681 Filed 11–19–20; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0209]

Agency Information Collection Activity: Application for Work-Study Allowance; Student Work-Study Allowance (Advance Payment); Student Work-Study Agreement; and Extended Student Work-Study Agreement

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: 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 revision 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 January 19, 2021.

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. 2900–0209'' 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 VAS'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: Section 3485 of title 38, United States Code; Section 21.4145 of title 38, Code of Federal Regulations.

Title: Application for Work-Study Allowance, Student Work-Study Agreement (Advance Pay), Extended Work-Study Agreement, Student Work-Study Agreement.

OMB Control Number: 2900–0209.

Type of Review: Revision of a currently approved collection.

Abstract: VA uses the information collected to determine the individual's eligibility for the work-study allowance, the number of hours the individual will work, the amount payable, whether the individual desires an advance payment, and whether the individual wants to extend the work-study contract.

Affected Public: Individuals and households.

Estimated Annual Burden: 16,031 hours.

Estimated Average Burden per Respondent: 20 minutes.

Frequency of Response: Once Annually.

Estimated Number of Respondents: 89,817.

By direction of the Secretary.

Danny S. Green,

VA PRA Clearance Officer, Office of Quality, Performance and Risk, Department of Veterans Affairs.

[FR Doc. 2020–25607 Filed 11–19–20; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 85 Friday,
No. 225 November 20, 2020

Part II

Department of State

22 CFR Part 96
Intercountry Adoptions: Regulatory Changes to Accreditation and Approval Regulations in Intercountry Adoption; Proposed Rule

DEPARTMENT OF STATE

22 CFR Part 96

[Public Notice: 10732]

RIN 1400–AE39

Intercountry Adoptions: Regulatory Changes to Accreditation and Approval Regulations in Intercountry Adoption

AGENCY: Department of State.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of State (the Department) is proposing revisions to the Code of Federal Regulations to amend requirements for accreditation and authorization by the United States to provide adoption services in intercountry adoption cases. This proposed rule amends regulations to provide clarification, updating, or other adaptation of familiar accreditation and approval standards for intercountry adoption. It includes long-awaited provisions for intercountry adoption by relatives. The new regulations simplify and streamline the process by limiting the number of adoption services the primary provider must provide and capitalizing on the adoptive family's understanding of local culture and institutions. It provides a comprehensive definition of relative to clarify the relationships that are encompassed in the amendments to the accreditation rule. Also featured in this proposed rule is a new focus on supporting children and families in the event their adoptive placement disrupts.

DATES: The Department will accept comments on the proposed regulation until January 19, 2021.

ADDRESSES: Internet: You may view this proposed rule and submit your comments by visiting the *Regulations.gov* website at *www.regulations.gov,* and searching for docket number DOS–2020–0048. Submitting comments electronically through this website is the preferred method.

FOR FURTHER INFORMATION CONTACT:

- *Technical Information:* Marisa Light, (202) 485–6042.
- *Legal Information:* Carine L. Rosalia, (202) 485–6092.

SUPPLEMENTARY INFORMATION:

Preamble Contents

I. Introduction

This proposed rule amends part 96 to provide clarification, updating, or other adaptation of familiar accreditation and approval standards for intercountry adoption. These changes derive from observations and experience with the practical operation of the accreditation and approval regulations in the fourteen years since the regulations went into effect. The Department engages in systematic review and analysis of its regulatory responsibilities. Since the inception of the accreditation scheme in 2006 and entry into force of the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (Convention) in 2008, we established ongoing formal and informal interactions with accrediting entities (AEs), adoption service providers (ASPs), and other stakeholders such as adoptive parents, law enforcement officials, and foreign Central Authorities. Through each of these interactions we seek greater insight into our work and the effectiveness of the tools we employ to achieve the objectives of our national law and regulations and the Convention itself.

Annually, we engage in an even deeper review process as we perform an evaluation of the work of our AEs, culminating in a senior level review meeting with AE and Department leaders. This review process allows for reflection and a chance to establish new benchmarks, to update and correct AE policies and procedures, as well as refine our own standard operating procedures. Through this analytical process we become aware of deficiencies in the regulations or areas in which additional information or clarification would be helpful and beneficial for children, their birth parents, and adoptive families in intercountry adoption.

Background and Context

The accreditation regulations flow from the Intercountry Adoption Act of 2000 (IAA), which implements the Convention. The United States signed the Convention shortly after its completion in 1993, enacted the IAA implementing the Convention in 2000, and published implementing regulations, including the accreditation regulations in 22 CFR part 96, in 2006. With these milestones achieved, the United States deposited its instrument of ratification to the Convention in December 2007, and the Convention entered into force with respect to the United States on April 1, 2008. Effective in 2014, the Intercountry Adoption Universal Accreditation Act (UAA) extended the standards in this regulation to all adoption service providers providing intercountry adoption services. For additional information about the development of the Convention, the IAA, and the accreditation regulations, each is treated in detail in the preambular discussion of the proposed and final rules in 2003 and 2005, respectively. Those accounts are found in 68 FR 54064 (September 15, 2003); and in 71 FR 8064 (February 15, 2006).

Changes in the Number and Characteristics of Intercountry Adoptions Worldwide

In 2008, when the Convention entered into force for the United States, U.S. citizens adopted 17,456 children through intercountry adoptions, down from a historical peak of 22,884 intercountry adoptions in 2004. In FY 2019, the most recent year for which the Department has published data, U.S. citizens adopted 2,971 children through intercountry adoption. It is important to note that the trend in declining adoptions is not a trend experienced by the United States alone. All receiving countries have experienced this decline, and to similar degree. Most experts agree that this decline reflects numerous factors, many of which are discussed in the narratives to our Annual Report to the Congress.[1]

Accompanying this decline in numbers has been a change in the characteristics of children adopted through intercountry adoption. Dr. Peter Selman of Newcastle University has studied worldwide intercountry adoption trends dating back to before World War II, with more attention given to adoption over the past 25 years. In 2015 he reported that adoption of

[1] *https://travel.state.gov/content/travel/en/Intercountry-Adoption/adopt_ref/adoption-publications.html.*

children with ''special needs'' are becoming more common, as are adoptions of older age children and of sibling groups. Dr. Selman notes that while there remains a lack of agreement on what exactly the term ''special needs'' covers, the trend first became obvious to him over the period from 2005 to 2009 with respect to adoptions from China. In 2005, the percentage of children adopted from China with special needs was 9% for all adoptions in all receiving countries. By 2007, the number of adopted children from China with special needs had risen to 30%. By 2009, 49% of all adopted children from China were children with special needs.

This trend was echoed in a report by a U.S. coalition of child welfare organizations that said many countries of origin are increasingly limiting intercountry adoption to older children or those who may have special needs. In addition, many children are remaining in orphanages for longer periods of time prior to family placement, and have increased risk factors for emotional, behavioral, and developmental difficulties. Citing Department of State statistics, the coalition noted that in 1999 over 50% of adopted children were under the age of 1 year; whereas in 2013 the number of adopted children under 1 year had dropped to less than 8%.

A Viable Option for Eligible Children in Every Country

The Department is dedicated to maintaining intercountry adoption as a viable option for eligible children in every country, world-wide. To do so, it engages in sustained bilateral diplomacy advocating that countries of origin establish procedures and essential safeguards that allow intercountry adoption for children who cannot find permanent family solutions in their country of origin. The Department also oversees the accreditation system through which the United States establishes these safeguards.

The proposed changes in this NPRM largely represent essential revisions to make the accreditation regulations more effective given the purposes of the Convention and implementing legislation, noted above, working for the best interests of children and enhanced viability of intercountry adoption world-wide.

II. Proposed Changes to 22 CFR Part 96

A. Adoption by Relatives

The Department is pleased to introduce provisions relating to the intercountry adoption of relatives in the new subpart R. Due to the reasons discussed below, the relative adoption provisions are the most universally requested addition from the public over the last ten years. Section 502(a) of the IAA (42 U.S.C. 14952) authorizes the Department to establish alternative regulations for adoption of children by individuals related to them by blood, marriage, or adoption to the extent consistent with the Convention. In support of this addition, we added the following definition of *relative* to the section on definitions, § 96.2:

Relative, for the purposes of the alternative procedures for the intercountry adoption of relatives found in subpart R, means any of the following: Parent, step-parent, brother, step-brother, sister, step-sister, grandparent, aunt, uncle, half-brother to the child's parent, half-sister to the child's parent, half-brother, half-sister, or the U.S. citizen spouse of the person with one of these qualifying relationships with the child. The relationship can exist by virtue of blood, marriage, or adoption.

The new regulations on adoption by relatives in subpart R simplify the role of the primary provider in such cases by limiting the number of adoption services the primary provider is required to provide. Of the six adoption services, the required services primary providers would continue to need to provide for adoptions by relatives are: *Performing a background study on a child or a home study on a prospective adoptive parent(s), and reporting on such a study* (service 3); *Monitoring a case after a child has been placed with propective adoptive parent(s) until final adoption* (service 5); and *When necessary because of a disruption before final adoption, assuming custody and providing (including faciplitation the provision of) child care or any other social service pending an alternative placement* (service 6). However, primary providers would not generally be required to provide: *Identifying a child for adoption and arranging an adoption* (service 1); *Securing the necessary consent to termination of parental rights and to adoption* (service 2); and *Making non-judicial determinations of the best interests of a child and the appropriateness of an adoptive placement for the child* (service 4). We are proposing this exemption because in many cases, these services may be provided by the adoptive family and/or local authorities, without the prior assistance of a primary provider. The Department notes, however, that the primary provider is responsible for any other adoption services (including services 1, 2, or 4) it actually provides or facilitates in the case. All services in relative adoption cases must be provided in accordance with § 96.44.

The most persistent concerns expressed to the Department about the need for regulations relating to adoption by relatives are to reduce costs and to simplify the process associated with such adoptions such that they take less time. More specifically, stakeholders have indicated that the current regulations do not reflect the fact that families adopting relative children abroad already provide most of the key adoption services in such cases, handling many of the administrative tasks associated with an adoption abroad. Stakeholders also point out that many relative cases involve an emergent situation in which a child or children are suddenly bereft of their parents and action on the case needs to be taken quickly.

In addition to these concerns, ASPs have informed the Department that many relative cases occur in countries where few if any U.S. ASPs have adoption programs or expertise. The new provisions are thus crafted in a way to allow primary providers to rely on the intimate knowledge of family members in the country of origin. It is the Department's hope that this approach will make it less burdensome for ASPs to provide services in relative adoptions and thus encourage ASPs to serve as primary providers in relative adoption cases. This would relieve families trying to adopt their relative child abroad of the burden of contacting many ASPs seeking one willing to work in a country where it has little if any expertise. Often in such cases, when the family cannot find an ASP to serve as a primary provider in their case, they end up having to make alternative arrangements for the child, which may not be in the child's best interests. In some cases, the U.S. relative feels compelled to relocate to the child's country of origin or residence to reside with her/him in challenging conditions separated from family members in the United States, thus introducing additional stresses into a situation in which emotions and resources are already strained.

Prospective adoptive parents adopting a relative child abroad must fulfill the same 10 hours of training and preparation required in § 96.48(a) (which are unchanged in the proposed rulemaking) as in all other intercountry adoption cases. The proposed amendment in § 96.100(c) provides that this training should be completed prior to finalizing the adoption or grant of legal custody. The proposed amendment also recognizes that in some relative

cases, the adoption may be finalized before a primary provider becomes involved in the case. In such cases the primary provider ''must verify such training requirements have been met as soon as practicable.''

B. Amendments Relating to Accrediting Entities and Accreditation

Primary responsibility for accreditation and approval of ASPs, and monitoring and oversight of ASPs' compliance with the IAA, the UAA, and their implementing regulations, rests not with the Department but with one or more designated accrediting entities (AEs) (42 U.S.C. 14922). The IAA does not permit a U.S. Federal agency to assume the role of AE. An AE must be either a nonprofit organization (as described in section 501(c)(3) of the Internal Revenue Code), or a public entity other than a federal entity, that otherwise meets the requirements of the regulations. In accordance with these IAA principles, in 2006 the Department designated two AEs to accredit or approve U.S. adoption service providers who, upon such accreditation or approval, were authorized to provide adoption services in intercountry adoption cases subject to the Convention. Since 2008, both Department-designated AEs have withdrawn from that role. The Department designated the current accrediting entity, the Intercountry Adoption Accreditation and Maintenance Entity, Inc. (IAAME), in 2017.

The IAA and existing § 96.4 provide that there can be more than one designated AE and that AE roles be defined in the Secretary's written agreement with AEs. Proposed revisions to various sections of the rule clarify how responsibilities may be allocated among AEs if more than one AE is designated. Revisions to § 96.6(c) and (d) clarify that an AE must have the capacity to monitor and take appropriate adverse action against ASPs, even if the ASP was initially accredited or approved by a different AE. Revisions to §§ 96.8 and 96.9 clarify that the fees charged by an AE must relate to the functions it is authorized to provide, whether or not that AE is authorized to perform all AE functions. The Department notes that in the event multiple AEs are in operation at one time, under § 96.4 the Department can expressly designate the jurisdiction of each AE, thus preventing jurisdiction overlap, competition or unfair forum shopping for agencies seeking or holding accreditation. The Department also notes that § 96.27(d) helps ensure that each AE uses methods that are ''substantially the same'' as those of any other designated AEs.

Revisions to § 96.8 introduce a new element to the Secretary's approval of AE fee schedules. The new provisions require the Department to publish proposed fee schedules in the **Federal Register** for public comment and review before approving the schedules. The Department is introducing this requirement to enhance transparency on an issue of concern noted by some stakeholders, and expects this to result in increased trust between the AE and the ASPs subject to AE fees.

The amendment to § 96.10(c)(2) modifies the criteria for finding an AE out of substantial compliance with the accreditation regulations, to include where an AE has accredited an ASP whose performance results in intervention by the Secretary.

Section 96.24(a) lists particular skills and expertise that AE evaluators must have in order to effectively carry out an AE's responsibility to evaluate an ASP for accreditation or approval. The proposed amendments to § 96.24(a) adds finance and accounting to this list of skills and expertise, reflecting AE experience that indicates that such skills are important to be able to evaluate an ASP's compliance with financial requirements under the regulations.

Proposed edits to § 96.26(b) clarify that information collected by an AE in the course of its work, including during monitoring and oversight, may be shared with appropriate tribal and foreign authorities. Section 96.26(d), formerly the last sentence of § 96.26(c), now appears as an independent subsection clarifying that an AE must maintain a complete and accurate record of all information it receives related to an agency or person and the basis for an AE's decisions concerning the agency or person. New § 96.7(a)(9) imposes the same requirement as to other records relating to an AE's role.

Proposed revisions to § 96.92 increase the frequency by which an AE is required to disseminate information to the public about the accreditation status of ASPs and adverse actions taken with respect to ASPs, thus ensuring that the most current information is regularly made available to the public. An AE typically disseminates this information via its website, which is updated regularly. Revisions to §§ 96.43 and 96.94 require expanded reporting to the Secretary about disruption, dissolution, and unregulated custody transfers, because of the potential risk of harm to children and the potential repercussion to U.S. bilateral relationships associated with this conduct. These revisions impose no additional requirements on ASPs or the public.

Subpart F's section on ''Scope'' was formerly § 96.29, and under this proposal will be found at § 96.28. The new § 96.29 is entitled ''Compliance with all Applicable Laws'' and explicitly includes as standards within subpart F, upon which an AE can rely in making accreditation, approval, renewal, and maintenance decisions, certain existing regulatory requirements. These provisions include the prohibition on unauthorized provision of adoption services, the requirement to provide essential information to an AE, and compliance with the laws of each domestic and foreign jurisdiction in which an ASP operates when providing adoption services, and with the Convention, the IAA, and the UAA. A proposed amendment to § 96.45(a) makes more explicit the existing requirement that primary providers ensure that when using foreign supervised providers to provide adoption services, those foreign supervised providers do so in accordance with the Convention, the IAA and the UAA.

C. Prevention of Child Buying and Protection of Prospective Adoptive Parents

Child Care Contributions

The proposed rule revisions to §§ 96.36(a) and 96.40(c)(4) aim to prohibit ASPs from charging prospective adoptive parents (PAPs) to care for a particular child prior to completion of the intercountry adoption process. Payment of monthly support fees to ASPs or local providers for the care of children where the intercountry adoption process is not complete can create an incentive to illicitly recruit children into institutions, while also providing a disincentive for expeditious processing of an adoption. In some cases, the fees charged to PAPs have been significantly higher than the normal costs associated with the care of children in the foreign country. AEs have identified these situations via ongoing internal research and monitoring, including comparisons of like-services provided by other ASPs as well as reviews of databases related to the provision of certain services. These practices substantially and unpredictably increase the costs of adoption for PAPs, who are not in a position either to object to the charges or to expedite the completion of the adoption, and may result in a situation where an adoptive family pays for long-term care of a child who is not in fact eligible for intercountry adoption.

The proposed revisions do not prohibit the transfer of funds to a foreign country to provide food, medical care or other provisions for children. ASPs may still include fees for food, medical care or other provisions for children in their program costs and may charge such fees to parents as part of their program fees. However, those fees must be structured as broader assistance to a country's child welfare efforts, must be dissociated from the care of a specific child, must be charged only once during the adoption process, and must be disclosed to PAPs as part of the ASP's overall fee disclosure. These proposed regulations place the responsibility for transferring and monitoring the use of such funds on the ASPs, and prohibit ASPs from shifting this responsibility to PAPs, who may be vulnerable to pressure or exploitation. The proposed revisions also require ASPs to verify that the fees are not unreasonable for the country where the services are provided and are used for their intended purposes. While there is not a formal process AEs use for analyzing or auditing the reasonableness of the fees charged, the Department notes that AEs use administrative data, including publicly available resources and data.

To increase transparency and provide an AE with an effective tool for assessing an ASP's compliance with this prohibition on child buying, revisions to § 96.36(b) would require the ASP to retain a record of all foreign financial transactions, to enhance transparency and provide a means of identifying potential child buying.

Prohibited Compensation Practices

Section 96.34 prohibits the payment of incentive or contingent fees that likewise create an incentive to recruit children for intercountry adoption, and gives effect to this prohibition by requiring ASPs to compensate all service providers only for services rendered, and only on a wage, salary, or fee-for-service basis that is not unreasonably high in connection with the actual cost of services. Proposed revisions to § 96.34 address known practices used to circumvent this limitation, such as making these excessive payments to associates of foreign supervised providers or other intermediaries who do not themselves provide adoption services, by extending this limitation on unreasonable compensation to any entity involved in an intercountry adoption.

Transparency of Fees

The Department has received feedback from prospective adoptive parents who have noted that there are discrepancies in the amount of information that agencies and persons provide about their fees, making prospective adoptive parents' selection process difficult. The Department has determined that many prospective adoptive parents would benefit from an increased level of transparency about what to expect during the intercountry adoption process. This is in part because currently, many prospective adoptive parents fear that because some fees are described in very general terms, there may be undisclosed costs hidden from view. Undisclosed fees may stretch adoptive family resources so thin as to cast doubt on whether the family will be able to complete the adoption. To address these concerns, the proposed revisions in §§ 96.39 and 96.40 enhance the general public's knowledge of ASP practice, and insulate PAPs from being charged unexpected or excessive fees at points in the adoption process where they are vulnerable to such overcharging. The proposed changes increase the amount and frequency of information disclosure relating to fees to the general public and to an ASP's prospective clients. In particular, the proposed rule in §§ 96.39(a) and 96.40 would require ASPs to disclose a schedule of expected fees and expenses on their websites, and to provide an itemized disclosure of fees to PAPs before providing any adoption services. The rule also would require ASPs to distinguish fees for services provided in the United States from those provided in a foreign country.

Along these lines of fee transparency, § 96.46(b)(7) and (8) are proposed to be amended to prohibit direct billing of PAPs by foreign supervised providers. Before this proposed change, foreign supervised providers could require direct payments for services abroad from PAPs, thus exposing PAPs to potential abuses such as overcharging. Under these changes, the primary provider would be responsible for assessing fees from PAPs and transmitting the fees to the foreign supervised provider. The change is also found at § 96.40(c)(6).

The Department specifically requests comment on the cost of maintaining fee transparency under this proposal.

Segregation of Client Funds

Proposed provisions in § 96.40(f) would reinforce the principle that client funds received but not yet expended for agreed upon services are not part of the ASP's assets, and so must be segregated from both their general operating funds and the required two months' reserve fund.

D. Post-Placement Monitoring and Post-Adoption Services

ASPs play a critical role in supporting families in the post-placement and post-adoption periods. Although the majority of intercountry adoptions are successful, some families experience adjustment challenges, discovery of unknown medical or emotional needs, or other issues that may lead to instability of the placement or the adoption.

In addition to the existing requirements relating to supervising a child's placement until final adoption and providing counseling in the event that a placement is in crisis, the proposed rule requires ASPs to take all appropriate measures to inform the parents of local and State laws and legal resources pertaining to disruption of a placement and appropriate measures for making another placement of a child, to explain the risks and implications of disruption for the child, and to provide resources to address potential future crises. ASPs would be required to provide specific points of contact for support in the event an adoptive family faces difficulties that place permanency at risk.

The Department has found that the generalized requirements related to providing support to the family experiencing disruption under current § 96.50 did not provide sufficient information to PAPs to serve their needs nor those of the children. Proposed § 96.50(c) through (h) delineate an ASP's specific responsibilities for responding to disruptions that occur while the PAPs and the child are still in the country of origin. These requirements are aimed at ensuring the PAPs are supported in the process of considering a possible disruption and are informed about the implications of a disrupted placement for the child and the family, including any siblings.

For disruptions in the United States, ASPs will be required to notify the Department and, in placing the child with a new family, to provide information a*bout* sibling relationships, outstanding post-placement reporting requirements, and the child's citizenship status, all of which are critical for the child's long-term safety and welfare. For disruptions in the country of origin, ASPs will be required to notify local authorities, as well as the Department, of the disruption and to ensure the safe and timely transfer or temporary placement of the child consistent with local law.

Proposed amendments to § 96.50(f) would impose new requirements for notification to child welfare authorities, the foreign competent or Central

Authorities, and the Secretary, of a disruption or a family's intent to disrupt. Such notification will help to ensure the child's safety and welfare and will allow the Department to facilitate communication with foreign authorities to mitigate the potential repercussions to a country's willingness to continue to engage with the United States with respect to intercountry adoption. Throughout this section, there are revisions intended to address increasing awareness of the parents' responsibilities to the child and an ASP's responsibilities to both the child and the family.

Proposed amendments to § 96.51(b) provide for informing the PAPs whether post-adoption services, including any post-adoption reporting, are included in the agency's or person's fees, and if not, enumerate the cost the agency or person would charge for such services and whether it would provide services if an adoption is dissolved.

E. Submission of Complaints

An amendment to § 96.2 permits complaints to be submitted electronically as well as in writing. Amendments to § 96.41(b) and (e) allow for complaints to be submitted by any individual or entity, and extend the protection against retaliation to any individual or entity who makes a complaint, or otherwise expresses a grievance, provides information to an AE on the ASP's performance, or questions the conduct of or expresses an opinion about the performance of an ASP.

F. Reasonable Efforts To Find a Timely and Qualified Adoptive Placement in Outgoing Cases

Article 4 of the Convention provides that a Convention adoption may occur when competent authorities have determined that the child is adoptable and that, after possibilities for placement of the child within the State of origin have been given due consideration, the authorities have determined that an intercountry adoption is in the child's best interests. The new provisions in § 96.54 would require that ASPs demonstrate reasonable efforts to find a timely adoptive placement for the child in the United States in all cases (except for certain cases involving adoption by relatives). This revision will ensure that ASPs provide the information on the child to interested PAPs in the United States in an effort to find a timely placement, in accordance with Article 4 of the Convention. These efforts must be documented for a court's review. With this information, courts would be better able to determine whether a placement abroad is in the best interests of the child.

Also, the provision relating to adoption of siblings in § 96.54(d)(2) was expanded to make diligent efforts to place siblings together consistent with relevant laws in most States and with best practices within the child welfare community. While not directly addressed in the IAA or the Convention, placing siblings together whenever possible is consistent with the notion discussed at the time of the drafting of the Convention that termination of parental rights does not include termination of other familial relationships.

G. Provisions Relating to Corporate Governance and Oversight

The proposed amendment to § 96.32(c) requires the ASP to maintain for 25 years records relating to the selection, monitoring, and oversight of foreign supervised providers, financial transactions to and from foreign countries, and records relating to responding to complaints. The proposed amendment to § 96.32(e)(4) requires the ASP to disclose to an AE certain related entities, to the extent they provided services to or receive payment from the ASP.

A period of 25 years was chosen to ensure that ASP records relevant to a particular adoption remain available to adopted children who, after becoming adults, wish to access their records in order to learn about their adoption and their origins.

H. Procedures and Requirements for Adverse Action by the Secretary, Including for Challenges to Such Adverse Action

The proposed rule would amend provisions in subpart L regarding adverse action by the Secretary. The proposed rule sets forth procedural requirements for providing ASPs with adequate notice of any adverse action taken by the Secretary and the reasons for such action and describes the administrative process by which an ASP may contest such adverse action. Upon exercising these authorities for the first time in 2016, the Department determined that it would be appropriate to supply the public with relevant details as to the place, requirements, procedures and purpose of such notice and proceedings.

Section 96.83(b) describes the notification and supporting evidence to be provided to the ASP in the event of suspension or cancellation of accreditation by the Secretary, and §§ 96.88(a) and 96.89(a) describe the notification and supporting evidence to be provided to the ASP in the event of a temporary or permanent debarment. New §§ 96.84(a) and (b) would set forth procedures by which an ASP can object to a suspension or cancellation as unjustified, and the standards by which the Department will review such an objection. This is distinguished from a petition for relief from suspension or cancellation based upon the ASP's correction of deficiencies, which is now addressed in § 96.84(c).

Section 96.85(c) provides that the Secretary shall ordinarily give notice of a proposed finding of debarment and an opportunity to be heard before the debarment takes effect, and may make the debarment effective immediately only where the Secretary finds that doing so is necessary to address a substantial risk of significant harm to children and families. Section 96.88 sets forth in detail the procedures, requirements, time frames, and standards of review that apply where an ASP objects to a proposed debarment, and § 96.89 sets forth the corresponding procedures, requirements, time frames, and standards of review for post-debarment review where an ASP objects to a debarment that is effective immediately. The time frames under § 96.89 are somewhat shorter, in recognition of the fact that the ASP is unable to operate during the pendency of a post-debarment challenge, but the Department anticipates that the appointed hearing officer will extend the default time frames if the parties so request.

Clarifying changes to § 96.85 specify that the Secretary may consider a detrimental effect on the ability of U.S. citizens to adopt children in the future in considering whether an ASP's continued accreditation is not in the best interests of children and families, and that an ASP that is debarred ceases to be accredited upon debarment. The proposed § 96.88 includes information as to how an ASP subject to debarment may request an administrative hearing on the matter.

Section 96.83(c) adds USCIS, state licensing authorities, and foreign central authorities to the list of entities to be notified in the event of adverse action by the Secretary, and conforming changes are made to such notification provisions throughout this subpart.

I. Miscellaneous Amendments

The requirement to retain a completed FBI Form FD–258 contained in § 96.35(c)(4) and (d)(2) have been removed, as this form cannot be used for the purpose stated in those provisions under current FBI guidance.

A proposed amendment to § 96.25(c) allows an AE to take adverse action for ''engag[ing] in deliberate destruction of documentation, or provid[ing] false or misleading documents or information.''

We propose to add a definition to the list of terms in § 96.2 for ''authorization.'' This term derives from a key provision in the Hague Adoption Convention, and until now it was missing from our collection of key terms and definitions.

We propose to augment the definition of the term *best interests of the child* to include the situation in which the child is outside of the United States, in which case best interests shall be interpreted in light of the objects of the Convention without reference to any particular U.S. State.

Another new proposed term added to the definitions in § 96.2 is *unregulated custody transfer,* which refers to the placement of a child with a person or entity with the intent of severing the child's existing parent-child or guardian-child relationship without taking the appropriate steps, both to ensure the child's safety and permanency and to transfer legal custody or guardianship of the child.

The proposed standards in § 96.37 relate to education and experience requirements for ASP employees. In § 96.37(c), we expand the standard to include not only clinical skills and judgment, but also training in the professional delivery of intercountry adoption services.

Section 96.38 addresses training requirements for social service personnel. Section 96.38(b) adds important topics on which the social service personnel need expertise, to include, among others, the physical, psychological, cognitive, and emotional issues facing children who have experienced trauma, abuse, including sexual abuse, or neglect and other factors with a long-term impact on a child's social and emotional development. A proposed amendment to § 96.38(d) provides for an exemption from the orientation and initial training of newly-hired employees, if within the last two years they have received such orientation in another organization and are otherwise current in their other training requirements.

At the request of ASPs, we have proposed amendments to § 96.47 with instructions on how an ASP may withdraw its recommendation of PAPs for adoption when it withdraws its approval of the home study.

Minor proposed revisions to the definitions in § 96.2 include simplification of the term *child welfare services* by removing elements suggestive of adoption services; clarification that the term *public domestic authority* includes ''an authority operated by a State, local, or tribal government within the United States or an agent of such government;'' and further clarification that the term *public foreign authority* only refers to courts or regulatory bodies operated by the national or subnational governments of a foreign country.

Finally, the Department proposes minor technical edits, including punctuation, to §§ 96.2; 96.4(c); 96.5; 96.6(h); 96.7(a)(4); 96.7(b)(1), 96.7(c); 96.10(c)(6) and (7); 96.12(a); 96.27; 96.33(f); 96.35; 96.39(d); 96.45(b)(9); 96.49(e), (g) and (i); and 96.54(d)(1) and (2) that do not have substantive impacts on accreditation requirements and that removed references to temporary accreditation, which expired in 2010.

III. Response to Regulatory Reform Solicitation of Comments

On August 7, 2018, the Department published a **Federal Register** document soliciting comments from the public on regulatory reform initiatives as outlined in Executive Order 13777 (''*Enforcing the Regulatory Reform Agenda*''). 83 FR 38669. The Department received comments relating to this proposed rule, which can be accessed at *https://beta.regulations.gov/comment/DOS_FRDOC_0001-4901.*

In response to the Department's **Federal Register** document, the Department received comments relating to foreign supervised providers (FSPs) as well as other concerns related to the regulation of intercountry adoption. At the present time, while we acknowledge the concerns identified by the commenter related to oversight of FSPs in certain limited circumstances, in this notice of proposed rulemaking, we are not addressing any regulatory changes to accreditation standards relating to FSPs. We will instead undertake a consultative process on this issue with a wide variety of stakeholders in intercountry adoption and consider the entire range of standards relating to FSPs. Through this consultative process, we will explore solutions for resolving concerns related to FSPs, including those that do not require changes in regulation.

The Department's responses to the proposed revisions follow:

(a) Proposed change: *Remove §§ 96.35(c)(4) and 96.35(d)(2).* The Department's response: These sections have been removed in this proposed rule.

(b) Proposed change: *Amend § 96.8(b)(1) by removing the word ''non-refundable.''* The Department disagrees with the suggested deletion. The Department's response: AE fees have always been non-refundable to protect an AE's capacity to perform its roles and functions that they are required to perform by law and their agreement with the Department. An AE is required to charge no more than the fees necessary to perform its functions. AEs monitor ASP activity as a whole, not individual cases, and the expenditure of funds to cover accreditation services is not tied to any individual adoption. Accordingly, the current AE's schedule of fees was calculated based on its full cost of conducting accreditation responsibilities. This cost was divided by the estimated number of adoptions, based on currently available data, as a way of allocating the AE's costs across ASPs of significantly different size. If fees were made refundable where an individual case is withdrawn, the per-adoption fee would be correspondingly higher to cover the unchanged cost of accreditation services.

Proposed change: *Amend § 96.8(c) by adding the following sentence at the end of the existing paragraph:* ''An accrediting entity must make available to the public its demonstration of compliance with § 96.8(a) and (b), upon request.'' The Department's response: The Department has revised § 96.8(b) as noted in Section II (b), above.

(c) Proposed change: *Re-order paragraphs within § 96.8 and add two new paragraphs as follows:*

(1) *§ 96.8(d):* ''An accrediting entity must not charge additional fees for the placement of siblings, when placed for adoption with the same parents at the same time.'' The Department's response: The Department disagrees with this suggestion. The amount of the current AE's monitoring and oversight fee per adoption case was established based on the projected number of total adoption cases and the AE's projected expenses for conducting monitoring and oversight activities. At this time, there is insufficient data to allow the AE to create a model that exempts siblings from the monitoring and oversight fee structure. This may be considered in the future when adequate data is available.

(2) *§ 96.8(e):* ''If an accrediting entity establishes fees based on the number of prospective adoptive parents an accredited agency or approved person contracts with, such determinations shall take into account the number of applicants who complete adoptions with these adoption service providers.'' The Department's response: The Department disagrees with this suggestion. The current AE's schedule of fees was designed to cover the projected cost of conducting

accreditation and monitoring and oversight activities for all intercountry adoptions across ASPs and country programs. AEs monitor ASP activity as a whole. The fee model allows ASPs to pay fees incrementally as cases are accepted, rather than paying significantly larger fees as a lump sum at the beginning of the four-year accreditation cycle, and thus ensures that the costs of monitoring are borne proportionately to the number of adoption cases handled by each ASP. If the suggestion were accepted, the AE would be unable to fund its activities for the next four years without immediately assessing large accreditation fees on agencies.

(d) Proposed change: *Amend the beginning of § 96.39(a) to read:* ''The agency or person fully discloses in writing to the general public upon request and to prospective client(s) prior to signing a contract:'' The Department's response: The Department disagrees with this suggestion, because the information to be disclosed is readily available even at first contact and thus creates no new burden to produce. Disclosure at first contact also provides a PAP with information it can use in selecting the ASP with which they want to work.

(e) Proposed change: *Amend § 96.49(i) to read:* ''The agency or person ensures that any videotapes or photographs taken by the accredited agency or person are identified by the date on which the videotape or photograph was recorded or taken and that they were made in compliance with the laws in the country where recorded or taken.'' The Department's response: We incorporated this suggested revision in the proposed rule; the amended provision only applies to photos taken by accredited or approved ASPs and their foreign supervised providers. The Department made this change in recognition that U.S. providers have limited or no ability to determine when and under what circumstances photos or videos provided by a foreign adoption authority or unaffiliated third party were taken.

(f) Proposed change: *Amend § 96.52(a) to read:* ''When requested, the agency or person informs the Central Authority of the Convention country or the Secretary about necessary information regarding a specific adoption case and the measures taken to complete it, as well as about the progress of the placement if a probationary period is required.'' The Department's response: The Department understands the concern behind this suggestion and addressed it by modifying the suggested language to more precisely indicate the circumstances under which an agency or person must inform the Central Authorities about the case. Additionally, we added: In the case of information developed or new information relating to the suitability and eligibility of adoptive parents, inform USCIS, the sole authority for making suitability determinations.

(g) Proposed change: *Strike § 96.52(b)(4),* because the actions described therein are performed by the Department, not accredited agencies or approved persons. The Department's response: Rather than deleting this provision, the Department takes the point and adapted it to include ''or confirm that this information has been transmitted to the foreign country's Central Authority or other competent authority by the United States' Central Authority.

(h) Proposed change: *Amend § 96.52(d) as follows:* ''When requested by the Secretary or a foreign Central Authority, the agency or person returns the original home study on the prospective adoptive parent(s) and/or the original child background study to the authorities that forwarded them.'' The Department's response: The amendment has been made to § 96.52(d) after adding the term ''original'' to it. The Department made the same changes in § 96.55(c) in relation to requests for return of original home studies or child background studies when the transfer of the child has not taken place.

(i) Proposed change: *Strike § 96.52(e),* as being too broad. The Department's response: The Department has not accepted this deletion but has modified the language to clarify that the obligation only applies to requirements that the Secretary has previously identified under existing authorities and made known (directly or via an AE) to ASPs.

IV. Timeline for Implementing Changes in the Proposed Rule, if Approved

Some changes in the proposed rule would become effective 180 days after publication of the final rule. The Department invites comment on the timelines for implementation.

Provisions in § 96.40 relating to fee disclosures would take effect 180 days after publication of the final rule. To comply with the new rule, ASPs will need to change their fee disclosures. The Department believes that this timeframe would allow ASPs to review already available information, determine whether such fees and expenses should be characterized as fees and expenses for services provided in the United States or overseas, respectively, and begin to provide this information to PAPs.

The Department plans to implement the new alternative procedures for adoption of relatives abroad three months after publication of the final rule.

V. Regulatory Analysis

Administrative Procedure Act (APA)

The Department is issuing this rule as a notice of proposed rulemaking (NPRM) as required by the IAA and welcome comments from the public on every aspect of the NPRM.

Executive Order 13771: Reducing Regulation and Controlling Regulatory Costs

This proposed rule is expected to be an Executive Order 13771 regulatory action. Details about the estimated costs of this proposed rule can be found in the RFA Discussion, below.

Regulatory Flexibility Act/Executive Order 13272: Small Business

This section considers the effects that the proposed amendments to the accreditation regulations may have on accredited or approved ASPs as required by the Regulatory Flexibility Act (RFA, 5 U.S.C. *et seq.,* Pub. L. 96–354) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA). The RFA generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under 5 U.S.C. 553(b). 42 U.S.C. 14923(a)(3) provides that subsections (b), (c), and (d) of 5 U.S.C. 553 apply to this rulemaking. The Department requests information and data from the public that would assist in better understanding the impact of this proposed rule on small entities. The Department also seeks input from the public on alternatives that will accomplish the same objectives and minimize the proposed rule's economic impact on small entities. Our preliminary initial regulatory flexibility analysis (IRFA) follows.

1. A description of the reasons why the action is being considered by the Department: This proposed rule clarifies, updates, or otherwise adapts a limited number of changes to accreditation and approval standards, most of which have been in full operation since 2006. The proposed changes derive from our observation of the rule's practical operation and from the observations of intercountry adoption stakeholders such as adoptive parents, ASPs, Congressional offices, and law enforcement authorities. Taken

together, these interactions with a broad cross section of organizations, critics, entities, and individuals have allowed us to reflect on potential improvements and regulatory adaptations. Through these changes we want to refine our work to better serve the birth families, adoptive parents, and children whose interests all intersect in the intercountry adoption process.

2. A succinct statement of the objectives of, and legal basis for, the proposed rule: The proposed rule supports many of the Department's policy goals. A primary consideration is making the accreditation rule as effective as possible in defining standards essential to protecting the safety and other interests of the participants in intercountry adoption. We aspire to implementing the lofty goals of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (the Adoption Convention), which include in Article 1: To establish safeguards to ensure that intercountry adoptions take place in the best interests of the child and with respect for his or her fundamental rights as recognized in international law; and to establish a system of co-operation among Contracting States to ensure that those safeguards are respected and thereby prevent the abduction, the sale of, or traffic in children. The proposed changes to the accreditation rule focus on the individual participants in the process. But taking into account that even small changes in the regulations may have a significant impact, each proposed revision also contributes to preservation of intercountry adoption as a viable option for children in need of permanency the world over.

The legal authority to engage in these proposed changes derives from our treaty obligations found in the Adoption Convention and as implemented by the Intercountry Adoption Act of 2000, the Intercountry Adoption Universal Accreditation Act of 2012, and the Secretary's responsibilities to support foreign policy interests of our nation found in the U.S. Constitution.

Another objective of this proposed rule is to be responsive to the adoption community's calls for a different process for adoption by relatives, one that is faster and less costly, while maintaining essential safeguards to protect children and prospective adoptive parents. We share the community's desire to make intercountry adoption more accessible to relatives, which fits squarely into the Department's mission to support the viability of intercountry adoption for children in need as well. We are therefore proposing new relative adoption provisions, consistent with Section 502(a) of the Intercountry Adoptions Act (42 U.S.C. Chapter 143 sec. 14952(a)) (IAA Title V sec. 502(a)) relating to alternative procedures for the adoption of children by individuals related to them by blood, marriage, or adoption.

3. A description—and, where feasible, an estimate of the number—of small entities to which the proposed rule will apply: The RFA defines a ''small entity'' as a small not-for-profit organization, small governmental jurisdiction, or small business. The RFA requires, with some exceptions, that agencies define small firms according to its size standards. SBA sets size standards by the number of employees or the amount of revenues for specific industries. These size standards are captured in the North American Industry Classification System (NAICS) codes. The work of intercountry adoption ASPs falls under the NAICS code 624110—Child and Youth Services. SBA's standard for a small business within this industry code is an entity with gross revenues of $11 million or less. Based off of public administrative data supplied by the ASPs themselves and the AE, the total number of entities subject to this rule is 118, as of June 2020. Of this total, 90 meet the SBA definition of small business entity. These firms are grouped based on gross revenues as follows: Gross receipts data were obtained from ASP public filings of IRS form 990, which non-profit organizations under section 501(c)(3) of the Internal Revenue Code are required to submit annually.

TABLE 1—US ACCREDITED/APPROVED ADOPTION SERVICE PROVIDERS GROUPED BY ANNUAL GROSS RECEIPTS, NAICS CODE 624110

	Number of adoption service providers	Percentage of small firms
Firms with Gross Receipts over $100M–$500M	3	N/A
Firms with Gross Receipts over $11M–$100M	17	N/A
Small Firms (Gross Receipts up to $11M)	90	100
Firms with Gross Receipts over $5M–$11M	12	13
Firms with Gross Receipts over $2M–$5M	17	19
Firms with Gross Receipts over $1M–$2M	16	18
Firms with Gross Receipts over $500K–$1M	19	21
Firms with Gross Receipts $500K and under	26	29
Firms for whom we have no financial data	8	N/A
Total U.S. Accredited and Approved ASPs	118	

Data for gross receipts were obtained from ASP public filings of IRS form 990, which non-profit organizations under section 501(c)(3) of the Internal Revenue Code are required to submit annually. The number of ASPs affected by this proposed rule making is very small. Agencies affected by this proposed rule typically provide child-related social services beyond intercountry adoption, though we understand some specialized exclusively in it. Of the ASPs engaged in intercountry adoption, most (112) are non-profit accredited agencies. Six ASPs are approved persons, which under the IAA are individuals, or for-profit entities. For the approved persons we have no financial data that would allow us to place them more accurately on Table 1. Two other agencies for whom we have no financial data are religious organizations not required to file IRS form 990, despite their classification as non-profit entities. It is our belief that they would fall within the scope of the small business rubric.

The Department would appreciate receiving feedback about the groupings of ASP firms in this description.

4. A description of projected reporting, recordkeeping, and other compliance requirements of the proposed rule. Some of the provisions of

this rule relate to reporting and record keeping. All provisions apply equally to all parts of this group of small firms, but also to the non-small firms that make up the total number of accredited and approved agencies and persons. In Table 2, below, we summarize the impact of the proposed changes, including reporting and record keeping elements and our understanding of the average cost of implementing those provisions.

5. An identification, to the extent possible, of all relevant federal rules that may duplicate, overlap, or conflict with the proposed rule. To our knowledge, there are not relevant federal rules that duplicate, or conflict with, the proposed rule.

Considering Alternative Approaches

Relative Adoptions

The relative adoption provisions illustrate how we approached considering alternative ways to address a need through this regulation. As previously noted, our objective in developing a new process for adoption by relatives was to reduce the cost and the time it takes to bring a relative adoption to a successful conclusion. Also important to us was a process that ASPs would find attractive for serving families with precious few options. Many relative cases arise in countries where there are no well-established intercountry adoption programs, and where few if any ASPs have expertise to work comfortably.

We considered three approaches:

1. No change

2. A minimalist approach in which the primary provider was not required to provide any adoption services in the case, and

3. Sharing services between adoptive families and a primary provider.

No change: We rejected the status quo as not acceptable as it achieved none of our goals for relative adoptions. We wanted a change the met the needs of the public and the ASPs and preserved key safeguards in relative cases.

Minimalist approach: We looked at various ways of limiting the role of a primary provider in the case to verification of services only, relieving the Primary Provider of the obligation of providing any services, or supervising the provisions of adoption services in the case. We rejected this very minimalist approach and the variations on the minimalist theme we considered because even though they might be cheaper for ASPs and PAPs than the proposed approach, the heightened risks to children, birth families, and adoptive families inherent in a very highly curtailed role for the primary provider were unacceptable. Taking the minimalist road would allow too much influence by unscrupulous foreign providers on family members and putting them in the way of corrupt officials without allowing for a modicum of oversight.

Sharing services: The proposed approach, in which families may provide certain services themselves instead of ASPs, leaving other services to be provided by a primary provider in the case, balances protecting against risks while promoting an efficient and cost-effective process for families. We are requiring the ASP primary provider to provide the home study and the post placement services. These services are the bedrock of social services in our regulations. Accredited ASPs have deep capacity to provide these services independent of special cultural knowledge or foreign bureaucratic know how. Permitting this division of labor in relative adoption cases plays to the strengths of both PAPs and ASPs. And it will reduce the time the ASP must spend on the case and the cost of their work on the case by limiting its scope. Reducing the cost to families will have the additional benefit of encouraging families to consult with a U.S. adoption professional sooner as the case gets underway and thereby avoid pitfalls that result from calling them in at the very tag end of the case. In this instance, the approach we landed on was not the very least costly option, but it will mean significant savings to ASPs and adoptive families alike, while building in effective controls on risks.

Segregation of Client Funds

Our objective was to preserve unspent client funds so that they would be available when needed. We have observed and adoptive families have complained loudly when this occurs, that when an ASP is called upon to transfer cases to other agencies for completion (for a wide variety of possible reasons) sometimes those funds are no longer available. In the case of an ASP that has been suspended or lost its accreditation, the ASP is required to implement its case transfer plans, including transferring client funds not yet expended in the client's case. If the ASP was asked to transfer cases and its own finances are in disarray it may be that the coffers are now empty and the client must struggle to force the ASP to return funds or must proceed with the in-progress adoption case with another agency and must need to pay additional fees to do so. We wanted to help prospective adoptive families with a revision to the rule that will put them on protected footing.

There were a range of possible solutions:

1. No change, but work to educate families and ASPs about how to avoid this situation,

2. Imposing highly formalized fiduciary funds physical separation from the agency's funds process (similar to how most law firms do it), or

3. Requiring the segregation without specifying how the ASP should accomplish it, but build in reporting and AE oversight.

No change: The concept of separation of client funds from other client funds and ASP funds is not new and has been the subject of at least one law suit in which the court caused an ASP to lose its state license to provide adoption services for comingling client funds with its own. We were concerned that just talking about it and not tying it to some form of accountability would not invigorate enough ASPs to make needed changes. We wanted a solution that promised results.

Holding unspent client funds in an escrow account: Physical separation of client from agency funds in an escrow fund managed by a financial institution had its obvious attractions. While producing the highest level of protection for the adoptive families, this was also the most expensive option as most escrow accounts have fees associated with them and may involve administrative hassles to access protected funds on short notice. We liked the level of protection but the cost, especially if multiplied across all clients, was prohibitive.

Choose your own solution subject to AE verification and adverse action if you fail to put into place effective segregation of funds: In our interaction with ASPs we learned that there were many possible ways of effectively segregating client funds that reflect ASP management style, financial sophistication, and workforce savvy and budgetary solvency. This solution gave the ASP the greatest leeway to decide which method it preferred while creating accountability for protecting unspent client funds. Potential low cost and increased accountability.

Creating Greater Transparency of Fees Charged by ASPs

On several levels, adoption-related fees are a source of friction, competition, and confusion within the adoption community at large. There are many who criticize ASPs for charging high adoption fees. Countries of origin raise this matter with us bilaterally when we speak with them in private, complaining that they don't understand why the fees are so high and what the

funds are used for. To address these concerns and to create greater transparency for prospective adoptive parents, we wanted to propose a change to how ASPs disclose their fees.

The options we considered were:

1. No change,

2. Create a form that ASPs would be required to use to provide a detailed list of information in a uniform manner with strong penalties for failure to conform, and

3. A hybrid approach somewhere between options (a) and (b).

No change: The cheapest option by far. It also does not improve transparency and accountability if we do nothing.

Create a draconian list of detailed fee information linked to strong sanctions for failure to comply: This option envisions forcing all ASPs to provide the exact kind of information and to the same level of detail for each country in which the offered adoption services and with strict consequences for noncompliance. Some agencies would favor this approach because it would force a level playing field for ASPs. Some are reluctant to reveal the details of their fees because the don't want to be ''outbid'' by other ASPs. Others do not want to be pinned down to exact fee levels because they want flexibility to keep up with local conditions. Yet others have used their published fees to provide camouflage for questionable fee practices. This approach is more akin to a licensing context, in which all ASPs must demonstrate the same high level of compliance to retain their license. Our system, by contrast, is an accreditation model in which APS have more leeway to demonstrate conformance with standards of practice and may also have acceptable levels of compliance short of perfect compliance. We wondered if some agencies would resist compliance to highlight this essential difference between the two models.

A hybrid approach: As we fleshed it out, we found that it offered greater transparency for adoptive families, other ASPs and countries of origin alike. It provided a framework for increasing the number of fee particulars that was scalable depending on the kind of intercountry adoption program your agency had, reflecting the complexity of adoptions in specific countries and allowing for streamlining information where appropriate. The key to success, we thought, would lie in getting the main categories right and separating the information in terms of where the service takes place, rather than under general headings of foreign program or domestic program fees. To mitigate the cost of implementation, we envisioned keeping the number of fees to report to a list larger than the status quo but not so detailed as to make conforming with a disclosure requirement too costly to launch or difficult to keep up to date.

Calculating Staff Worker Hourly Rates

Using the most recent edition of Bureau of Labor Statistics (BLS) Occupational Employment Statistics (OES),[2] we obtained several estimates for social workers ranging from about $24 per hour (as an average national wage rate) to nearly $30 per hour. We went a step further and found the average (mean) of the hourly rate for each state in the category ''Social Workers, All Other,'' as reported in the State by State data sets for OES code 21–1029 of May 18, 2018,[3] the most recent data set available. On this basis, we arrived at an average national hourly rate of $30.12, which for ease of calculating we rounded to $31.

In a similar manner, we captured national wage rates for other staff and management workers from the BLS OES Data sets, including:

(1) Financial Managers,[4] $70.59/hour (rounded to $71), whose duties include to plan, direct, or coordinate accounting, investing, banking, insurance, securities, and other financial activities of a branch, office, or department of an establishment;

(2) Bookkeeping, Accounting, and Auditing Clerks,[5] $20.25/hour (rounded to $21), whose duties may include to compute, classify, and record numerical data to keep financial records complete; to perform any combination of routine calculating, posting, and verifying duties to obtain primary financial data for use in maintaining accounting records; and to check the accuracy of figures, calculations, and postings pertaining to business transactions recorded by other workers;

(3) Auditors,[6] $37.89 (rounded to $38), whose duties include to examine, analyze, and interpret accounting records to prepare financial statements, give advice, or audit and evaluate statements prepared by others; and

(4) Training and Development Specialists,[7] $31.31 (rounded to $32), whose duties include to design and conduct training and development programs to improve individual and organizational performance. They may also analyze training needs.

The Department requests public comment on the method used to estimate the cost of compliance with the amendments to this regulation, including the estimates of compensation noted here.

TABLE 2—SUMMARY OF COST DATA IN APPENDIX A TO THE PREAMBLE

[Each item in this summary and in Appendix A is numbered for ease or comparison. The numbered items refer to the items in the Preamble narrative.]

Projected Implementation Costs for Small Firms
Year 1 Costs For Each Small Firm:
• Average Cost in the First Year: $14,165.
Costs For Each Small Firm in Subsequent * Years:
• Average Cost in Subsequent Years: $5,274.
* For more information on subsequent year average costs and the services with which they are associated, see the bottom of this table.

Total Projected Implementation Costs for All Firms Regardless of Size
Year 1 Costs For All Firms Taken Together:
• Average Cost in the First Year: $1,558,095.
Costs in Subsequent Years for All Firms Taken Together:

[2] *https://www.bls.gov/oes/.*

[3] *https://www.bls.gov/oes/2018/may/oes211029.htm.*

[4] *https://www.bls.gov/oes/2018/may/oes113031.htm.*

[5] *https://www.bls.gov/oes/2018/may/oes433031.htm.*

[6] *https://www.bls.gov/oes/2018/may/oes132011.htm.*

[7] *https://www.bls.gov/oes/2018/may/oes131151.htm.*

TABLE 2—SUMMARY OF COST DATA IN APPENDIX A TO THE PREAMBLE—Continued

[Each item in this summary and in Appendix A is numbered for ease or comparison. The numbered items refer to the items in the Preamble narrative.]

- Average Cost in each Subsequent Year: $580,085.

	Average year 1 $ costs for 1 small firm	Average first year $ costs for all small ASP firms	Average first year $ costs for all ASP firms regardless of size
1. Preamble II–A–1, Subpart R, §§ 96.100–96.101, Adoption by Relatives	Reduction in Costs Expected.	Reduction in Costs Expected.	Reduction in Costs Expected.
2. Preamble II–B–1, § 96.43 and 96.94, Additional data points to report in the event of a disruption or dissolution.	93	8,370	10,230.
3. Preamble II–C–2, § 96.36(a), Prohibits payment of expenses for a specific child or as an inducement to release a child for adoption.	610	54,900	67,100.
4. Preamble II–C–3 Initial Year, § 96.36(b), Requires policies and procedures prohibiting the sale of children and incorporates in an employee training.	1,766	158,895	194,205.
4. Preamble II–C–3 Subsequent Years	See Table Below.		
5. Preamble II–C–4 Initial Year, § 96.34, No incentive or contingent fees or plans to compensate formally or informally for locating or placing children.	731	65,745	80,355.
6. Preamble II–C–5 Initial Year, § 96.40, Expanded categories of estimated fees and expenses in the United States and abroad associated with an intercountry adoption.	2,123	$191,025	233,475.
6. Preamble II–C–5 Subsequent Years	See Table Below.		
7. Preamble II–C–6 Initial Year, § 96.40(c)(4)(i), Prohibits regular payments for care of a particular child, unreasonably high fees, and fees based on a period of time it takes to complete adoption.	1,020	91,755	112,145.
8. Preamble II–C–7 Initial Year, § 96.46(b)(7) and (8), Prohibits direct payments to foreign supervised providers. Fees for FSPs paid by the ASP not PAPs.	427	38,385	46,915.
9. Preamble II–C–8 Initial Year, Now located in § 96.40(f), Holding Unspent Client Funds Separate from ASP Operating Funds.	1,880	169,200	206,800.
9. Preamble II–C–8 Subsequent Year	See Table Below.		
10. Preamble II–D–1 Initial Year, § 96.50(c) through (h), Provides increased detail on post placement monitoring, notification requirements and time frames for notification when adoption is in crisis.	731	65,745	80,355.
11. Preamble II–D–2, § 96.51(b), Addressing post adoption services in the ASP–PAP service agreement; returning child to COO.	731	65,745	80,355.
12. Preamble II–E–1, § 96.41, ASPs accept all written complaints	731	65,745	80,355.
13. Preamble II–F–1, § 96.54(a), Outgoing Cases—Removes the provisions on birth parent-selected PAPs. ASPs make reasonable efforts to find a timely U.S. adoptive placement.	Not possible to determine.	Not possible to determine.	Not possible to determine.
14. Preamble II–F–2, § 96.54(d)(2), Diligent Efforts to place siblings together	731	65,745	80,355.
15. Preamble II–G–1, § 96.32(c), Retain board meeting records and records about supervised providers, financial transactions with foreign countries for 25 years.	610	54,900	67,100.
16. Preamble II–G–2, § 96.32(e)(4), ASP discloses to the AE orgs that share with it any leadership, officers, boards or family relationships and whether it provides services to or receives payment from the agency or person.	610	54,900	67,100.
17. Preamble II–I–1, § 96.25(c), Deliberate destruction of documentation or provision of false or misleading information.	62	5,580	6,820.
18. Preamble II–I–2, § 96.37(c), Training topics for social service personnel may be waived due to training or experience.	Not possible to determine.	Not possible to determine.	Not possible to determine.
19. Preamble II–I–3, § 96.38(b), Topics relating to intercountry adoption about which agency social service personnel require training.	610	54,900	67,100.
20. Preamble II–I–4, § 96.38(d), Exemption from training for newly hired social service staff in certain circumstances.	93	8,370	10,230.
21. Preamble II–I–5, § 96.47(e), Procedures for withdrawal of home study approval.	610	54,900	67,100.
Average Additional Costs in Subsequent Years			
4. Preamble II–C–3 Subsequent Years Average Costs	$2,772	$249,480	$304,920.
6. Preamble II–C–5 Subsequent Year Average Costs	$2,601	$185,445	$226,655.
9. Preamble II–C–8 Subsequent Year Average Costs	$441	$39,690	$48,510.
Total Average Costs for Subsequent Years	$5,274	$474,615	$580,085.

TABLE 3—REVENUE TEST FOR ACCREDITED OR APPROVED ADOPTION SERVICE PROVIDERS (NAICS CODE 624110)—$11 MILLION SMALL FIRM SIZE STANDARD—COST OF IMPLEMENTATION AS A PERCENTAGE OF GROSS ANNUAL RECEIPTS

Firm Size (by gross receipts)	Average annual $ receipts	Number of firms	% of small firms	Average $ cost per firm in first year	Revenue test (%)	Average $ cost per firm in subsequent years	Revenue test (%)
Firms with Receipts from $100M up to $500M	150,638,293	3	N/A	14,103	<1	5,274	<1
Firms with Receipts from $11M up to $100M	21,613,364	17	N/A	14,103	<1	5,274	<1
Small Firms:							
Gross Receipts up to $11M	2,047,594	90	100	14,103	<1	5,274	<1
Firms with Receipts from $5M up to $11M	6,973,159	12	12	14,103	<1	5,274	<1
Firms with Receipts from $2M up to $5M	3,420,233	17	18	14,103	<1	5,274	<1
Firms with Receipts from $1M up to $2M	1,409,580	16	20	14,103	1	5,274	<1
Firms with Receipts from $500K up to $1M	695,517	19	23	14,103	2	5,274	<1
Firms with Receipts from $500K and under	257,443	26	27	14,103	5	5,274	2

Number of ASP Firms for whom we had no financial data: 8.

What the cost data and the revenue test tell us: Represented in Tables 2 and 3 are the average costs of implementing the changes proposed in this NPRM, at least as far as we could anticipate such costs. The data are shown both as aggregated average costs and as separately reported average costs for each proposed change. The data are reported in three columns, the projected average costs to a single small firm in Year 1, the projected average cost for all small firms taken together in Year 1, and in the third column, the projected average cost for all ASP firms combined, regardless of size. This third column allows us to draw some conclusions about all ASPs separate from our interest in the impact of the proposed changes on small firms. See the discussion of these data in the narrative to E.O. 12866.

The revenue tests reported in Table 3 illustrate that for most of the small firms, the anticipated average cost is either about 2 percent or less than 1 percent of gross revenues. The one exception is the group of small firms with the smallest amount of gross annual revenues, those bringing in less than $500,000 annually. For this group, the test revealed as much as 5% of revenues would be needed to implement the proposed changes considered in this NPRM. Five percent is a ''high'' result for the test if taken at face value. We chose to employ average implementation costs rather than ranges, because the higher end of any range suggests that a given firm had as much chance of being at the upper extreme as at the lower one. In fact, the well-known statistical notion of regression toward the mean suggests that in most situations, individuals and entities tend to fall away from statistical extremes toward the average or mean. In this case, we do not mean to predict that in every case ASPs will end up implementing these changes right in the middle of a possible range of costs. Rather, we believe that how ASPs implement these changes will be likely to mirror how they do the rest of their work—smaller entities would do their best using available staff skills and resources and within existing budget constraints. Large entities would be more likely to acquire additional talent or expertise to take on the implementation tasks.

For example, because we do not prescribe how firms are to segregate client funds from ASP operating funds or funds dedicated to other families, ASPs will choose the most cost-effective solution for themselves. In our cost projections we projected acquiring talented staff with special expertise to plan, implement and monitor a system of segregation of funds. We would, however, anticipate that for firms operating at or close to their budget margins, the solution chosen would be the most cost effective one that meets their requirements. It would be realistic to predict that for the 29% of small firms falling in this lowest revenue group, the ASPs would be likely to implement the standard at or near minimum cost, such as use of a paper spreadsheet method to keep track of client funds, the management of which would be added to the existing duties of one or more staff members, rather than hiring new staff or a service to virtually or actually segregate the funds and be able to verify with great speed how successful implementation was. In this example the very least expensive solution for Item number 9 (Holding Unspent Client Funds Separate from ASP Operating Funds) on the summary of costs table would likely fall well short (closer to zero dollars annually) of the average projected cost of $1,880/year. Viewed with this set of lenses, the anticipated cost to the agency of at least this one element would skew the overall cost of implementation away from the mean entirely toward something approaching less than 3%, well withing normal ranges.

The Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule, as defined by 5 U.S.C. 804, for purposes of congressional review of agency rulemaking under the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121. This rule will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based companies to compete with foreign-based companies in domestic and import markets.

The Unfunded Mandates Reform Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995 (codified at 2 U.S.C. 1532) generally requires agencies to prepare a statement before proposing any rule that may result in an annual expenditure of $100 million or more by State, local, or tribal governments, or by the private sector. This rule will not result in any such expenditure, nor will it significantly or

uniquely affect small governments or the private sector.

Executive Orders 12372 and 13132: Federalism

While States traditionally have regulated adoptions and will have an interest in this rule, the Department does not believe that this regulation will have substantial direct effects on the States, on the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government. The rule will not impose any obligations on State governments or have federalism implications warranting the application of Executive Orders 12372 and 13132.

Executive Orders 12866 and 13563

The Department has reviewed this proposed rule to ensure its consistency with the regulatory philosophy and principles set forth in Executive Order 12866. The obligation to determine whether the benefits of the proposed revision to the accreditation regulation outweigh the costs of achieving them is made more difficult by the fact that the benefits, which primarily relate to protecting the best interests of the child as well as providing certain consumer protections for PAPs, are difficult to economically quantify. There is a severe lack of quantitative data analysis relating to the work performed by social service professionals in the intercountry adoption setting. That makes a strict cost-benefit analysis more difficult to accomplish.

Similarly, there is little quantitative data analysis of the significant qualitative benefits for children, their birth parents and their adoptive families. We found none that shed light on the work of intercountry adoption professionals and have been obliged to rely on a qualitative analysis, instead. We do not know, for example, how many relative adoptions occur annually, since those cases are now processed exactly as every other intercountry adoption and neither the Department nor DHS track this specific information. In addition, because the Department's regulatory authority generally does extend to after the intercountry adoption is completed, our visibility into the long-term outcomes for families and child is limited to anecdotal reports, academic literature, and to the data submitted under the requirements of our Annual Report to the Congress.

Nonetheless, we believe the benefits apparent from this *qualitative* discussion of costs and benefits supports our conclusion that the costs associated with the proposed changes are justified and conclude that they deliver significant benefits on several levels. The benefits to children, to adoptive families, to society in general, and to the institution of intercountry adoption in terms of its world-wide viability outweigh the dollar costs of implementing the proposed changes.

The changes the Department is proposing regarding relative adoptions are designed to improve the efficiency of the adoption process in such cases and reduce unintended barriers to relative adoption. We believe that these proposed changes will help ensure that relative adoptions are completed in a manner that promotes the best interests of children and protects the rights of and prevent abuses against children, birth families, and adoptive parents, while also recognizing the uniqueness of these adoptions. The benefits to children we anticipate resulting from the incremental changes proposed here are tied to the improved chances for placement of children in families through intercountry adoption, including promoting. We believe the additional protections proposed in this rulemaking will help ensure that PAPs are more informed and have additional protections during the adoption process. The more likely that children are to be placed in families thorough a safe and transparent process, the more likely they are to experience personal safety, have a chance at lifelong permanency and security in a family, and benefit from all the physical, emotional, and intellectual ills avoided when children are removed from institutional care.

The changes proposed here seek to iron out some of the wrinkles in the fabric of intercountry adoption that create irritation and, sometimes, insuperable barriers to its effectiveness. Among these sources of irritation are the perception that U.S. adoption fees are very high; our proposed changes allow ASPs to provide much more granularity about the fees they charge both in the United States and abroad. This may increase information utility and reduce information asymmetry for PAPs when selecting an ASP. Additionally, providing additional transparency on what fees are charged and building in accountability that fees are actually expended as intended serves to bolster foreign countries' trust in the United States as good partners in intercountry adoption. While this is primarily a qualitative benefit pertaining to improved foreign relations, bolstered trust improves could result, in the long-term, in encouraging countries to reduce their in-country adoption fees, which would benefit families and the reputation of intercountry adoption as well.

Increasing reporting requirements and timeliness of those reports about adoption disruptions helps to engage countries of origin early on in finding solutions to failing adoptions. This strengthens trust and cooperation in this fundamentally international process. We believe this will also help improve protections for adoptive children in the unlikely event of disruption or dissolution.

Holding client funds in separate accounts or under strict separation of accounting helps protect families in the event that an ASP is unable to complete its adoption case. When properly sequestered, such unused PAP funds can be returned to the PAPs or transferred to the new agency taking over from the withdrawing one so that the intercountry adoption case can continue in a seamless manner. Often in the past, the lack of holding unused funds separate from other ASP operating funds has meant that when the ASP must withdraw from the case, the intercountry adoption case languishes and never reaches completion because PAPs are asked to provide thousands of additional dollars to the case when it is discovered that the ASP has spent their money on other PAPs cases or on general agency expenses. While there may be minor accounting or administrative costs associated with this process, we believe these are outweighed by the reductions in moral hazards and financial protections for PAPs caused by ensuring those funds are secured for their intended purpose.

In our view the wide range of non-quantifiable benefits resulting from the proposed changes in this NPRM, though not definable in monetary terms, nevertheless do justify the costs of this NPRM.

Total Cost Estimates

Table 4 summarizes the impacts of the proposed rule. Total monetized costs of the proposed rule include the aggregated average cost of implementing the proposed changes to the accreditation rule found in Appendix A and summarized in Table 2. The 10-year discounted cost of the proposed rule in 2020 dollars would range from x thousands to y thousands (with 7 and 3 percent discount rates, respectively). The annualized costs of the proposed rule would range from $534,000 to $607,000 (with 7 and 3 percent discount rates, respectively).

TABLE 4—COSTS OF THE PROPOSED RULE

[2020 $ thousands]

Fiscal year	All ASP firms regardless of size
2021	1,558
2022	580
2023	580
2024	580
2025	580
2026	580
2027	580
2028	580
2029	580
2030	580
Undiscounted Total	$6,778
Total with 3% discounting	$6,074
Total with 7% discounting	$5,337
Annualized, 3% discount rate, 10 years	$607
Annualized, 7% discount rate, 10 years	$534

Executive Order 12988: Civil Justice Reform

The Department has reviewed these regulations in light of sections 3(a) and 3(b)(2) of Executive Order 12988 to eliminate ambiguity, minimize litigation risks, establish clear legal standards, and reduce burden. The Department has made every reasonable effort to ensure compliance with the requirements in Executive Order 12988.

Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

The Department has determined that this rulemaking will not have tribal implications, will not impose substantial direct compliance costs on Indian tribal governments, and will not pre-empt tribal law. Accordingly, the requirements of Section 5 of Executive Order 13175 do not apply to this rulemaking.

The Paperwork Reduction Act of 1995

In accordance with 42 U.S.C. 14953(c), this rule does not impose information collection requirements subject to the provisions of the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

List of Subjects in 22 CFR Part 96

Accreditation, Administrative practice and procedure, Intercountry adoption, Reporting and recordkeeping requirements, Standards, Treaties

For the reasons stated in the preamble, the State Department proposes to amend 22 CFR part 96 as follows:

PART 96—INTERCOUNTRY ADOPTION ACCREDITATION OF AGENCIES AND APPROVAL OF PERSONS

■ 1. The authority citation for part 96 continues to read as follows:

Authority: The Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (done at the Hague, May 29, 1993), S. Treaty Doc. 105–51 (1998), 1870 U.N.T.S. 167 (Reg. No. 31922 (1993)); The Intercountry Adoption Act of 2000, 42 U.S.C. 14901–14954; The Intercountry Adoption Universal Accreditation Act of 2012, Pub. L. 112–276, 42 U.S.C. 14925.

■ 2. Revise subpart A to read as follows:

Subpart A—General Provisions

Sec.
96.1 Purpose.
96.2 Definitions.
96.3 [Reserved]

Subpart A—General Provisions

§ 96.1 Purpose.

This part provides for the accreditation and approval of agencies and persons pursuant to the Intercountry Adoption Act of 2000 (42 U.S.C. 14901–14954, Pub. L. 106–279), which implements the 1993 Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption, U.S. Senate Treaty Doc. 105–51, Multilateral Treaties in Force as of January 1, 2016, p. 9; and the Intercountry Adoption Universal Accreditation Act of 2012 (42 U.S.C. 14925, Pub. L. 112–276).

§ 96.2 Definitions.

As used in this part, the term:

Accredited agency means an agency that has been accredited by an accrediting entity, in accordance with the standards in subpart F of this part, to provide adoption services in the United States in intercountry adoption cases.

Accrediting entity means an entity that has been designated by the Secretary to accredit agencies and/or to approve persons for purposes of providing adoption services in the United States in intercountry adoption cases.

Adoption means the judicial or administrative act that establishes a permanent legal parent-child relationship between a minor and an adult who is not already the minor's legal parent and terminates the legal parent-child relationship between the adoptive child and any former parent(s).

Adoption record means any record, information, or item related to a specific intercountry adoption of a child received or maintained by an agency, person, or public domestic authority, including, but not limited to, photographs, videos, correspondence, personal effects, medical and social information, and any other information about the child.

Adoption service means any one of the following six services:

(1) Identifying a child for adoption and arranging an adoption;

(2) Securing the necessary consent to termination of parental rights and to adoption;

(3) Performing a background study on a child or a home study on a prospective adoptive parent(s), and reporting on such a study;

(4) Making non-judicial determinations of the best interests of a child and the appropriateness of an adoptive placement for the child;

(5) Monitoring a case after a child has been placed with prospective adoptive parent(s) until final adoption; or

(6) When necessary because of a disruption before final adoption, assuming custody and providing (including facilitating the provision of) child care or any other social service pending an alternative placement.

Agency means a private, nonprofit organization licensed to provide adoption services in at least one State. (For-profit entities and individuals that provide adoption services are considered ''persons'' as defined in this section.)

Approved home study means a review of the home environment of the child's prospective adoptive parent(s) that has been:

(1) Completed by an accredited agency; or

(2) Approved by an accredited agency.

Approved person means a person that has been approved, in accordance with the standards in subpart F of this part, by an accrediting entity to provide adoption services in the United States in intercountry adoption cases.

Authorization means the permission from a Central Authority for an agency or person to act in a country with respect to an intercountry adoption. In the United States, accreditation or approval provides general authorization to act with respect to an intercountry adoption. Where required, an accredited agency or approved person must also have the authorization of the relevant country to act in that country.

Best interests of the child, in cases in which a State has jurisdiction to decide whether a particular adoption or adoption-related action is in a child's best interests, shall have the meaning given to it by the law of that State. In all other cases, including any case in which a child is outside the United States at the time the ASP considers, or should have considered, the best interests of the child in connection with any decision or action, best interests of the child shall be interpreted in light of the object and purpose of the Convention, without reference to the law of any particular State.

Case Registry means the tracking system jointly established by the Secretary and DHS to comply with section 102(e) of the IAA (42 U.S.C. 14912).

Central Authority means the entity designated as such under Article 6(1) of the Convention by any Convention country, or, in the case of the United States, the United States Department of State. In countries that are not Convention countries, Central Authority means the relevant ''competent authority'' as defined in this section.

Central Authority function means any duty required to be carried out by a Central Authority in a Convention country, and any equivalent function in a non-Convention country.

Child welfare services means services, other than those defined as ''adoption services'' in this section, that are designed to promote and protect the well-being of a family or child. Such services include, but are not limited to, providing temporary foster care for a child in connection with an intercountry adoption or providing educational, social, cultural, medical, psychological assessment, mental health, or other health-related services for a child or family in an intercountry adoption case.

Client means the prospective adoptive parent(s) with whom an accredited agency or approved person enters into a service agreement pursuant to § 96.44.

Competent authority means a court or governmental authority of a foreign country that has jurisdiction and authority to make decisions in matters of child welfare, including adoption.

Complaint means any written or electronic communication made to the accredited agency or approved person, the accrediting entity, or the Department, or submitted to the complaint registry, about an accredited agency or approved person, including its officers, directors, employees, and independent contractors, or its activities or services, including its use of supervised providers, that may raise an issue of non-compliance with the Convention, the IAA, the UAA, or the regulations implementing the IAA and the UAA.

Complaint Registry means the system created by the Secretary pursuant to § 96.70 to receive, distribute, and monitor complaints relevant to the accreditation or approval status of agencies and persons.

Convention means the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption done at The Hague on May 29, 1993.

Convention adoption means the adoption of a child resident in a Convention country by a United States citizen, or an adoption of a child resident in the United States by an individual or individuals residing in a Convention country, when, in connection with the adoption, the child has moved or will move between the United States and the Convention country.

Convention country means a country that is a party to the Convention and with which the Convention is in force for the United States.

Country of origin means the country in which a child is a resident and from which a child is emigrating in connection with his or her adoption.

Debarment means the loss of accreditation or approval by an agency or person as a result of an order of the Secretary under which the agency or person is temporarily or permanently barred from accreditation or approval.

DHS means the U.S. Department of Homeland Security and encompasses the former Immigration and Naturalization Service (INS) or any successor entity designated by the Secretary of Homeland Security to assume the functions vested in the Attorney General by the IAA relating to the INS's responsibilities.

Disruption means the interruption of a placement for adoption during the post-placement period.

Dissolution means the termination of the adoptive parent(s)' parental rights after an adoption.

Exempted provider means a social work professional or organization that performs a home study on prospective adoptive parent(s) or a child background study (or both) in the United States in connection with an intercountry adoption (including any reports or updates), but that is not currently providing and has not previously provided any other adoption service in the case.

IAA means the Intercountry Adoption Act of 2000, Public Law 106–279 (2000) (42 U.S.C. 14901–14954), as amended from time to time.

INA means the Immigration and Nationality Act (8 U.S.C. 1101 *et seq.*), as amended.

Intercountry adoption means a Convention adoption as described in INA section 101(b)(1)(G) or the adoption of a child described in INA section 101(b)(1)(F).

Legal custody means having legal responsibility for a child under the order of a court of law, a public domestic authority, competent authority, public foreign authority, or by operation of law.

Legal services means services, other than those defined in this section as ''adoption services,'' that relate to the provision of legal advice and information and to the drafting of legal instruments. Such services include, but are not limited to, drawing up contracts, powers of attorney, and other legal instruments; providing advice and counsel to adoptive parent(s) on completing DHS or Central Authority

forms; and providing advice and counsel to accredited agencies, approved persons, or prospective adoptive parent(s) on how to comply with the Convention, the IAA, the UAA, and the regulations implementing the IAA and the UAA.

Person means an individual or a private, for-profit entity (including a corporation, company, association, firm, partnership, society, or joint stock company) providing adoption services. It does not include public domestic authorities or public foreign authorities.

Post-adoption means after an adoption; in cases in which an adoption occurs in a foreign country and is followed by a re-adoption in the United States, it means after the adoption in the foreign country.

Post-placement means after a grant of legal custody or guardianship of the child to the prospective adoptive parent(s), or to a custodian for the purpose of escorting the child to the identified prospective adoptive parent(s), and before an adoption.

Primary provider means the accredited agency or approved person that is identified pursuant to § 96.14 as responsible for ensuring that all six adoption services are provided and for supervising and being responsible for supervised providers where used.

Public domestic authority means an authority operated by a State, local, or tribal government within the United States, or an agent of such government.

Public foreign authority means a court or regulatory authority operated by a national or subnational government of a foreign country.

Relative, for the purposes of the alternative procedures for the intercountry adoption of relatives found in subpart R of this part, means any of the following: parent, step-parent, brother, step-brother, sister, step-sister, grandparent, aunt, uncle, half-brother to the child's parent, half-sister to the child's parent, half-brother, half-sister, or the U.S. citizen spouse of the person with one of these qualifying relationships with the child. The relationship can exist by virtue of blood, marriage, or adoption.

Secretary means the Secretary of State, the Assistant Secretary of State for Consular Affairs, or any other Department of State official exercising the Secretary of State's authority under the Convention, the IAA, the UAA, or any regulations implementing the IAA and the UAA, pursuant to a delegation of authority.

State means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, and the U.S. Virgin Islands.

Supervised provider means any agency, person, or other non-governmental entity, including any foreign person or entity, regardless of whether it is called a facilitator, agent, attorney, or by any other name, that is providing one or more adoption services in an intercountry adoption case under the supervision and responsibility of an accredited agency or approved person that is acting as the primary provider in the case.

UAA means the Intercountry Adoption Universal Accreditation Act of 2012 (42 U.S.C. 14925, Pub. L. 112–276 (2012)).

Unregulated custody transfer is the placement of a child with a person or entity with the intent of severing the child's existing parent-child or guardian-child relationship without taking the appropriate steps both to ensure the child's safety and permanency and to transfer legal custody or guardianship of the child.

USCIS means U.S. Citizenship and Immigration Services within the U.S. Department of Homeland Security.

§ 96.3 [Reserved]

■ 3. Revise subpart B to read as follows:

Subpart B—Selection, Designation, and Duties of Accrediting Entities

Sec.

Subpart B—Selection, Designation, and Duties of Accrediting Entities

§ 96.4 Designation of accrediting entities by the Secretary.

(a) The Secretary, in the Secretary's discretion, will designate one or more entities that meet the criteria set forth in § 96.5 to perform the accreditation and/or approval functions. Each accrediting entity's designation will be set forth in an agreement between the Secretary and the accrediting entity. The agreement will govern the accrediting entity's operations. The agreements will be published in the **Federal Register.**

(b) The Secretary's designation may authorize an accrediting entity to accredit agencies, to approve persons, or to both accredit agencies and approve persons. The designation may also limit the accrediting entity's geographic jurisdiction or impose other limits on the entity's jurisdiction.

(c) A public entity under § 96.5(b) may only be designated to accredit agencies and approve persons that are located in the public entity's State.

§ 96.5 Requirement that accrediting entity be a nonprofit or public entity.

An accrediting entity must qualify as either:

(a) An organization described in section 501(c)(3) of the Internal Revenue Code of 1986, as amended (26 CFR 1.501(c)(3)–1), that has expertise in developing and administering standards for entities providing child welfare services; or

(b) A public entity (other than a Federal entity), including, but not limited to, any State or local government or governmental unit or any political subdivision, agency, or instrumentality thereof, that has expertise in developing and administering standards for entities providing child welfare services.

§ 96.6 Performance criteria for designation as an accrediting entity.

An entity that seeks to be designated as an accrediting entity must demonstrate to the Secretary:

(a) That it has a governing structure, the human and financial resources, and systems of control adequate to ensure its reliability;

(b) That it is capable of performing the accreditation or approval functions or both on a timely basis and of administering any renewal cycle authorized under § 96.60;

(c) That it can monitor the performance of accredited agencies and approved persons (including their use of any supervised providers) to ensure their continued compliance with the Convention, the IAA, the UAA, and the regulations implementing the IAA and the UAA;

(d) That it has the capacity to take appropriate adverse actions against accredited agencies and approved persons;

(e) That it can perform the required data collection, reporting, and other similar functions;

(f) Except in the case of a public entity, that it operates independently of any accredited agency or approved person that provides adoption services, and of any membership organization that includes agencies or approved persons that provide adoption services;

(g) That it has the capacity to conduct its accreditation and approval functions fairly and impartially;

(h) That it can comply with any conflict of interest prohibitions set by the Secretary;

(i) That it prohibits conflicts of interest with accredited agencies or approved persons or with any membership organization that includes accredited agencies or persons that provide adoption services; and

(j) That it prohibits its employees or other individuals acting as site evaluators, including, but not limited to, volunteer site evaluators, from becoming employees or supervised providers of an accredited agency or approved person for at least one year after they have evaluated such agency or person for accreditation or approval.

§ 96.7 Authorities and responsibilities of an accrediting entity.

(a) An accrediting entity may be authorized by the Secretary to perform some or all of the following functions:

(1) Determining whether agencies are eligible for accreditation;

(2) Determining whether persons are eligible for approval;

(3) Overseeing accredited agencies and/or approved persons by monitoring their compliance with applicable requirements;

(4) Reviewing and responding to complaints about accredited agencies and approved persons (including their use of supervised providers);

(5) Taking adverse action against an accredited agency or approved person, and/or referring an accredited agency or approved person for possible action by the Secretary;

(6) Determining whether accredited agencies and approved persons are eligible for renewal of their accreditation or approval on a cycle consistent with § 96.60;

(7) Collecting data from accredited agencies and approved persons, maintaining records, and reporting information to the Secretary, State courts, and other entities; and

(8) Assisting the Secretary in taking appropriate action to help an agency or person in transferring its intercountry adoption cases and adoption records.

(9) Maintaining all records related to its role as an accrediting entity for a period of at least ten years, or as otherwise set forth in its agreement with the Secretary.

(b) The Secretary may require the accrediting entity:

(1) To utilize the Complaint Registry as provided in subpart J of this part; and

(2) To fund a portion of the costs of operating the Complaint Registry with fees collected by the accrediting entity pursuant to the schedule of fees approved by the Secretary as provided in § 96.8.

(c) An accrediting entity must perform all responsibilities in accordance with the Convention, the IAA, the UAA, the regulations implementing the IAA and the UAA, and its agreement with the Secretary.

§ 96.8 Fees charged by accrediting entities.

(a) An accrediting entity may charge fees for accreditation or approval services under this part only in accordance with a schedule of fees approved by the Secretary. Before approving a schedule of fees proposed by an accrediting entity, or subsequent proposed changes to an approved schedule, the Secretary will require the accrediting entity to demonstrate:

(1) That its proposed schedule of fees reflects appropriate consideration of the relative size and geographic location and volume of intercountry adoption cases of the agencies or persons it expects to serve; and

(2) That the total fees the accrediting entity expects to collect under the schedule of fees will not exceed the full costs of the accrediting entity functions the Secretary has authorized it to perform under this part (including, but not limited to, costs for completing the accreditation or approval process, complaint review, routine oversight and enforcement, and other data collection and reporting activities).

(b) The Secretary shall publish in the **Federal Register** a notice of the proposed fee schedule along with a summary of the information provided by the AE and a general statement explaining their basis. After notice required by this section, the Secretary shall give interested persons an opportunity to participate in the proposed fee schedule setting through submission of written data, views, or arguments with or without opportunity for oral presentation. After consideration of the relevant matter presented, the Secretary shall, following approval of the final schedule of fees, publish the final schedule of fees and a concise general statement of their basis.

(c) The schedule of fees must:

(1) Establish separate, non-refundable fees for accreditation and approval; and

(2) Include in each fee the costs of all activities associated with such fee, including but not limited to, costs for completing the accreditation or approval process, complaint review, routine oversight and enforcement, and other data collection and reporting activities, except that separate fees based on actual costs incurred may be charged for the travel and maintenance of evaluators.

(d) An accrediting entity must make its approved schedule of fees available to the public, including prospective applicants for accreditation or approval, upon request. At the time of application, the accrediting entity must specify the fees to be charged to the applicant in a contract between the parties and must provide notice to the applicant that no portion of the fee will be refunded if the applicant fails to become accredited or approved.

(e) Nothing in this section shall be construed to provide a private right of action to challenge any fee charged by an accrediting entity pursuant to a schedule of fees approved by the Secretary.

§ 96.9 Agreement between the Secretary and the accrediting entity.

An accrediting entity must perform its functions pursuant to a written agreement with the Secretary that will be published in the **Federal Register**. The agreement will address:

(a) The responsibilities and duties of the accrediting entity;

(b) The method by which the costs of delivering the authorized accrediting entity functions may be recovered through the collection of fees from those seeking accreditation or approval, and how the entity's schedule of fees will be approved;

(c) How the accrediting entity will address complaints about accredited agencies and approved persons (including their use of supervised providers) and complaints about the accrediting entity itself;

(d) Data collection requirements;

(e) Matters of communication and accountability between both the accrediting entity and the applicant(s) and between the accrediting entity and the Secretary; and

(f) Other matters upon which the parties have agreed.

§ 96.10 Suspension or cancellation of the designation of an accrediting entity by the Secretary.

(a) The Secretary will suspend or cancel the designation of an accrediting entity if the Secretary concludes that it is substantially out of compliance with the Convention, the IAA, the UAA, the regulations implementing the IAA and the UAA, other applicable laws, or the agreement with the Secretary. Complaints regarding the performance of the accrediting entity may be submitted to the Department of State, Bureau of Consular Affairs. The Secretary will consider complaints in

determining whether an accrediting entity's designation should be suspended or canceled.

(b) The Secretary will notify an accrediting entity in writing of any deficiencies in the accrediting entity's performance that could lead to the suspension or cancellation of its designation, and will provide the accrediting entity with an opportunity to demonstrate that suspension or cancellation is unwarranted, in accordance with procedures established in the agreement entered into pursuant to § 96.9.

(c) An accrediting entity may be considered substantially out of compliance under circumstances that include, but are not limited to:

(1) Failing to act in a timely manner when presented with evidence that an accredited agency or approved person is substantially out of compliance with the standards in subpart F of this part;

(2) Accrediting or approving an agency or person whose performance results in intervention of the Secretary for the purpose of suspension, cancellation, or debarment;

(3) Failing to perform its responsibilities fairly and objectively;

(4) Violating prohibitions on conflicts of interest;

(5) Failing to meet its reporting requirements;

(6) Failing to protect information, including personally identifiable information, or documents that it receives in the course of performing its responsibilities; and

(7) Failing to monitor frequently and carefully the compliance of accredited agencies and approved persons with the Convention, the IAA, the UAA, and the regulations implementing the IAA and the UAA, including the home study requirements of the Convention, section 203(b)(1)(A)(ii) of the IAA (42 U.S.C. 14923(b)(1)(A)(ii)), and § 96.47.

(d) An accrediting entity that is subject to a final action of suspension or cancellation may petition the United States District Court for the District of Columbia or the United States district court in the judicial district in which the accrediting entity is located to set aside the action as provided in section 204(d) of the IAA (42 U.S.C. 14924(d)).

§ 96.11 [Reserved]

■ 4. Transfer § 96.12 from subpart C to subpart B and revise it to read as follows:

§ 96.12 Authorized adoption service providers.

(a) Except as provided in section 505(b) of the IAA (relating to transition cases) and section 2(c) of the UAA (relating to transition cases), an agency or person may not offer, provide, or facilitate the provision of any adoption service in connection with an intercountry adoption unless it is:

(1) An accredited agency or an approved person;

(2) A supervised provider; or

(3) An exempted provider, if the exempted provider's home study or child background study will be reviewed and approved by an accredited agency pursuant to § 96.47(c) or § 96.53(b).

(b) A public domestic authority may also offer, provide, or facilitate the provision of any such adoption service.

(c) Neither conferral nor maintenance of accreditation or approval, nor status as an exempted or supervised provider, nor status as a public domestic authority shall be construed to imply, warrant, or establish that, in any specific case, an adoption service has been provided consistently with the Convention, the IAA, the UAA, or the regulations implementing the IAA and the UAA. Conferral and maintenance of accreditation or approval under this part establishes only that the accrediting entity has concluded, in accordance with the standards and procedures of this part, that the accredited agency or approved person provides adoption services in substantial compliance with the applicable standards set forth in this part; it is not a guarantee that in any specific case the accredited agency or approved person is providing adoption services consistently with the Convention, the IAA, the UAA, the regulations implementing the IAA and the UAA, or any other applicable law, whether Federal, State, or foreign. Neither the Secretary nor any accrediting entity shall be responsible for any acts of an accredited agency, approved person, exempted provider, supervised provider, or other entity providing services in connection with an intercountry adoption.

■ 5. Revise subpart E to read as follows:

Subpart E—Evaluation of Applicants for Accreditation and Approval

Sec.

Subpart E—Evaluation of Applicants for Accreditation and Approval

§ 96.23 Scope.

The provisions in this subpart govern the evaluation of agencies and persons for accreditation or approval.

§ 96.24 Procedures for evaluating applicants for accreditation or approval.

(a) The accrediting entity must designate at least two evaluators to evaluate an agency or person for accreditation or approval. The accrediting entity's evaluators must have expertise in intercountry adoption, standards evaluation, finance or accounting, or have experience with the management or oversight of child welfare organizations and must also meet any additional qualifications required by the Secretary in the agreement with the accrediting entity.

(b) To evaluate the agency's or person's eligibility for accreditation or approval, the accrediting entity must:

(1) Review the agency's or person's written application and supporting documentation;

(2) Verify the information provided by the agency or person by examining underlying documentation;

(3) Consider any complaints received by the accrediting entity pursuant to subpart J of this part; and

(4) Conduct site visit(s).

(c) The site visit(s) may include, but need not be limited to, interviews with birth parents, adoptive parent(s), prospective adoptive parent(s), and adult adoptee(s) served by the agency or person, interviews with the agency's or person's employees, and interviews with other individuals knowledgeable about the agency's or person's provision of adoption services. It may also include a review of on-site documents. The accrediting entity must, to the extent practicable, advise the agency or person in advance of the type of documents it wishes to review during the site visit. The accrediting entity must require at least one of the evaluators to participate in each site visit. The accrediting entity must determine the number of evaluators that participate in a site visit in light of factors such as:

(1) The agency's or person's size;

(2) The number of adoption cases it handles;

(3) The number of sites the accrediting entity decides to visit; and

(4) The number of individuals working at each site.

(d) Before deciding whether to accredit an agency or approve a person, the accrediting entity may, in its discretion, advise the agency or person of any deficiencies that may hinder or

prevent its accreditation or approval and defer a decision to allow the agency or person to correct the deficiencies.

§ 96.25 Access to information and documents requested by the accrediting entity.

(a) The agency or person must give the accrediting entity access to information and documents, including adoption case files and proprietary information, that it requires or requests to evaluate an agency or person for accreditation or approval and to perform its oversight, enforcement, renewal, data collection, and other functions. The agency or person must also cooperate with the accrediting entity by making employees available for interviews upon request.

(b) Accrediting entity review of adoption case files pursuant to paragraph (a) of this section shall be limited to Convention adoption case files and cases subject to the UAA, except that, in the case of first-time applicants for accreditation or approval, the accrediting entity may review adoption case files related to other non-Convention cases for purposes of assessing the agency's or person's capacity to comply with record-keeping and data-management standards in subpart F of this part. The accrediting entity shall permit the agency or person to redact names and other information that identifies birth parent(s), prospective adoptive parent(s), and adoptee(s) from such non-Convention adoption case files not subject to the UAA prior to their inspection by the accrediting entity.

(c) If an agency or person fails to provide requested documents or information, or to make employees available as requested, or engages in deliberate destruction of documentation, or provides false or misleading documents or information, the accrediting entity may deny accreditation or approval or, in the case of an accredited agency or approved person, take appropriate adverse action against the agency or person solely on that basis.

§ 96.26 Protection of information and documents by the accrediting entity.

(a) The accrediting entity must protect from unauthorized use and disclosure all documents and information about the agency or person it receives including, but not limited to, documents and proprietary information about the agency's or person's finances, management, and professional practices received in connection with the performance of its accreditation or approval, oversight, enforcement, renewal, data collection, or other functions under its agreement with the Secretary and this part.

(b) The documents and information received may not be disclosed to the public and may be used only for the purpose of performing the accrediting entity's accreditation or approval functions, monitoring and oversight, and related tasks under its agreement with the Secretary and this part, or to provide information to the Secretary, the Complaint Registry, or an appropriate foreign, Federal, State, tribal, or local authority, including, but not limited to, a public domestic authority or local law enforcement authority unless:

(1) Otherwise authorized by the agency or person in writing;

(2) Otherwise required under Federal or State laws; or

(3) Required pursuant to subpart M of this part.

(c) Unless the names and other information that identifies the birth parent(s), prospective adoptive parent(s), and adoptee(s) are requested by the accrediting entity for an articulated reason, the agency or person may withhold from the accrediting entity such information and substitute individually assigned codes in the documents it provides. The accrediting entity must have appropriate safeguards to protect from unauthorized use and disclosure of any information in its files that identifies birth parent(s), prospective adoptive parent(s), and adoptee(s). The accrediting entity must ensure that its officers, employees, contractors, and evaluators who have access to information or documents provided by the agency or person have signed a non-disclosure agreement reflecting the requirements of paragraphs (a) and (b) of this section.

(d) The accrediting entity must maintain a complete and accurate record of all information it receives related to an agency or person, and the basis for the accrediting entity's decisions concerning the agency or person for a period of at least ten years, or as otherwise set forth in its agreement with the secretary.

§ 96.27 Substantive criteria for evaluating applicants for accreditation or approval.

(a) The accrediting entity may not grant an agency accreditation or a person approval, or permit an agency's or person's accreditation or approval to be maintained, unless the agency or person demonstrates to the satisfaction of the accrediting entity that it is in substantial compliance with the standards in subpart F of this part.

(b) When the agency or person makes its initial application for accreditation or approval, the accrediting entity may measure the capacity of the agency or person to achieve substantial compliance with the standards in subpart F of this part where relevant evidence of its actual performance is not yet available. Once the agency or person has been accredited or approved pursuant to this part, the accrediting entity must, for the purposes of monitoring, renewal, enforcement, and reapplication after adverse action, consider the agency's or person's actual performance in deciding whether the agency or person is in substantial compliance with the standards in subpart F of this part, unless the accrediting entity determines that it is still necessary to measure capacity because services have not yet been provided and thus adequate evidence of actual performance is not available.

(c) The standards contained in subpart F of this part apply during all the stages of accreditation and approval, including, but not limited to, when the accrediting entity is evaluating an applicant for accreditation or approval, when it is determining whether to renew an agency's or person's accreditation or approval, when it is monitoring the performance of an accredited agency or approved person, and when it is taking adverse action against an accredited agency or approved person. The accrediting entity shall use the standards contained in subpart F of this part, when determining whether an agency or person may be granted or permitted to maintain accreditation or approval.

(d) The Secretary will ensure that each accrediting entity performs its accreditation and approval functions using only a method approved by the Secretary that is substantially the same as the method approved for use by each other accrediting entity. Each such method will include: An assigned value for each standard (or element of a standard); a method of rating an agency's or person's compliance with each applicable standard; and a method of evaluating whether an agency's or person's overall compliance with all applicable standards establishes that the agency or person is in substantial compliance with the standards and can be accredited or approved. The Secretary will ensure that the value assigned to each standard reflects the relative importance of that standard to compliance with the Convention, the IAA, and the UAA and is consistent with the value assigned to the standard by other accrediting entities. The accrediting entity must advise

applicants of the value assigned to each standard (or elements of each standard) at the time it provides applicants with the application materials.

(e) If an agency or person previously has been denied accreditation or approval, has withdrawn its application in anticipation of denial, or is reapplying for accreditation or approval after cancellation, refusal to renew, or temporary debarment, the accrediting entity must take the reasons underlying such actions into account when evaluating the agency or person for accreditation or approval, and may deny accreditation or approval on the basis of the previous action.

(f) If an agency or person that has an ownership or control interest in the applicant, as that term is defined in section 1124 of the Social Security Act (42 U.S.C. 1320a–3), has been debarred pursuant to § 96.85, the accrediting entity must take into account the reasons underlying the debarment when evaluating the agency or person for accreditation or approval, and may deny accreditation or approval or refuse to renew accreditation or approval on the basis of the debarment.

(g) The standards contained in subpart F of this part do not eliminate the need for an agency or person to comply fully with the laws of the jurisdictions in which it operates. An agency or person must provide adoption services in intercountry adoption cases consistent with the laws of any State in which it operates, and with the Convention, the IAA, and the UAA. Persons that are approved to provide adoption services may only provide such services in States that do not prohibit persons from providing adoption services. Nothing in the application of subparts E and F of this part should be construed to require a State to allow persons to provide adoption services if State law does not permit them to do so.

■ 6. Revise subpart F to read as follows:

Subpart F—Standards for Intercountry Adoption Accreditation and Approval

Sec.

Subpart F—Standards for Intercountry Adoption Accreditation and Approval

§ 96.28 Scope.

The provisions in this subpart provide the standards for accrediting agencies and approving persons.

§ 96.29 Compliance with all applicable laws.

(a) The agency or person has not:

(1) Provided any adoption service other than as:

(i) An accredited agency or an approved person;

(ii) A supervised provider, under the supervision of an accredited agency or approved person; or

(iii) An exempted provider, if the exempted provider's home study or child background study was prepared for review and approval by an accredited agency pursuant to § 96.47(c) or § 96.53(b).

(2) Provided any adoption service in a foreign country without authorization from the relevant foreign country, if required by that country.

(b) The agency or person gives the accrediting entity access to information, documents, and employees, as set forth in § 96.25, that the accrediting entity requires or requests to evaluate an agency or person for accreditation or approval and/or to perform its oversight, enforcement, renewal, data collection, and other functions. If an agency or person fails to provide requested documents or information, or to make employees available as requested, or engages in deliberate destruction of documentation, or provides false or misleading documents or information, the accrediting entity may deny accreditation or approval or, in the case of an accredited agency or approved person, take appropriate adverse action against the agency or person solely on that basis.

(c) In providing adoption services, the agency or person complies fully with the laws of each jurisdiction in which it operates and with the Convention, the IAA and the UAA. The agency or person does not provide adoption services in any State unless authorized to do so, where such authorization is required.

(d) In providing adoption services, the agency or person complies fully with the laws of each foreign country in which it operates. The agency or person does not provide adoption services in a foreign country unless authorized by the foreign country to do so, where such authorization is required.

Licensing and Corporate Governance

§ 96.30 State licensing.

(a) The agency or person is properly licensed or otherwise authorized by State law to provide adoption services in at least one State.

(b) The agency or person follows applicable State licensing and regulatory requirements in all jurisdictions in which it provides adoption services.

(c) If it provides adoption services in a State in which it is not itself licensed or authorized to provide such services, the agency or person does so only:

(1) Through agencies or persons that are licensed or authorized by State law to provide adoption services in that State and that are exempted providers or acting as supervised providers; or

(2) Through public domestic authorities.

(d) In the case of a person, the individual or for-profit entity is not prohibited by State law from providing adoption services in any State where it is providing adoption services, and does not provide adoption services in foreign countries that prohibit individuals or for-profit entities from providing adoption services.

§ 96.31 Corporate structure.

(a) The agency qualifies for nonprofit tax treatment under section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or qualifies for nonprofit status under the laws of any State.

(b) The person is an individual or is a for-profit entity organized as a corporation, company, association, firm, partnership, society, or joint stock company, or other legal entity under the laws of any State.

§ 96.32 Internal structure and oversight.

(a) The agency or person has (or, in the case of an individual, is) a chief executive officer or equivalent official who is qualified by education, adoption service experience, and management credentials to ensure effective use of resources and coordinated delivery of the services provided by the agency or person, and has authority and responsibility for management and oversight of the staff and any supervised providers in carrying out the adoption-related functions of the organization.

(b) The agency or person has a board of directors or a similar governing body that establishes and approves its mission, policies, budget, and programs; provides leadership to secure the resources needed to support its programs; includes one or more individuals with experience in adoption, including but not limited to, adoptees, birth parents, prospective adoptive parent(s), and adoptive parents; and appoints and oversees the performance of its chief executive officer or equivalent official. This standard does not apply where the person is an individual practitioner.

(c) The agency or person keeps records of the meetings and deliberations of its governing body and of its major decisions affecting the delivery of adoption services for a period of not less than 25 years. The agency or person shall also maintain records relating to the selection, monitoring, and oversight of supervised providers, financial transactions to and from foreign countries, and records pursuant to § 96.41 for a period of not less than 25 years.

(d) The agency or person has in place procedures and standards, pursuant to §§ 96.45 and 96.46, for the selection, monitoring, and oversight of supervised providers.

(e) The agency or person discloses to the accrediting entity the following information:

(1) Any other names by which the agency or person is or has been known, under either its current or any former form of organization, and the addresses and phone numbers used when such names were used;

(2) The name, address, and phone number of each current director, manager, and employee of the agency or person, and, for any such individual who previously served as a director, manager, or employee of another provider of adoption services, the name, address, and phone number of such other provider;

(3) The name, address, and phone number of any entity it uses or intends to use as a supervised provider; and

(4) The name, address, and phone number of all agencies or persons, non-profit organizations, or for-profit organizations that share with it any leadership, officers, board of directors, or family relationships, if such agency, person, or organization provides any service to, or receives any payment from, the agency or person.

Financial and Risk Management

§ 96.33 Budget, audit, insurance, and risk assessment requirements.

(a) The agency or person operates under a budget approved by its governing body, if applicable, for management of its funds. The budget discloses all remuneration (including perquisites) paid to the agency's or person's board of directors, managers, employees, and supervised providers.

(b) The agency's or person's finances are subject to annual internal review and oversight and are subject to independent audits every four years. The agency or person submits copies of internal financial review reports for inspection by the accrediting entity each year.

(c) The agency or person submits copies of each audit, as well as any accompanying management letter or qualified opinion letter, for inspection by the accrediting entity.

(d) The agency or person meets the financial reporting requirements of Federal and State laws and regulations.

(e) The agency's or person's balance sheets show that it operates on a sound financial basis and maintains on average sufficient cash reserves, assets, or other liquid assets to meet its operating expenses for two months, taking into account its projected volume of cases and its size, scope, and financial commitments.

(f) The agency or person has a plan to transfer its intercountry adoption cases to an accredited agency or approved person if it ceases to provide or is no longer permitted to provide adoption services in intercountry adoption cases. The plan includes provisions for an organized transfer and reimbursement to clients of funds paid for services not yet rendered.

(g) If it accepts charitable donations, the agency or person has safeguards in place to ensure that such donations do not influence child placement decisions in any way.

(h) The agency or person assesses the risks it assumes, including by reviewing information on the availability of insurance coverage for intercountry adoption-related activities. The agency or person uses the assessment to meet the requirements in paragraph (i) of this section and as the basis for determining the type and amount of professional, general, directors' and officers', errors and omissions, and other liability insurance to carry.

(i) The agency or person maintains professional liability insurance in amounts reasonably related to its exposure to risk, but in no case in an amount less than $1,000,000 in the aggregate.

(j) The agency's or person's chief executive officer, chief financial officer, and other officers or employees with direct responsibility for financial transactions or financial management of the agency or person are bonded.

§ 96.34 Compensation.

(a) The agency or person does not compensate or plan to compensate directly or indirectly, any individual or entity involved in an intercountry adoption with an incentive fee or contingent fee for each child located or placed for adoption.

(b) The agency or person compensates its directors, officers, employees, and supervised providers or any other agent, individual, or entity involved in an intercountry adoption only for services actually rendered and only on a fee-for-service, hourly wage, or salary basis rather than a contingent fee basis.

(c) The agency or person does not make any payments, promise payment, or give other consideration to any individual or entity directly or indirectly involved in provision of adoption services in a particular case,

except for salaries or fees for services actually rendered and reimbursement for costs incurred. This does not prohibit an agency or person from providing in-kind or other donations not intended to influence or affect a particular adoption.

(d) The fees, wages, or salaries paid to the directors, officers, employees, and supervised providers, or any other agent, individual, or entity involved in intercountry adoption on behalf of the agency or person, are not unreasonably high in relation to the services actually rendered, taking into account what such services actually cost in the country in which the services are provided; the location, number, and qualifications of staff; workload requirements; budget; and size of the agency or person.

(e) Any other compensation paid or provided to the agency's or person's directors or members of its governing body is not unreasonably high in relation to the services rendered, taking into account the same factors listed in paragraph (d) of this section and its for-profit or nonprofit status.

(f) The agency or person identifies all vendors to whom clients are referred for non-adoption services and discloses to the accrediting entity and the agency's or person's clients, any corporate or financial arrangements and any family relationships with such vendors.

Ethical Practices and Responsibilities

§ 96.35 Suitability of agencies and persons to provide adoption services.

(a) The agency or person provides adoption services ethically and in accordance with the Convention's principles of:

(1) Ensuring that intercountry adoptions take place in the best interests of children; and

(2) Preventing the abduction, exploitation, sale, or trafficking of children.

(b) In order to permit the accrediting entity to evaluate the suitability of an agency or person for accreditation or approval, the agency or person discloses to the accrediting entity the following information related to the agency or person, under its current or any former name:

(1) Any instances in which the agency or person has lost the right to provide adoption services in any State or country, including the basis for such action(s);

(2) Any instances in which the agency or person was debarred or otherwise denied the authority to provide adoption services in any State or country, including the basis and disposition of such action(s);

(3) Any licensing suspensions for cause or other negative sanctions by oversight bodies against the agency or person, including the basis and disposition of such action(s);

(4) For the prior ten-year period, any disciplinary action(s) against the agency or person by a licensing or accrediting body, including the basis and disposition of such action(s);

(5) For the prior ten-year period, any written complaint(s) related to the provision of adoption related services, including the basis and disposition of such complaints, against the agency or person filed with any State or Federal or foreign regulatory body or court and of which the agency or person was notified;

(6) For the prior ten-year period, any known past or pending investigation(s) by Federal authorities, public domestic authorities, or by foreign authorities, criminal charge(s), child abuse charge(s), or lawsuit(s) against the agency or person, related to the provision of child welfare or adoption-related services, and the basis and disposition of such action(s);

(7) Any instances where the agency or person has been found guilty of any crime under Federal, State, or foreign law or has been found to have committed any civil or administrative violation involving financial irregularities under Federal, State, or foreign law;

(8) For the prior five-year period, any instances where the agency or person has filed for bankruptcy;

(9) Descriptions of any businesses or activities that may be inconsistent with the principles of the Convention and that have been or are currently carried out by the agency or person, affiliate organizations, or by any organization in which the agency or person has an ownership or controlling interest.

(c) In order to permit the accrediting entity to evaluate the suitability of an agency or person for accreditation or approval, the agency or person (for its current or any former names) discloses to the accrediting entity the following information about its individual directors, officers, and employees:

(1) For the prior ten-year period, any conduct by any such individual related to the provision of adoption-related services that was subject to external disciplinary proceeding(s);

(2) Any convictions, formal disciplinary actions or known, current investigations of any such individual for acts involving financial irregularities;

(3) The results of a State criminal background check and a child abuse clearance for any such individual in the United States in a senior management position or who works directly with parent(s) and/or children (unless such checks have been included in the State licensing process); and

(4) Descriptions of any businesses or activities that may be inconsistent with the principles of the Convention and that are known to have been or are currently carried out by current individual directors, officers, or employees of the agency or person.

(d) In order to permit the accrediting entity to evaluate the suitability of a person who is an individual practitioner for approval, the individual:

(1) Provides the results of a State criminal background check and a child abuse clearance to the accrediting entity;

(2) If a lawyer, for every jurisdiction in which he or she has ever been admitted to the Bar, provides a certificate of good standing or an explanation of why he or she is not in good standing, accompanied by any relevant documentation, and immediately reports to the accrediting entity any disciplinary action considered by a State bar association, regardless of whether the action relates to intercountry adoption; and

(3) If a social worker, for every jurisdiction in which he or she has been licensed, provides a certificate of good standing or an explanation of why he or she is not in good standing, accompanied by any relevant documentation.

(e) In order to permit the accrediting entity to monitor the suitability of an agency or person, the agency or person must disclose any changes in the information required by this section within 30 business days of becoming aware of the change.

§ 96.36 Prohibition on child buying and inducement.

(a) The agency or person prohibits its employees and agents from giving money or other consideration, directly or indirectly, to a child's parent(s), other individual(s), or an entity as payment for the child or as an inducement to release the child.

(b) The agency or person has written policies and procedures in place reflecting the prohibitions in paragraph (a) of this section and reinforces them in its employee training programs. In order to monitor compliance, the agency's or person's policies and procedures require its employees, providers, and agents to retain a record of all payments or fees tendered in connection with an intercountry adoption and the purposes for which they were paid for as long as adoption records are kept in accordance

with § 96.42, and provide a copy thereof to the agency or person.

Professional Qualifications and Training for Employees

§ 96.37 Education and experience requirements for social service personnel.

(a) *Appropriate qualifications and credentials.*The agency or person only uses employees with appropriate qualifications and credentials to perform, in connection with an intercountry adoption, adoption-related social service functions that require the application of clinical skills and judgment (home studies, child background studies, counseling, parent preparation, post-placement, and other similar services).

(b) *State licensing, regulatory requirements.* The agency's or person's employees meet any State licensing or regulatory requirements for the services they are providing.

(c) *Application of clinical skills and judgment, training or experience.* The agency's or person's executive director, the supervisor overseeing a case, or the social service employee providing adoption-related social services that require the application of clinical skills and judgment (home studies, child background studies, counseling, parent preparation, post-placement, and other similar services) has training or experience in the professional delivery of intercountry adoption services.

(d) *Supervisors.* The agency's or person's social work supervisors have prior experience in family and children's services, adoption, or intercountry adoption and either:

(1) A master's degree from an accredited program of social work;

(2) A master's degree (or doctorate) in a related human service field, including, but not limited to, psychology, psychiatry, psychiatric nursing, counseling, rehabilitation counseling, or pastoral counseling; or

(3) In the case of a social work supervisor who was an incumbent at the time the Convention entered into force for the United States, the supervisor had significant skills and experience in intercountry adoption and had regular access for consultation purposes to an individual with the qualifications listed in paragraphs (d)(1) or (d)(2) of this section.

(e) *Non-supervisory employees.* The agency's or person's non-supervisory employees providing adoption-related social services that require the application of clinical skills and judgment other than home studies or child background studies have either:

(1) A master's degree from an accredited program of social work or in another human service field; or

(2) A bachelor's degree from an accredited program of social work; or a combination of a bachelor's degree in any field and prior experience in family and children's services, adoption, or intercountry adoption; and

(3) Are supervised by an employee of the agency or person who meets the requirements for supervisors in paragraph (d) of this section.

(f) *Home studies.* The agency's or person's employees who conduct home studies:

(1) Are authorized or licensed to complete a home study under the laws of the States in which they practice;

(2) Meet the requirements for home study preparers in 8 CFR 204.301; and

(3) Are supervised by an employee of the agency or person who meets the requirements in paragraph (d) of this section.

(g) *Child background studies.* The agency's or person's employees who prepare child background studies:

(1) Are authorized or licensed to complete a child background study under the laws of the States in which they practice; and

(2) Are supervised by an employee of the agency or person who meets the requirements in paragraph (d) of this section.

§ 96.38 Training requirements for social service personnel.

(a) The agency or person provides newly hired employees who have adoption-related responsibilities involving the application of clinical skills and judgment (home studies, child background studies, counseling services, parent preparation, post-placement, and other similar services) with a comprehensive orientation to intercountry adoption that includes training on:

(1) The requirements of the Convention, the IAA, the UAA, the regulations implementing the IAA and the UAA, and other applicable Federal regulations;

(2) The INA provisions applicable to the immigration of children described in INA 101(b)(1)(F) and (G) and the applicable regulations contained in 8 CFR 204.3 and 204.300 through 204.314;

(3) The adoption laws of any foreign country where the agency or person provides adoption services;

(4) Relevant State laws;

(5) Ethical considerations in intercountry adoption and prohibitions on child-buying;

(6) The agency's or person's goals, ethical and professional guidelines, organizational lines of accountability, policies, and procedures; and

(7) The cultural diversity of the population(s) served by the agency or person.

(b) In addition to the orientation training required under paragraph (a) of this section, the agency or person provides initial training to newly hired or current employees whose responsibilities include providing adoption-related social services that involve the application of clinical skills and judgment (home studies, child background studies, counseling services, parent preparation, post-placement, and other similar services) that addresses:

(1) The factors in foreign countries that lead to children needing adoptive families;

(2) Feelings of separation, grief, and loss experienced by the child with respect to the family of origin;

(3) Adverse childhood experiences, attachment, and post-traumatic stress disorders;

(4) Physical, psychological, cognitive, and emotional issues facing children who have experienced trauma, abuse, including sexual abuse, or neglect, and/or whose parents' parental rights have been terminated, and the increased risk of such issues in older children;

(5) The long-term impact of institutionalization on child development;

(6) Outcomes for children placed for adoption internationally and the benefits of permanent family placements over other forms of government care;

(7) The most frequent sociological, medical, and psychological problems experienced by children from the countries served by the agency or person, and the possibility that such problems may not be reflected in the medical reports transmitted to prospective adoptive parents;

(8) The process of developing emotional ties to an adoptive family;

(9) Acculturation and assimilation issues, including those arising from factors such as race, ethnicity, religion, and culture and the impact of having been adopted internationally; and

(10) Child, adolescent, and adult development as affected by adoption.

(c) The agency or person ensures that employees who provide adoption-related social services that involve the application of clinical skills and judgment (home studies, child background studies, counseling services, parent preparation, post-placement, and other similar services) also receive, in addition to the orientation and initial training

described in paragraphs (a) and (b) of this section, no less than 30 hours of training every two years, or more if required by State law, on current and emerging adoption practice issues through participation in seminars, conferences, documented distance learning courses, and other similar programs. Continuing education hours required under State law may count toward the 30 hours of training as long as the training is related to current and emerging adoption practice issues.

(d) The agency or person exempts newly hired employees from elements of the orientation and initial training required in paragraphs (a) and (b) of this section if the newly hired individual was, within the previous two years, employed by an accredited or approved adoption service provider where they had received orientation training pursuant to paragraphs (a) and (b) of this section and §§ 96.39 and 96.40.

Information Disclosure, Fee Practices, and Quality Control Policies and Practices

§ 96.39 Information disclosure and quality control practices.

(a) The agency or person fully discloses in writing to the general public upon request and to prospective client(s) upon initial contact:

(1) Its adoption service policies and practices, including general eligibility criteria and fees, including fees for supervised and exempted providers;

(2) A sample written adoption services contract substantially like the one that the prospective client(s) will be expected to sign should they proceed;

(b) The agency or person discloses to client(s) and prospective client(s) that the following information is available upon request and makes such information available when requested:

(1) The number of its adoption placements per year for the prior three calendar years, and the number and percentage of those placements that remain intact, are disrupted, or have been dissolved as of the time the information is provided;

(2) The number of parents who apply to adopt on a yearly basis, based on data for the prior three calendar years; and

(3) The number of children eligible for adoption and awaiting an adoptive placement referral via the agency or person.

(c) The agency or person does not give preferential treatment to its board members, contributors, volunteers, employees, agents, consultants, or independent contractors with respect to the placement of children for adoption and has a written policy to this effect.

(d) The agency or person requires a client to sign a waiver of liability as part of the adoption service contract only where that waiver complies with applicable State law. and these regulations. Any waiver required is limited and specific, based on risks that have been discussed and explained to the client in the adoption services contract.

(e) The agency or person cooperates with reviews, inspections, and audits by the accrediting entity or the Secretary.

(f) The agency or person uses the internet in the placement of individual children eligible for adoption only where:

(1) Such use is not prohibited by applicable State or Federal law or by the laws of the child's country of origin;

(2) Such use is subject to controls to avoid misuse and links to any sites that reflect practices that involve the sale, abduction, exploitation, or trafficking of children;

(3) Such use, if it includes photographs, is designed to identify children either who are currently waiting for adoption or who have already been adopted or placed for adoption (and who are clearly so identified); and

(4) Such use does not serve as a substitute for the direct provision of adoption services, including services to the child, the prospective adoptive parent(s), and/or the birth parent(s).

§ 96.40 Fee policies and procedures.

(a) *In general.* On its website, the agency or person discloses the following:

(1) A written schedule of expected fees and estimated expenses conforming to each of the categories of adoption expenses in the United States found in paragraph (b) of this section and in foreign countries found in paragraph (c) of this section; and

(2) An explanation of the conditions under which fees or expenses may be charged, waived, or reduced, a statement that fees or expenses will be refunded for any service not provided, and information regarding when and how the fees and expenses must be paid.

(3) If prospective adoptive parent(s) contact an agency or person after initiating or completing an adoption on their own behalf, the agency or person identifies in writing which adoption service(s) it will provide and the expected total fees and estimated expenses for each remaining service, or the fees for acting as a primary provider.

(b) *Expected fees and estimated expenses in the United States:* Before providing any adoption service to prospective adoptive parent(s), the agency or person itemizes and discloses in writing the expected fees and expenses in the United States in connection with an intercountry adoption, including, but not limited to, the following:

(1) *Home study, training, preparation, post-placement and post-adoption reporting and expenses.* (i) Expected fees and estimated expenses for home study preparation and approval, whether the home study is to be prepared directly by the agency or person itself, or prepared by a supervised provider, exempted provider, or approved person, and approved as required under § 96.47(c), or prepared by a public domestic authority and the agency or person collects the associated fees;

(ii) Expected fees and estimated expenses for training and preparation of the prospective adoptive parents; and

(iii) Expected fees and estimated expenses for preparation of post-placement and/or post-adoption reports.

(2) *Medical expenses related to the child.* Expected fees and estimated expenses for pre-adoption consultation, examinations, opinions, or certificates from medical professionals in the United States.

(3) *Overhead and operating costs.* (i) Operational costs and estimated expenses incurred in the United States that will be charged on a pro rata basis related to operating programs in the foreign country, such as but not limited to the agency's or person's employee travel to the foreign country; and

(ii) Operational costs that will be charged on a pro rata basis to include personnel costs for personnel in the United States, administrative overhead, communications and publications costs, training and education for personnel, and other operational costs.

(4) *Legal and court fees.* Expected fees and estimated expenses provided for a specific adoption:

(i) For anticipated legal services provided in the United States; and

(ii) For U.S. court or other adjudicative fees.

(5) *Travel expenses.* If any travel, transportation, or accommodation services are to be arranged by the agency or person for the prospective adoptive parent(s), the expected fees and estimated expenses for these services; if travel, transportation, or accommodation services are not arranged by the agency or person for the prospective adoptive parents, an estimate of the direct cost to the prospective adoptive parents of travel, transportation, or accommodation services. The disclosure of estimated

direct costs of travel-related expenses incurred by prospective adoptive parents excludes *de minimis* travel expenses, such as, but not limited to, same day travel in the prospective adoptive parent's own vehicle.

(6) *Fees for provision of adoption services.* Expected fees and estimated expenses for providers of adoption services, including:

(i) Supervised providers in the United States; and

(ii) Exempted providers in the United States.

(7) *Translation and documentation expenses.* Expected fees and estimated expenses for obtaining any necessary documents and for any translation of documents related to the adoption, along with information on whether the prospective adoptive parent(s) will be expected to pay such costs directly or to third parties, or through the agency or person. This category includes, but is not limited to, costs for obtaining, translating, or copying records or documents required to complete the adoption; costs for the child's court documents, passport, adoption certificate and other documents related to the adoption; and costs for authentications, for notarizations and for certifications in the United States.

(c) *Expected fees and estimated expenses in a foreign country of origin.* Before providing any adoption service to prospective adoptive parent(s), the agency or person itemizes and discloses in writing the expected fees and expenses in connection with an intercountry adoption in the foreign country as follows:

(1) *Medical expenses related to the child.* Expected fees and estimated expenses for consultations, examinations, opinions, or certificates from medical professionals in the foreign country.

(2) *Fees to cover overhead and operating costs.* Operational costs that will be charged on a pro rata basis in the foreign country, such as overhead or operating expenses in support of the agency's or person's foreign activities relating to intercountry adoption in general.

(3) *Legal and court fees.* Expected fees and estimated expenses provided for a specific adoption:

(i) For anticipated legal services in the foreign country; and

(ii) For foreign court or other adjudicative fees.

(4) *Support for child welfare.* Any fixed contribution, amount, or percentage that prospective adoptive parent(s) will be expected or required to make to child protection or child welfare service programs in the foreign country, including, but not limited to, contributions to orphanages or child welfare centers for food, clothing, shelter, medical care, or foster care services. The disclosure must include an explanation of the intended use of the contribution and the manner in which the contribution will be recorded and accounted for. Any such required contribution shall comply with the requirements of § 96.36. The agency or person collecting such amounts shall ensure:

(i) That payments made to child protection or child welfare service programs comply with the requirements of § 96.36 and are not unreasonably high in relation to the actual cost of goods or services in the country in which the goods or services are provided; and

(ii) The agency or person does not require prospective adoptive parents to pay regular fees or contributions that are connected to the care of a particular child or are based on the length of time an adoption takes to complete. The agency or person shall not arrange, facilitate, or encourage such payments directly between prospective adoptive parents or any individual, entity, or orphanage.

(5) *Travel expenses.* Expected fees and estimated expenses incurred in the foreign country for travel, guide, interpretation, accommodations, or other services provided to prospective adoptive parents in the foreign country and arranged by the agency or person, and for which the prospective adoptive parents would be responsible.

(6) *Fees for provision of adoption services.* Expected fees and estimated expenses for providers of adoption services, including supervised providers in the foreign country, specifying in its adoption services contract that the primary provider will bill prospective adoptive parents for fees and expenses of foreign supervised providers. Likewise, the primary provider will pay foreign supervised providers for services rendered to prospective adoptive parents, leaving no direct billing by or payment to foreign supervised providers.

(7) *Fees for other individuals or entities.* (i) Expected fees and estimated expenses to or for the Central Authority, competent authority, or public foreign authority of the government of the foreign country, including but not limited to fees charged for services rendered or for processing fees; and

(ii) Expected fees and estimated expenses paid to other individuals or entities in the foreign country either directly or through the agency or person or its supervised or other provider.

(8) *Translation and document expenses.* Expected fees and estimated expenses for obtaining any necessary documents and for any translation of documents related to the adoption, along with information on whether prospective adoptive parents will be expected to pay such costs directly or to third parties, or through the agency or person. This category includes, but is not limited to, costs for obtaining, translating, or copying records or documents required to complete the adoption, costs for the child's court documents, passport, adoption certificate, and other documents related to the adoption, and costs for authentications, notarizations, certifications in the foreign country;

(d) *All other fees and estimated expenses.* All other fees and estimated expenses not recorded and disclosed in paragraph (c) of this section must be recorded as part of paragraph (b) of this section, including expected fees and estimated expenses charged to prospective adoptive parents residing in a third country or in the foreign country.

(e) *Informing the accrediting entity of expected fees and estimated expenses.* Agencies and persons shall provide the accrediting entity with an itemized schedule of fees for each country for which the agency or person has an intercountry adoption program that includes the fee information established in paragraphs (b) and (c) of this section.

(f) *Segregation of client fees for services not yet rendered.* The agency or person will segregate client fees collected for services not yet rendered. These segregated funds shall not be included in the agency or person's cash reserves or assets for purposes of meeting the balance sheets requirements of § 96.33(e). The agency or person also specifies in its adoption services contract that funds advanced to cover fees or expenses will be refunded for any service not provided. Refunds must be issued within 60 days unless State law requires refunds within a shorter time period.

(g) *Disclosing fees for special services.* When the agency or person uses part of its fees to provide special services, such as cultural programs for adoptee(s), scholarships, or other services, it discloses this practice to prospective adoptive parents in advance of providing any adoption services and gives prospective adoptive parents a general description of the programs supported by such funds.

(h) *Transferring funds to foreign counties.* The agency or person has mechanisms in place for transferring funds to foreign countries when the financial institutions of the foreign

country so permit and for obtaining written receipts for such transfers, so that direct cash transactions by prospective adoptive parents to pay for adoption services provided in the country are minimized or unnecessary and consistent with paragraph (i) of this section.

(i) *Unforeseen additional fees and expenses.* The agency or person does not customarily charge additional fees and expenses beyond those disclosed in the adoption services contract and has a written policy to this effect. In the event that unforeseen additional fees and expenses are incurred, the agency or person charges such additional fees and expenses only under the following conditions:

(1) It discloses the fees and expenses in writing to the prospective adoptive parents;

(2) It obtains the specific consent of prospective adoptive parents prior to expending any funds in excess of $1,000 for which the agency or person will hold prospective adoptive parents responsible; and.

(3) It provides written receipts to prospective adoptive parents for fees and expenses paid directly by the agency or person in the foreign country and retains copies of such receipts.

(j) *Returning fees to prospective adoptive parents.* The agency or person returns any funds to which prospective adoptive parents may be entitled within 60 days of the completion of the delivery of services.

Responding to Complaints and Records and Reports Management

§ 96.41 Procedures for responding to complaints and improving service delivery.

(a) The agency or person has written complaint policies and procedures that incorporate the standards in paragraphs (b) through (h) of this section and provides a copy of such policies and procedures, including contact information for the Complaint Registry, to clients at the time the adoption services contract is signed.

(b) The agency or person accepts complaints from any individual or entity. The agency or person advises such individuals or entities of the additional procedures available to them under subpart J of this part and the accrediting entity's policies and procedures if they are dissatisfied with the agency's or person's response to their complaint.

(c) The agency or person responds in writing to complaints received pursuant to paragraph (b) of this section within 30 days of receipt and provides expedited review of such complaints that are time-sensitive or that involve allegations of fraud.

(d) The agency or person maintains a written record of each complaint received pursuant to paragraph (b) of this section and the steps taken to investigate and respond to it and makes this record available to the accrediting entity or the Secretary upon request.

(e) The agency or person does not take any action to discourage an individual or entity from, or retaliate against an individual or entity for: Making a complaint; expressing a grievance; providing information in writing or interviews to an accrediting entity on the agency's or person's performance; or questioning the conduct of or expressing an opinion about the performance of an agency or person.

(f) The agency or person provides to the accrediting entity and the Secretary, on a semi-annual basis, a summary of all complaints received pursuant to paragraph (b) of this section during the preceding six months (including the number of complaints received and how each complaint was resolved) and an assessment of any discernible patterns in complaints received against the agency or person pursuant to paragraph (b) of this section, along with information about what systemic changes, if any, were made or are planned by the agency or person in response to such patterns.

(g) The agency or person provides any information about complaints received pursuant to paragraph (b) of this section as may be requested by the accrediting entity or the Secretary.

(h) The agency or person has a quality improvement program appropriate to its size and circumstances through which it makes systematic efforts to improve its adoption services as needed. The agency or person uses quality improvement methods such as reviewing complaint data, using client satisfaction surveys, or comparing the agency's or person's practices and performance against the data contained in the Secretary's annual reports to Congress on intercountry adoptions.

§ 96.42 Retention, preservation, and disclosure of adoption records.

(a) The agency or person retains or archives adoption records in a safe, secure, and retrievable manner for the period of time required by applicable State law.

(b) The agency or person makes readily available to the adoptee and the adoptive parent(s) of minor children upon request all information in its custody about the adoptee's health history or background, to the extent permitted by State law.

(c) The agency or person ensures that personal data gathered or transmitted in connection with an adoption is used only for the purposes for which the information was gathered and safeguards sensitive individual information.

(d) The agency or person has a plan that is consistent with the provisions of this section, the plan required under § 96.33, and applicable State law for transferring custody of adoption records that are subject to retention or archival requirements to an appropriate custodian, and ensuring the accessibility of those adoption records, in the event that the agency or person ceases to provide or is no longer permitted to provide adoption services in intercountry adoption cases.

(e) The agency or person notifies the accrediting entity and the Secretary in writing within 30 days of the time it ceases to provide or is no longer permitted to provide adoption services and provides information about the transfer of its adoption records.

§ 96.43 Case tracking, data management, and reporting.

(a) When acting as the primary provider, the agency or person maintains all the data required in this section in a format approved by the accrediting entity and provides it to the accrediting entity on an annual basis.

(b) When acting as the primary provider, the agency or person routinely generates and maintains reports as follows:

(1) For cases involving children immigrating to the United States, information and reports on the total number of Convention and non-Convention adoptions undertaken by the agency or person each year and, for each case:

(i) The foreign country from which the child emigrated;

(ii) The State to which the child immigrated;

(iii) The State or foreign country in which the adoption was finalized;

(iv) The age of the child; and

(v) The date of the child's placement for adoption.

(2) For cases involving children emigrating from the United States, information and reports on the total number of Convention and non-Convention adoptions undertaken by the agency or person each year and, for each case:

(i) The State from which the child emigrated;

(ii) The foreign country to which the child immigrated;

(iii) The State or foreign country in which the adoption was finalized;

(iv) The age of the child; and

(v) The date of the child's placement for adoption.

(3) For each disrupted placement involving an intercountry adoption, information and reports about the disruption, including information on:

(i) The child's country of origin;

(ii) The State to which the child immigrated, if applicable;

(iii) The age of the child;

(iv) The date of the child's placement for adoption;

(v) The citizenship of the child;

(vi) The location of the child's adoption documentation and documentation relating to the citizenship or immigration status of the child;

(vii) The last known physical location of the child;

(viii) The name of legal guardian(s) or physical custodian(s) of the child;

(ix) The reason(s) for and resolution(s) of the disruption of the placement for adoption, including information on the child's secondary placement for adoption and final legal adoption;

(x) The names of the agencies or persons that handled the placement for adoption;

(xi) The plans for the child; and

(xii) Which authorities have been notified of the disruption.

(4) Wherever possible, for each dissolution of an intercountry adoption, information and reports on the dissolution, including information on:

(i) The child's country of origin;

(ii) The State to which the child immigrated, if applicable;

(iii) The age of the child;

(iv) The date of the child's placement for adoption;

(v) The citizenship of the child;

(vi) The location of the child's adoption documentation and documentation relating to the citizenship or immigration status of the child;

(vii) The last known physical location of the child;

(viii) The name of legal guardians or physical custodian of the child;

(ix) The reason(s) for and resolution(s) of the dissolution of the adoption, to the extent known by the agency or person;

(x) The names of the agencies or persons that handled the placement for adoption;

(xi) The plans for the child; and

(xii) Which authorities have been notified of the dissolution.

(5) Information on the shortest, longest, and average length of time it takes to complete an intercountry adoption, set forth by the child's country of origin, calculated from the time the child is matched with the prospective adoptive parent(s) until the time the adoption is finalized by a judicial or administrative body, excluding any period for appeal.

(6) Information on the range of adoption fees and expenses, including the lowest, highest, average, and the median of such fees and expenses charged to prospective adoptive parents for intercountry adoptions involving children immigrating to the United States in connection with their adoption for each category in § 96.40(b) and (c).

(c) If the agency or person provides adoption services in cases not subject to the Convention that involve a child emigrating from the United States for the purpose of adoption or after an adoption has been finalized, it provides such information as required by the Secretary directly to the Secretary and demonstrates to the accrediting entity that it has provided this information.

(d) The agency or person provides any of the information described in paragraphs (a) through (c) of this section to the accrediting entity or the Secretary upon request.

Service Planning and Delivery

§ 96.44 Acting as primary provider.

(a) When required by § 96.14(a), the agency or person acts as primary provider and adheres to the provisions in § 96.14(b) through (e). When acting as the primary provider, the agency or person develops and implements a service plan for providing all adoption services and provides all such services, either directly or through arrangements with supervised providers, exempted providers, public domestic authorities, competent authorities, Central Authorities, public foreign authorities, or, to the extent permitted by § 96.14(c), other foreign providers (agencies, persons, or other non-governmental entities).

(b) The agency or person has an organizational structure, financial and personnel resources, and policies and procedures in place that demonstrate that the agency or person is capable of acting as a primary provider in any intercountry adoption case and, when acting as the primary provider, provides appropriate supervision to supervised providers, and verifies the work of other foreign providers in accordance with §§ 96.45 and 96.46.

§ 96.45 Using supervised providers in the United States.

(a) The agency or person, when acting as the primary provider and using supervised providers in the United States to provide adoption services, ensures that each such supervised provider:

(1) Is in compliance with applicable State licensing and regulatory requirements in all jurisdictions in which it provides adoption services;

(2) In providing any adoption service, complies with the Convention, the IAA, the UAA, and regulations implementing the IAA and the UAA;

(3) Does not engage in practices inconsistent with the Convention's principles of furthering the best interests of the child and preventing the sale, abduction, exploitation, or trafficking of children; and

(4) Before entering into an agreement with the primary provider for the provision of adoption services, discloses to the primary provider the suitability information listed in § 96.35.

(b) The agency or person, when acting as the primary provider and using supervised providers in the United States to provide adoption services, ensures that each such supervised provider operates under a written agreement with the primary provider that:

(1) Identifies clearly the adoption service(s) to be provided by the supervised provider and requires that the service(s) be provided in accordance with the applicable service standard(s) for accreditation and approval (for example: home study (§ 96.47); parent training (§ 96.48); child background studies and consent (§ 96.53));

(2) Requires the supervised provider to comply with the following standards regardless of the type of adoption services it is providing: § 96.36 (prohibition on child buying), § 96.34 (compensation), § 96.38 (employee training), § 96.39(d) (waivers of liability), and § 96.41(b) through (e) (complaints);

(3) Identifies specifically the lines of authority between the primary provider and the supervised provider, the employee of the primary provider who will be responsible for supervision, and the employee of the supervised provider who will be responsible for ensuring compliance with the written agreement;

(4) States clearly the compensation arrangement for the services to be provided and the fees and expenses to be charged by the supervised provider;

(5) Specifies whether the supervised provider's fees and expenses will be billed to and paid by the client(s) directly or billed to the client through the primary provider;

(6) Provides that, if billing the client(s) directly for its service, the supervised provider will give the client(s) an itemized bill of all fees and expenses to be paid, with a written explanation of how and when such fees and expenses will be refunded if the

service is not completed, and will return any funds collected to which the client(s) may be entitled within 60 days of the completion of the delivery of services;

(7) Requires the supervised provider to meet the same personnel qualifications as accredited agencies and approved persons, as provided for in § 96.37, except that, for purposes of § 96.37(e)(3), (f)(3), and (g)(2), the work of the employee must be supervised by an employee of an accredited agency or approved person;

(8) Requires the supervised provider to limit the use of and safeguard personal data gathered or transmitted in connection with an adoption, as provided for in § 96.42;

(9) Requires the supervised provider to respond within a reasonable period of time to any request for information from the primary provider, the Secretary, or an accrediting entity;

(10) Requires the supervised provider to provide the primary provider on a timely basis any data that is necessary to comply with the primary provider's reporting requirements;

(11) Requires the supervised provider to disclose promptly to the primary provider any changes in the suitability information required by § 96.35; and

(12) Permits suspension or termination of the agreement on reasonable notice if the primary provider has grounds to believe that the supervised provider is not in compliance with the agreement or the requirements of this section.

§ 96.46 Using providers in foreign countries.

(a) The agency or person, when acting as the primary provider and using foreign supervised providers to provide adoption services in foreign countries, ensures that each such foreign supervised provider:

(1) Is in compliance with the laws of the foreign country in which it operates;

(2) Does not engage in practices inconsistent with the Convention's principles of furthering the best interests of the child and preventing the sale, abduction, exploitation, or trafficking of children;

(3) Before entering into an agreement with the primary provider for the provision of adoption services, discloses to the primary provider the suitability information listed in § 96.35, taking into account the authorities in the foreign country that are analogous to the authorities identified in that section;

(4) Does not have a pattern of licensing suspensions or other sanctions and has not lost the right to provide adoption services in any jurisdiction for reasons germane to the Convention or the Convention's principles of furthering the best interests of the child and preventing the abduction, exploitation, sale, or trafficking of children; and

(5) Is accredited in the foreign country in which it operates, if such accreditation is required by the laws of that foreign country to perform the adoption services it is providing.

(b) The agency or person, when acting as the primary provider and using foreign supervised providers to provide adoption services in foreign countries, ensures that each such foreign supervised provider operates under a written agreement with the primary provider that:

(1) Identifies clearly the adoption service(s) to be provided by the foreign supervised provider;

(2) Requires the foreign supervised provider, if responsible for obtaining medical or social information on the child, to comply with the standards in § 96.49(d) through (j);

(3) Requires the foreign supervised provider to adhere to the standard in § 96.36(a) prohibiting child buying and to have written policies and procedures in place reflecting the prohibitions in § 96.36(a) and to reinforce them in training programs for its employees and agents;

(4) Requires the foreign supervised provider to compensate its directors, officers, and employees who provide intercountry adoption services on a fee-for-service, hourly wage, or salary basis, rather than based on whether a child is placed for adoption, located for an adoptive placement, or on a similar contingent fee basis;

(5) Identifies specifically the lines of authority between the primary provider and the foreign supervised provider, the employee of the primary provider who will be responsible for supervision, and the employee of the supervised provider who will be responsible for ensuring compliance with the written agreement;

(6) States clearly the compensation arrangement for the services to be provided and the fees and expenses to be charged by the foreign supervised provider;

(7) Specifies that the foreign supervised provider's fees and expenses will be billed to and paid by the client(s) through the primary provider;

(8) Requires the foreign supervised provider to respond within a reasonable period of time to any request for information from the primary provider, the Secretary, or the accrediting entity that issued the primary provider's accreditation or approval;

(9) Requires the foreign supervised provider to provide the primary provider on a timely basis any data that is necessary to comply with the primary provider's reporting requirements;

(10) Requires the foreign supervised provider to disclose promptly to the primary provider any changes in the suitability information required by § 96.35; and

(11) Permits suspension or termination of the agreement on reasonable notice if the primary provider has grounds to believe that the foreign supervised provider is not in compliance with the agreement or the requirements of this section.

(c) The agency or person, when acting as the primary provider and, in accordance with § 96.14, using foreign providers that are not under its supervision, verifies, through review of the relevant documentation and other appropriate steps, that:

(1) Any necessary consent to termination of parental rights or to adoption obtained by the foreign provider was obtained in accordance with applicable foreign law and Article 4 of the Convention;

(2) Any background study and report on a child in a case involving immigration to the United States (an incoming case) performed by the foreign provider was performed in accordance with applicable foreign law and Article 16 of the Convention.

(3) Any home study and report on prospective adoptive parents in a case involving emigration from the United States (an outgoing case) performed by the foreign provider was performed in accordance with applicable foreign law and Article 15 of the Convention.

Standards for Cases in Which a Child Is Immigrating to the United States (Incoming Cases)

§ 96.47 Preparation of home studies in incoming cases.

(a) The agency or person ensures that a home study on the prospective adoptive parent(s) (which for purposes of this section includes the initial report and any supplemental updates(s) submitted to DHS) is completed that includes the following:

(1) Information about the identity, eligibility and suitability of the prospective adoptive parent(s) to adopt, background, family and medical history, social environment, reasons for adoption, ability to undertake an intercountry adoption, and the characteristics of the children for whom the prospective adoptive parent(s) would be qualified to care (specifying in particular whether they are willing and

able to care for a child with special needs);

(2) A determination of the eligibility and suitability of the prospective adoptive parent(s) to adopt;

(3) A statement describing the counseling and training provided to the prospective adoptive parent(s);

(4) The results of a criminal background check on the prospective adoptive parent(s) and any other individual for whom a check is required by 8 CFR 204.311;

(5) A full and complete statement of all facts relevant to the eligibility and suitability of the prospective adoptive parent(s) to adopt a child under any specific requirements identified to the Secretary by the Central Authority of the child's country of origin; and

(6) A statement in each copy of the home study that it is a true and accurate copy of the home study that was provided to the prospective adoptive parent(s) or DHS.

(b) The agency or person ensures that the home study is performed in accordance with 8 CFR 204.311 and any applicable State law.

(c) Where the home study is not performed in the first instance by an accredited agency, the agency or person ensures that the home study is reviewed and approved in writing by an accredited agency. The written approval must include a determination that the home study:

(1) Includes all of the information required by paragraph (a) of this section and is performed in accordance with 8 CFR 204.311, and applicable State law; and

(2) Was performed by an individual who meets the requirements in § 96.37(f), or, if the individual is an exempted provider, ensures that the individual meets the requirements for home study providers established by 8 CFR 204.301.

(d) The agency or person takes all appropriate measures to ensure the timely transmission of the same home study that was provided to the prospective adoptive parent(s) or to DHS to the Central Authority of the child's country of origin (or to an alternative authority designated by that Central Authority).

(e) If, based on new information relating to paragraph (a)(1) of this section or 8 CFR 204.311, the agency or person withdraws its recommendation of the prospective adoptive parent(s) for adoption, or the agency that reviewed and approved a home study withdraws any such approval of the home study required under paragraph (c) of this section, the agency or person must:

(1) Notify the prospective adoptive parent(s), and if applicable, the home study preparer, of its withdrawal and the reasons for its withdrawal, in writing, within 5 business days of the decision, and prior to notifying USCIS;

(2) Notify USCIS of its withdrawal of its recommendation and/or approval and the reasons for its withdrawal, in writing, and within 5 business days of notifying the prospective adoptive parent(s), in accordance with the agency's or person's ethical practices and responsibilities under § 96.35(a);

(3) Maintain written records of the withdrawal of its recommendation and/or approval and the good cause reasons for the withdrawal;

(4) Handle fees for services not yet performed in accordance with § 96.40; and

(5) Comply with any applicable State law requirements and notify any State competent authority discussed in 8 CFR 204.311(t).

§ 96.48 Preparation and training of prospective adoptive parent(s) in incoming cases.

(a) The agency or person provides prospective adoptive parent(s) with at least ten hours (independent of the home study) of preparation and training, as described in paragraphs (b) and (c) of this section, designed to promote a successful intercountry adoption. The agency or person provides such training before the prospective adoptive parent(s) travel to adopt the child or the child is placed with the prospective adoptive parent(s) for adoption.

(b) The training provided by the agency or person addresses the following topics:

(1) The intercountry adoption process, the general characteristics and needs of children awaiting adoption, and the in-country conditions that affect children in the foreign country from which the prospective adoptive parent(s) plan to adopt;

(2) The effects on children of malnutrition, relevant environmental toxins, maternal substance abuse, and of any other known genetic, health, emotional, and developmental risk factors associated with children from the expected country of origin;

(3) Information about the impact on a child of leaving familiar ties and surroundings, as appropriate to the expected age of the child;

(4) Data on institutionalized children and the impact of institutionalization on children, including the effect on children of the length of time spent in an institution and of the type of care provided in the expected country of origin;

(5) Information on attachment disorders and other emotional problems that institutionalized or traumatized children and children with a history of multiple caregivers may experience, before and after their adoption;

(6) Information on the laws and adoption processes of the expected country of origin, including foreseeable delays and impediments to finalization of an adoption;

(7) Information on the long-term implications for a family that has become multicultural through intercountry adoption; and

(8) An explanation of any reporting requirements associated with intercountry adoptions, including any post-placement or post-adoption reports required by the expected country of origin.

(c) The agency or person also provides the prospective adoptive parent(s) with training that allows them to be as fully prepared as possible for the adoption of a particular child. This includes counseling on:

(1) The child's history and cultural, racial, religious, ethnic, and linguistic background;

(2) The known health risks in the specific region or country where the child resides; and

(3) Any other medical, social, background, birth history, educational data, developmental history, or any other data known about the particular child.

(d) The agency or person provides such training through appropriate methods, including:

(1) Collaboration among agencies or persons to share resources to meet the training needs of prospective adoptive parents;

(2) Group seminars offered by the agency or person or other agencies or training entities;

(3) Individual counseling sessions;

(4) Video, computer-assisted, or distance learning methods using standardized curricula; or

(5) In cases where training cannot otherwise be provided, an extended home study process, with a system for evaluating the thoroughness with which the topics have been covered.

(e) The agency or person provides additional in-person, individualized counseling and preparation, as needed, to meet the needs of the prospective adoptive parent(s) in light of the particular child to be adopted and his or her special needs, and any other training or counseling needed in light of the child background study or the home study.

(f) The agency or person provides the prospective adoptive parent(s) with

information about print, internet, and other resources available for continuing to acquire information about common behavioral, medical, and other issues; connecting with parent support groups, adoption clinics and experts; and seeking appropriate help when needed.

(g) The agency or person exempts prospective adoptive parent(s) from all or part of the training and preparation that would normally be required for a specific adoption only when the agency or person determines that the prospective adoptive parent(s) have received adequate prior training or have prior experience as parent(s) of children adopted from abroad.

(h) The agency or person records the nature and extent of the training and preparation provided to the prospective adoptive parent(s) in the adoption record.

§ 96.49 Provision of medical and social information in incoming cases.

(a) The agency or person provides a copy of the child's medical records (including, to the fullest extent practicable, a correct and complete English-language translation of such records) to the prospective adoptive parent(s) as early as possible, but no later than two weeks before either the adoption or placement for adoption, or the date on which the prospective adoptive parent(s) travel to the foreign country to complete all procedures in such country relating to the adoption or placement for adoption, whichever is earlier.

(b) Where any medical record provided pursuant to paragraph (a) of this section is a summary or compilation of other medical records, the agency or person includes those underlying medical records in the medical records provided pursuant to paragraph (a) of this section if they are available.

(c) The agency or person provides the prospective adoptive parent(s) with any untranslated medical reports or videotapes or other reports and provides an opportunity for the client(s) to arrange for their own translation of the records, including a translation into a language other than English, if needed.

(d) The agency or person itself uses reasonable efforts, or requires its supervised provider in the child's country of origin who is responsible for obtaining medical information about the child on behalf of the agency or person to use reasonable efforts, to obtain available information, including in particular:

(1) The date that the foreign country or other child welfare authority assumed custody of the child and the child's condition at that time;

(2) History of any significant illnesses, hospitalizations, special needs, and changes in the child's condition since the foreign country or other child welfare authority assumed custody of the child;

(3) Growth data, including prenatal and birth history, and developmental status over time and current developmental data at the time of the child's referral for adoption; and

(4) Specific information on the known health risks in the specific region or country where the child resides.

(e) When the agency or person provides medical information, other than the information provided by public foreign authorities, to the prospective adoptive parent(s) from an examination by a physician or from an observation of the child by someone who is not a physician, the agency or person uses reasonable efforts to include the following:

(1) The name and credentials of the physician who performed the examination or the individual who observed the child;

(2) The date of the examination or observation; how the report's information was retained and verified; and if anyone directly responsible for the child's care has reviewed the report;

(3) If the medical information includes references, descriptions, or observations made by any individual other than the physician who performed the examination or the individual who performed the observation, the identity of that individual, the individual's training, and information on what data and perceptions the individual used to draw his or her conclusions;

(4) A review of hospitalizations, significant illnesses, and other significant medical events, and the reasons for them;

(5) Information about the full range of any tests performed on the child, including tests addressing known risk factors in the child's country of origin; and

(6) Current health information.

(f) The agency or person itself uses reasonable efforts, or requires its supervised provider in the child's country of origin who is responsible for obtaining social information about the child on behalf of the agency or person to use reasonable efforts, to obtain available information, including in particular:

(1) Information about the child's birth family and prenatal history and cultural, racial, religious, ethnic, and linguistic background;

(2) Information about all of the child's past and current placements prior to adoption, including, but not limited to any social work or court reports on the child and any information on who assumed custody and provided care for the child; and

(3) Information about any birth siblings whose existence is known to the agency or person, or its supervised provider, including information about such siblings' whereabouts.

(g) Where any of the information listed in paragraphs (d), (e), and (f) of this section cannot be obtained, the agency or person documents in the adoption record the efforts made to obtain the information and why it was not obtainable. The agency or person continues to use reasonable efforts to secure those medical or social records that could not be obtained up until the adoption is finalized.

(h) Where available, the agency or person provides information for contacting the examining physician or the individual who made the observations to any physician engaged by the prospective adoptive parent(s), upon request.

(i) The agency or person ensures that any videotapes and photographs of the child taken by the agency or person (including by their supervised providers) are identified by the date on which the videotape or photograph was recorded or taken and that they were made in compliance with the laws in the country where recorded or taken.

(j) The agency or person does not withhold from or misrepresent to the prospective adoptive parent(s) any available medical, social, or other pertinent information concerning the child.

(k) The agency or person does not withdraw a referral until the prospective adoptive parent(s) have had two weeks (unless extenuating circumstances involving the child's best interests require a more expedited decision) to consider the needs of the child and their ability to meet those needs, and to obtain physician review of medical information and other descriptive information, including videotapes of the child if available.

§ 96.50 Placement and post-placement monitoring until final adoption in incoming cases.

(a) The agency or person takes all appropriate measures to ensure that the transfer of the child takes place in secure and appropriate circumstances, with properly trained and qualified escorts, if used, and, if possible, in the company of the prospective adoptive parent(s).

(b) In the post-placement phase, the agency or person monitors and supervises the child's placement to ensure that the placement remains in the best interests of the child, and ensures that at least the number of home visits required by State law or by the child's country of origin are performed, whichever is greater.

(c) When a placement for adoption is in crisis in the post-placement phase in the United States, the agency or person takes all appropriate measures to:

(1) Provide or arrange for counseling by an individual or entity with appropriate skills to assist the family in dealing with the problems that have arisen;

(2) Inform the parents of local and State laws, legal procedures and resources pertaining to disruption and dissolution and appropriate measures for making another placement of the child;

(3) Explain potential risks and implications for the child; and

(4) Provide resources for addressing potential future crises including disruption and dissolution.

(d) When a placement for adoption is in crisis in the post-placement phase in the foreign country, the agency or person takes all appropriate measures to:

(1) Provide or arrange for counseling by an individual or entity with appropriate skills to assist the family in dealing with the problems that have arisen;

(2) Inform the parents of applicable foreign laws, legal procedures and resources pertaining to disruption and dissolution;

(3) Inform the parents of applicable State and federal laws and guidelines pertaining to disruption and dissolution;

(4) Explain potential risks and implications for the child; and

(5) Provide resources for addressing potential future crises, including disruption and dissolution.

(e) The agency or person notifies the Secretary and, in consultation with the Secretary, informs the Central Authority of the child's country of origin within 24 hours of discovering a parent's intent to disrupt the placement.

(f) If the placement is disrupted in the United States, the agency or person:

(1) Assumes responsibility for making another placement of the child, in consideration of the best interests of the child and the impact of the new placement on any siblings;

(2) Ensures any new placement includes information about sibling relationships, outstanding post-placement reporting requirements, and the child's citizenship status; and

(3) Notifies the Secretary and, in consultation with the Secretary, informs the Central Authority of the child's country of origin of the disruption of the placement, within 24 hours of discovering such information.

(g) If the placement is disrupted in the foreign country, the agency or person:

(1) Ensures the safe and timely transfer or temporary placement of the child;

(2) Notifies local child welfare authorities within 24 hours of discovering such information, and sooner if possible, to ensure the safe and appropriate placement of the child;

(3) Notifies the Secretary and, in consultation with the Secretary, informs the Central Authority of the child's country of origin of the disruption of the placement, within 24 hours of discovering such information. In the event that a visa interview is scheduled within the 24 hour notification period, or has already taken place, the agency or person notifies the Secretary immediately; and

(4) If authorized to place the child with a new family, ensures any new placement includes information about the disruption and its consequences and the existence of any sibling relationships.

(h) The agency or person acts promptly and in accordance with any applicable legal requirements to remove the child when the placement may no longer be in the child's best interests, to provide temporary care, to find an eventual adoptive placement for the child, and, in consultation with the Secretary, to inform the Central Authority of the child's country of origin about any new prospective adoptive parent(s).

(1) In all cases where removal of a child from a placement is considered, the agency or person considers the child's views when appropriate in light of the child's age and maturity and, when required by foreign or State law, obtains the consent of the child prior to removal.

(2) With respect to a child placed for adoption in the United States, the agency or person does not transfer, or advise or facilitate the transfer of, the child from the United States to the country of origin unless it has informed the Secretary and, in consultation with the Secretary, has informed the Central Authority of the country of origin, and the Secretary and the Central Authority have approved the return in writing.

(i) The agency or person includes in the adoption services contract with the prospective adoptive parent(s) a plan describing the agency's or person's responsibilities if a placement for adoption is disrupted. This plan addresses:

(1) Who will have legal and financial responsibility for transfer of custody in an emergency or in the case of impending disruption and for the care of the child;

(2) If the disruption takes place after the child has arrived in the United States, under what circumstances the child will, as a last resort, be returned to the child's country of origin, if that is determined to be in the child's best interests;

(3) How the child's wishes, age, length of time in the United States, and other pertinent factors will be taken into account; and

(4) How the Central Authority of the child's country of origin and the Secretary will be notified.

(j) The agency or person provides post-placement reports until final adoption of a child to the foreign country when required by the foreign country. Where such reports are required, the agency or person:

(1) Informs the prospective adoptive parent(s) in the adoption services contract of the requirement prior to the referral of the child for adoption;

(2) Informs the prospective adoptive parent(s) that they will be required to provide all necessary information for the report(s); and

(3) Discloses who will prepare the reports and the fees that will be charged.

(k) The agency or person takes steps to:

(1) Ensure that an order declaring the adoption as final is sought by the prospective adoptive parent(s), and in Convention adoptions is entered in compliance with section 301(c) of the IAA (42 U.S.C. 14931(c)); and

(2) Notify the Secretary of the finalization of the adoption within 30 days of the entry of the order.

§ 96.51 Post-adoption services in incoming cases.

(a) The agency or person takes all appropriate measures to ensure that the transfer of the child takes place in secure and appropriate circumstances, with properly trained and qualified escorts, if used, and, if possible, in the company of the adoptive parent(s).

(b) The agency or person informs the prospective adoptive parent(s) whether post-adoption services, including any post-adoption reporting, are included in the agency's or person's fees, and if not, enumerates the cost the agency or person would charge for such services. The agency or person also informs the prospective adoptive parent(s) in the

adoption services contract whether it will provide services if an adoption is dissolved, and, if it indicates it will, it provides a plan describing the agency's or person's responsibilities or if it will not, provides information about local, State, and other entities that may be consulted for assistance in the event an adoption is dissolved.

(c) When post-adoption reports are required by the child's country of origin, the agency or person includes a requirement for such reports in the adoption services contract and makes good-faith efforts to encourage adoptive parents to provide such reports.

(d) The agency or person does not return from the United States an adopted child whose adoption has been dissolved unless the Central Authority of the country of origin and the Secretary have approved the return in writing.

§ 96.52 Performance of communication and coordination functions in incoming cases.

(a)(1) The agency or person keeps the Central Authority of the foreign country and the Secretary informed when developments or new information become known that relate to material facts about:

(i) The child or case;

(ii) The suitability or conduct of its supervised providers;

(iii) The suitability and eligibility of adoptive parents; or

(iv) Any indications that the placement may not be in the best interests of the child, as well as about the progress of the placement if a probationary period is required.

(2) In the case of information developed or new information relating to the suitability and eligibility of adoptive parents, inform USCIS, the sole authority for making suitability determinations.

(b) The agency or person takes all appropriate measures, consistent with the procedures of the U.S. Central Authority and of the foreign country, to:

(1) Transmit on a timely basis the home study, including any updates and amendments, to the Central Authority or other competent authority of the child's country of origin;

(2) Obtain the child background study, proof that the necessary consents to the child's adoption have been obtained, and the necessary determination that the prospective placement is in the child's best interests, from the Central Authority or other competent authority in the child's country of origin;

(3) Provide confirmation that the prospective adoptive parent(s) agree to the adoption to the Central Authority or other competent authority in the child's country of origin; and

(4) Transmit the determination that the child is or will be authorized to enter and reside permanently in the United States to the Central Authority or other competent authority in the child's country of origin, or confirm that this information has been transmitted to the foreign country's Central Authority or other competent authority by the U.S. Central Authority.

(c) The agency or person takes all necessary and appropriate measures, consistent with the procedures of the foreign country, to obtain permission for the child to leave his or her country of origin and to enter and reside permanently in the United States.

(d) When transfer of the child does not take place, or when requested by the Secretary or a foreign Central Authority, the agency or person returns the original home study on the prospective adoptive parent(s) and/or the original child background study to the authorities that forwarded them.

(e) The agency or person takes all necessary and appropriate measures to perform any tasks in an intercountry adoption case that the Secretary has identified, consistent with this part, as required to comply with the Convention, the IAA, the UAA, or any regulations implementing the IAA and the UAA.

Standards for Convention Cases in Which a Child Is Emigrating From the United States (Outgoing Cases)

§ 96.53 Background studies on the child and consents in outgoing Convention cases.

(a) The agency or person takes all appropriate measures to ensure that a child background study is performed that includes information about the child's identity, adoptability, background, social environment, family history, medical history (including that of the child's family), and any special needs of the child. The child background study must include the following:

(1) Information that demonstrates that consents were obtained in accordance with paragraph (c) of this section;

(2) Information that demonstrates consideration of the child's wishes and opinions in accordance with paragraph (d) of this section; and

(3) Information that confirms that the child background study was prepared either by an exempted provider or by an individual who meets the requirements set forth in § 96.37(g).

(b) Where the child background study is not prepared in the first instance by an accredited agency, the agency or person ensures that the child background study is reviewed and approved in writing by an accredited agency. The written approval must include a determination that the background study includes all the information required by paragraph (a) of this section.

(c) The agency or person takes all appropriate measures to ensure that consents have been obtained as follows:

(1) The persons, institutions, and authorities whose consent is necessary for adoption have been counseled as necessary and duly informed of the effects of their consent, in particular, whether or not an adoption will result in the termination of the legal relationship between the child and his or her family of origin;

(2) All such persons, institutions, and authorities have given their consents;

(3) The consents have been expressed or evidenced in writing in the required legal form, have been given freely, were not induced by payments or compensation of any kind, and have not been withdrawn;

(4) The consent of the mother, where required, was executed after the birth of the child;

(5) The child, as appropriate in light of his or her age and maturity, has been counseled and duly informed of the effects of the adoption and of his or her consent to the adoption; and

(6) The child's consent, where required, has been given freely, in the required legal form, and expressed or evidenced in writing and not induced by payment or compensation of any kind.

(d) If the child is 12 years of age or older, or as otherwise provided by State law, the agency or person gives due consideration to the child's wishes or opinions before determining that an intercountry placement is in the child's best interests.

(e) The agency or person prior to the child's adoption takes all appropriate measures to transmit to the Central Authority or other competent authority or accredited bodies of the Convention country the child background study, proof that the necessary consents have been obtained, and the reasons for its determination that the placement is in the child's best interests. In doing so, the agency or person, as required by Article 16(2) of the Convention, does not reveal the identity of the mother or the father if these identities may not be disclosed under State law.

§ 96.54 Placement standards in outgoing Convention cases.

(a) The agency or person makes reasonable efforts to find a timely adoptive placement for the child in the United States by:

(1) Disseminating information on the child and the child's availability for adoption through print, media, and internet resources, including resources designed to communicate with potential prospective adoptive parents throughout the United States;

(2) Listing information about the child on a national or State adoption exchange or registry for at least 60 calendar days after the birth of the child;

(3) Responding to all inquiries about adoption of the child; and

(4) Providing a copy of the child background study to potential U.S. prospective adoptive parents.

(b) The agency or person documents all efforts to comply with paragraph (a) of this section.

(c) If the child is not placed for adoption in the United States, the agency or person demonstrates to the satisfaction of the State court with jurisdiction over the adoption that reasonable efforts to find a timely and qualified adoptive placement for the child in the United States were made.

(d) In placing the child for adoption, the agency or person:

(1) To the extent consistent with State law, the Convention, the IAA, and these regulations, makes diligent efforts to place siblings together for adoption and, where placement together is not possible, to arrange for contact between separated siblings, unless it is in the best interests of one of the siblings that such efforts or contact not take place; and

(2) Complies with all applicable requirements of the Indian Child Welfare Act, 25 U.S.C. 1901 *et seq.*

(e) The agency or person complies with any State law requirements pertaining to the provision and payment of independent legal counsel for birth parents. If State law requires full disclosure to the birth parent(s) that the child is to be adopted by a parent or parents residing outside the United States, the agency or person provides such disclosure.

(f) The agency or person takes all appropriate measures to give due consideration to the child's upbringing and to his or her ethnic, religious, and cultural background.

(g) When particular prospective adoptive parent(s) in a Convention country have been identified, the agency or person takes all appropriate measures to determine whether the envisaged placement is in the best interests of the child, on the basis of the child background study and the home study on the prospective adoptive parent(s).

(h) The agency or person thoroughly prepares the child for the transition to the Convention country, using age-appropriate services that address the child's likely feelings of separation, grief, and loss and difficulties in making any cultural, religious, racial, ethnic, or linguistic adjustment.

(i) The agency or person takes all appropriate measures to ensure that the transfer of the child takes place in secure and appropriate circumstances, with properly trained and qualified escorts, if used, and, if possible, in the company of the adoptive parent(s) or the prospective adoptive parent(s);

(j) Before the placement for adoption proceeds, the agency or person identifies the entity in the receiving country that will provide post-placement supervision and reports, if required by State law, and ensures that the child's adoption record contains the information necessary for contacting that entity.

(k) The agency or person ensures that the child's adoption record includes the order granting the adoption or legal custody for the purpose of adoption in the Convention country.

(l) The agency or person consults with the Secretary before arranging for the return to the United States of any child who has emigrated to a Convention country in connection with the child's adoption.

§ 96.55 Performance of Convention communication and coordination functions in outgoing Convention cases.

(a) The agency or person keeps the Central Authority of the Convention country and the Secretary informed as necessary about the adoption process and the measures taken to complete it, as well as about the progress of the placement if a probationary period is required.

(b) The agency or person ensures that:

(1) Copies of all documents from the State court proceedings, including the order granting the adoption or legal custody, are provided to the Secretary;

(2) Any additional information on the adoption is transmitted to the Secretary promptly upon request; and

(3) It otherwise facilitates, as requested, the Secretary's ability to provide the certification that the child has been adopted or that custody has been granted for the purpose of adoption, in accordance with the Convention and the IAA.

(c) When transfer of the child does not take place, or when requested by the Secretary or a foreign Central Authority, the agency or person returns the original home study on the prospective adoptive parent(s) and/or the original child background study to the authorities that forwarded them.

(d) The agency or person provides to the State court with jurisdiction over the adoption:

(1) Proof that consents have been given as required in § 96.53(c);

(2) A copy in English or certified English translation of the home study on the prospective adoptive parent(s) in the Convention country, and the determination by the agency or person that the placement with the prospective adoptive parent(s) is in the child's best interests;

(3) Evidence that the prospective adoptive parent(s) in the Convention country agree to the adoption;

(4) Evidence that the child will be authorized to enter and reside permanently in the Convention country or on the same basis as that of the prospective adoptive parent(s); and

(5) Evidence that the Central Authority of the Convention country has agreed to the adoption, if such consent is necessary under its laws for the adoption to become final.

(e) The agency or person makes the showing required by § 96.54(c) to the State court with jurisdiction over the adoption.

(f) The agency or person takes all necessary and appropriate measures to perform any tasks in a Convention adoption case that the Secretary has identified, consistent with this Part, as required to comply with the Convention, the IAA, or any regulations implementing the IAA.

§ 96.56 [Reserved]

■ 7. Revise subpart L to read as follows:

Subpart L—Oversight of Accredited Agencies and Approved Persons by the Secretary

Sec.

Subpart L—Oversight of Accredited Agencies and Approved Persons by the Secretary

§ 96.81 Scope.

The provisions in this subpart establish the procedures governing adverse action by the Secretary against accredited agencies and approved persons.

§ 96.82 The Secretary's response to actions by the accrediting entity.

(a) There is no administrative review by the Secretary of an accrediting entity's decision to deny accreditation or approval, nor of any decision by an accrediting entity to take an adverse action.

(b) When informed by an accrediting entity that an agency has been accredited or a person has been approved, the Secretary will take appropriate steps to ensure that relevant information about the accredited agency or approved person is provided to the Permanent Bureau of the Hague Conference on Private International Law. When informed by an accrediting entity that it has taken an adverse action that impacts an agency's or person's accreditation or approval status, the Secretary will take appropriate steps to inform the Permanent Bureau of the Hague Conference on Private International Law.

§ 96.83 Suspension or cancellation of accreditation or approval by the Secretary.

(a) The Secretary must suspend or cancel the accreditation or approval granted by an accrediting entity when the Secretary finds, in the Secretary's discretion, that the agency or person is substantially out of compliance with the standards in subpart F of this part and that the accrediting entity has failed or refused, after consultation with the Secretary, to take appropriate enforcement action.

(b) The agency or person shall be provided with written notice of cancellation or suspension by the Secretary, which shall include:

(1) The reasons for the suspension or cancellation in terms sufficient to put the agency or person on notice of the conduct or transaction(s) upon which it is based;

(2) The standards in subpart F of this part with which the agency or person is out of compliance;

(3) The effect of the suspension or cancellation, including the agency's or person's responsibility to cease providing adoption services and, if applicable, its responsibilities with respect to the transfer of cases and the return of fees.

(4) The Department will also provide the agency or person copies of any evidence relied on by the Department in support of the suspension or cancellation.

(c) If the Secretary suspends or cancels the accreditation or approval of an agency or person, the Secretary will take appropriate steps to notify the accrediting entity(ies), USCIS, the Permanent Bureau of the Hague Conference on Private International Law, State licensing authorities, the Central authorities in the countries where the agency or person operates, and other authorities as appropriate.

§ 96.84 Reinstatement of accreditation or approval after suspension or cancellation by the Secretary.

(a) An agency or person who has been the subject of a suspension or cancellation by the Secretary may, within 20 days after receipt of the notice of suspension or cancellation, submit a written statement including any reasons why it believes the adverse action is unwarranted. Such statement must include any supporting materials that the agency or person wishes to be considered in support of its submission. If the agency or person does not submit such a statement within 30 days, the Department's decision will become final.

(b) Upon review and consideration of the agency or person's submission and the evidence relied on by the Department, the Secretary shall determine whether or not to withdraw the cancellation or suspension. The Secretary shall withdraw the suspension or cancellation if he or she finds that the determination that the agency or person is substantially out of compliance with applicable requirements is not supported by substantial evidence. The agency or person will be notified of this decision within 30 days of the Department's receipt of the written statement described in paragraph (a) of this section. If the Secretary withdraws a suspension or cancellation under this paragraph, the Secretary will also take appropriate steps to notify the entities referenced in § 96.83(c).

(c) An agency or person may petition the Secretary for relief from the Secretary's suspension or cancellation of its accreditation or approval on the grounds that the deficiencies necessitating the suspension or cancellation have been corrected. If the Secretary is satisfied that the deficiencies that led to the suspension or cancellation have been corrected, the Secretary shall, in the case of a suspension, terminate the suspension or, in the case of a cancellation, notify the agency or person that it may reapply for accreditation or approval to the same accrediting entity that handled its prior application for accreditation or approval. If that accrediting entity is no longer providing accreditation or approval services, the agency or person may reapply to any accrediting entity with jurisdiction over its application. If the Secretary terminates a suspension or permits an agency or person to reapply for accreditation or approval, the Secretary will so notify the appropriate accrediting entity. If the Secretary terminates a suspension, the Secretary will also take appropriate steps to notify the entities referenced in § 96.83(c).

(d) Nothing in this section shall be construed to prevent the Secretary from withdrawing a cancellation or suspension if the Secretary concludes that the action was based on a mistake of fact or was otherwise in error. Upon taking such action, the Secretary will take appropriate steps to notify the accrediting entity(ies) and the entities referenced in § 96.83(c).

§ 96.85 Temporary and permanent debarment by the Secretary.

(a) The Secretary may temporarily or permanently debar an agency from accreditation or a person from approval on the Secretary's own initiative, at the request of DHS, or at the request of an accrediting entity. An agency or person that is debarred pursuant to this section ceases to be accredited or approved.

(b) The Secretary may issue a debarment order only if the Secretary, in the Secretary's discretion, determines that:

(1) There is substantial evidence that the agency or person is out of compliance with the standards in subpart F of this part; and

(2) There has been a pattern of serious, willful, or grossly negligent failures to comply with the standards in subpart F of this part, or there are other aggravating circumstances indicating that continued accreditation or approval would not be in the best interests of the children and families concerned. For purposes of this paragraph:

(i) ''The children and families concerned'' include any children and any families whose interests have been or may be affected by the agency's or person's actions.

(ii) In determining whether the agency's or person's continued accreditation or approval would not be in the best interests of the children and families concerned, the Secretary may

consider whether the agency's or person's continued accreditation would be detrimental to the ability of U.S. citizens to adopt children through intercountry adoption in the future.

(3) A failure to comply with § 96.47 (home study requirements) shall constitute a ''serious failure to comply'' unless it is shown by clear and convincing evidence that such noncompliance had neither the purpose nor the effect of determining the outcome of a decision or proceeding by a court or other competent authority in the United States or the child's country of origin; and

(i) Repeated serious, willful, or grossly negligent failures to comply with § 96.47 (home study requirements) by an agency or person after consultation between the Secretary and the accrediting entity with respect to previous noncompliance by such agency or person shall constitute a pattern of serious, willful, or grossly negligent failures to comply.

(ii) [Reserved].

(c) The Secretary shall initiate a debarment proceeding by notice of proposed debarment, in accordance with the procedures in § 96.88, unless the Secretary finds that it is necessary that debarment be effective immediately because the agency's or person's continued accreditation would pose a substantial risk of significant harm to children or families. If the Secretary finds that it is necessary that debarment be effective immediately, the procedures in § 96.89 shall govern such debarment.

§ 96.86 Length of debarment period and reapplication after temporary debarment.

(a) In the case of a temporary debarment order, the order will take effect on the date specified in the order and will specify a date, not earlier than three years later, on or after which the agency or person may petition the Secretary for withdrawal of the temporary debarment. If the Secretary withdraws the temporary debarment, the agency or person may then reapply for accreditation or approval to the same accrediting entity that handled its prior application for accreditation or approval. If that accrediting entity is no longer providing accreditation or approval services, the agency or person may apply to any accrediting entity with jurisdiction over its application.

(b) In the case of a permanent debarment order, the order will take effect on the date specified in the order. The agency or person will not be permitted to apply again to an accrediting entity for accreditation or approval, or to the Secretary for termination of the debarment.

(c) Nothing in this section shall be construed to prevent the Secretary from withdrawing a debarment if the Secretary concludes that the action was based on a mistake of fact or was otherwise in error. Upon taking such action, the Secretary will take appropriate steps to notify the accrediting entity(ies) and the entities referenced in § 96.83(c).

§ 96.87 Responsibilities of the accredited agency, approved person, and accrediting entity following suspension, cancellation, or debarment by the Secretary.

If the Secretary suspends or cancels the accreditation or approval of an agency or person, or debars an agency or person, the agency or person must cease to provide adoption services in all intercountry adoption cases. In the case of suspension, the agency or person must consult with the accrediting entity about whether to transfer its intercountry adoption cases and adoption records. In the case of cancellation or debarment, the agency or person must execute the plans required by §§ 96.33(f) and 96.42(d) under the oversight of the accrediting entity, and transfer its intercountry adoption cases and adoption records to other accredited agencies or approved persons or, where required by State law, to the State repository for such records.

(a) When the agency or person does not transfer such intercountry adoption cases or adoption records in accordance with the plans or as otherwise agreed by the accrediting entity, the accrediting entity will so advise the Secretary who, with the assistance of the accrediting entity, will coordinate efforts to identify other accredited agencies or approved persons to assume responsibility for the cases, and to transfer the records to other accredited agencies or approved persons, or to public domestic authorities, as appropriate.

(b) If the Secretary cancels the accreditation or approval of an agency or person, or debars an agency or person, the accrediting entity shall refuse to renew any pending applications for renewal of accreditation or approval.

§ 96.88 Procedures for debarment with prior notice.

Unless the Secretary finds that it is necessary that debarment be effective immediately because the agency's or person's continued accreditation would risk significant harm to children or families, an agency or person shall be provided with notice of the proposed debarment and an opportunity to contest the proposed debarment, in accordance with the provisions of this section:

(a) A debarment proceeding shall be initiated by notice from the Department to the agency or person that includes:

(1) A statement that debarment is being considered under § 96.85;

(2) The reasons for the proposed debarment in terms sufficient to put the agency or person on notice of the conduct or transaction(s) upon which it is based;

(3) The standards in subpart F of this part with which the Secretary believes the agency or person is out of compliance;

(4) The provisions of this section and any other procedures, if applicable, governing the debarment proceedings, including specifically the right to request a hearing, when applicable; and

(5) The potential effect of a debarment, including the agency's or person's responsibilities with respect to ceasing to provide adoption services, transferring cases, and returning fees.

(b) If the agency or person elects to contest the proposed debarment, it may do so in accordance with the following procedures:

(1) Within 45 days after receipt of the notice of proposed debarment, the agency or person may submit a written statement in opposition to the proposed debarment. Such statement may include any evidence on which the agency or person intends to rely in opposition to the proposed debarment. Such statement may also include a request for a hearing. If a request for a hearing is not included with agency or person's statement, no hearing will be held, and the Secretary's debarment decision will be based upon his or her review of the written record only.

(2) Within 45 days after its receipt of the agency's or person's written statement, the Department will give the agency or person copies of the evidence relied on in support of the debarment action. In addition, the Department may choose to provide a written statement in response to the agency's or person's submission.

(3) If a hearing was not timely requested in accordance with paragraph (b)(1) of this section, then the agency or person may, within 45 days of its receipt of the Department's response described in paragraph (b)(2) of this section, submit a further statement in reply, which may, if appropriate, include additional evidence.

(4) If a hearing was requested in accordance with paragraph (b)(1) of this section, then the agency or person will, within 30 days of its receipt of the Department's response described in paragraph (b)(2) of this section, produce

to the Department all physical or documentary evidence on which it will rely at the hearing.

(5) The statements described in this paragraph, and any evidence submitted therewith, will be made part of the record of the proceeding, and if no hearing was timely requested, will constitute the entire record of the proceeding.

(c) If a hearing was timely requested in accordance with paragraph (b)(1) of this section, the Department will, within 60 days of its receipt of the written statement described in paragraph (b)(1) of this section, give the agency or person written notice of the date, time, and place of the hearing. The proposed date of the hearing must be at least 30 days after the agency or person has received the evidence described in paragraph (b)(2) of this section, and at least 30 days after the agency or person has received the written notice described in this paragraph. The Department will make reasonable efforts to hold the hearing within 120 days of the date the Department receives the agency's or person's written request.

(1) The Department will name a hearing officer, who will generally be a Department employee from the Bureau of Consular Affairs. The hearing officer will make only preliminary findings of fact and submit recommendations based on the record of the proceeding to the Secretary.

(2) The hearing shall take place in Washington, DC. The agency or person may appear in person (if an individual), or be represented by an organizational representative (if an agency), or with or through an attorney admitted to practice in any State of the United States, the District of Columbia, or any territory or possession of the United States. The agency or person is responsible for all costs associated with attending the hearing.

(3) There is no right to subpoena witnesses or to conduct discovery in connection with the hearing. However, the agency or person may testify in person, offer evidence on its own behalf, present witnesses, and make arguments at the hearing. The agency or person is responsible for all costs associated with the presentation of its case. The Department may present witnesses, offer evidence, and make arguments on its behalf. The Department is responsible for all costs associated with the presentation of its case.

(4) Any evidence not produced in accordance with paragraph (b) of this section will not be considered by the hearing officer or be made part of the record of the proceeding, unless the hearing officer, in his or her discretion, elects to accept it. The hearing officer shall state his or her reasons for accepting evidence under this subparagraph. The hearing officer shall not accept under this subparagraph any evidence offered by a party that could have been produced by that party in accordance with paragraph (b) of this section.

(5) The hearing is informal and permissive. As such, the provisions of 5 U.S.C. 554 *et seq.* do not apply to the hearing. Formal rules of evidence also do not apply; however, the hearing officer may impose reasonable restrictions on relevancy, materiality, and competency of evidence presented. Testimony will be under oath or by affirmation under penalty of perjury. The hearing officer may not consider any information that is not also made available to the agency or person and made a part of the record of the proceeding.

(6) If any witness is unable to appear, the hearing officer may, in his or her discretion, permit the witness to testify via teleconference or accept an affidavit or sworn deposition testimony of the witness, the cost for which will be the responsibility of the requesting party, subject to such limits as the hearing officer deems appropriate.

(7) A qualified reporter will make a complete verbatim transcript of the hearing. The agency or person may review and purchase a copy of the transcript directly from the reporter. The hearing transcript and all the information and documents received by the hearing officer, whether or not deemed relevant, will be made part of the record of the proceeding. The hearing officer's preliminary findings and recommendations are deliberative and shall not be considered part of the record unless adopted by the Secretary.

(d) Upon review and consideration of the complete record of the proceeding and the preliminary findings of fact and recommendations of the hearing officer, if applicable, the Secretary shall determine whether or not to impose the debarment. The Secretary shall render his or her decision within a reasonable period of time after the date for submission of the agency's or person's reply statement described in paragraph (b)(3) of this section, if no hearing was requested; or after the close of the hearing described in paragraph (c) of this section, if a hearing was held.

(1) The standard of proof applicable to a debarment proceeding under this subpart is substantial evidence. The Department bears the burden to establish that substantial evidence exists:

(i) That the agency or person is out of compliance with some or all of the standards identified in the notice of proposed debarment; and

(ii) That there is either a pattern of serious, willful, or grossly negligent failures to comply, or other aggravating circumstances indicating that continued accreditation or approval would not be in the best interests of the children and families concerned.

(2) The Secretary is not limited to the specific conduct or transactions identified in the notice of proposed debarment, but may consider any evidence in the record of the proceeding that supplies substantial evidence of a violation of the standards identified in the notice of proposed debarment.

(e) If the Secretary decides to impose debarment, the agency or person shall be given prompt notice:

(1) Referring to the notice of proposed debarment;

(2) Specifying the reasons for debarment;

(3) Stating the effect of debarment, including the debarred agency's or person's responsibilities with respect to ceasing to provide adoption services, transferring cases, and returning fees; and

(4) Stating the period of debarment, including effective dates.

(f) The decision of the Secretary is final and is not subject to further administrative review.

(g) If the Secretary decides not to impose debarment, the agency or person shall be given prompt notice of that decision. A decision not to impose debarment shall be without prejudice to any adverse action imposed, or that may be imposed, on the agency or person by an accrediting entity.

§ 96.89 Procedures for debarment effective immediately.

If the Secretary finds that the agency's or person's continued accreditation would risk significant harm to children or families, and that debarment should be effective immediately, the Secretary shall debar the agency or person from accreditation by providing written notice of debarment to the agency or person.

(a) The notice of debarment shall include:

(1) A statement that the agency or person is debarred in accordance with § 96.85;

(2) The reasons for the debarment in terms sufficient to put the agency or person on notice of the conduct or transaction(s) upon which it is based;

(3) The standards in subpart F of this part with which the Secretary believes the agency or person is out of compliance;

(4) The period of the debarment, including effective dates;

(5) The effect of the debarment, including the debarred agency's or person's obligations; and

(6) The provisions of this section and any other procedures, if applicable, governing proceedings to contest the debarment action, including specifically the right to request a hearing, when applicable.

(b) If the agency or person elects to contest the Department's debarment action, it may do so in accordance with the following procedures:

(1) Within 30 days after receipt of the notice of debarment, the debarred agency or person may submit a written statement in opposition to the debarment. Such statement may include any evidence on which the debarred agency or person intends to rely in opposition to the debarment. Such statement may also include a request for a hearing. If a request for hearing is not included with the agency or person's statement, no hearing will be held, and the Secretary's debarment decision will be based upon his or her review of the written record only.

(2) Within 30 days after its receipt of the agency's or person's written statement, the Department will give the debarred agency or person copies of the evidence relied on in support of the debarment action. In addition, the Department may choose to provide a written statement in response to the debarred agency's or person's submission.

(3) The debarred agency or person may, within 30 days of its receipt of the Department's response described in paragraph (b)(2) of this section, submit a further statement in reply. The debarred agency or person will include with its reply, or will produce to the Department if it elects not to submit a reply, any additional physical or documentary evidence on which it will rely at the hearing.

(4) The statements described in this paragraph, and any evidence submitted therewith, will be made part of the record of the proceeding, and if no hearing was timely requested, will constitute the entire record of the proceeding.

(c) If a hearing was timely requested in accordance with paragraph (b)(1) of this section, the provisions of § 96.88(c) shall apply, except that the Department will give notice of the date, time, and place of the hearing within 30 days of its receipt of the debarred agency's or person's written statement described in paragraph (b)(1) of this section, and will make reasonable efforts to hold the hearing within 90 days of such receipt.

(d) Upon review and consideration of the complete record of the proceeding and the preliminary findings of fact and recommendations of the hearing officer, the Secretary shall confirm the debarment, if he or she determines that it is supported by substantial evidence, or shall withdraw the debarment, if he or she determines that it is not supported by substantial evidence. The Secretary shall render his or her decision within 30 days of the date for submission of the debarred agency's or person's reply statement described in paragraph (b)(3) of this section, if no hearing was requested; or within 45 days of the close of the hearing, if a hearing was held.

(1) The Department bears the burden to establish that substantial evidence exists:

(i) That the debarred agency or person is out of compliance with some or all of the standards identified in the notice of debarment; and

(ii) That there is either a pattern of serious, willful, or grossly negligent failures to comply, or other aggravating circumstances indicating that continued accreditation or approval would not be in the best interests of the children and families concerned.

(2) The Secretary is not limited to the specific conduct or transactions identified in the notice of debarment, but may consider any evidence in the record of the proceeding that supplies substantial evidence of a violation of the standards identified in the notice of debarment.

(3) If the Secretary decides to confirm the debarment, the agency or person shall be given prompt notice:

(i) Referring to the notice of debarment;

(ii) Stating that the debarment is confirmed;

(iii) Specifying the reasons for the decision to confirm the debarment; and

(iv) Stating the period, including effective dates, of the debarment, if different from those set forth in the notice of debarment.

(e) The decision of the Secretary is final and is not subject to further administrative review.

(f) If the Secretary decides to withdraw the debarment, the agency or person shall be given prompt notice of that decision. A decision not to impose debarment shall be without prejudice to any adverse action imposed, or that may be imposed, on the agency or person by an accrediting entity.

§ 96.90 Review of suspension, cancellation, or debarment by the Secretary.

(a) Except to the extent provided by the procedures in §§ 96.84, 96.88, and 96.89, an adverse action by the Secretary shall not be subject to administrative review.

(b) Section 204(d) of the IAA (42 U.S.C. 14924(d)) provides for judicial review of final actions by the Secretary. When any petition brought under section 204(d) raises as an issue whether the deficiencies necessitating a suspension or cancellation of accreditation or approval have been corrected, procedures maintained by the Secretary pursuant to § 96.84(b) must first be exhausted. A suspension or cancellation of accreditation or approval and a debarment (whether temporary or permanent) by the Secretary are final actions subject to judicial review. Other actions by the Secretary are not final actions and are not subject to judicial review.

(c) In accordance with section 204(d) of the IAA (42 U.S.C. 14924(d)), an agency or person that has been suspended, cancelled, or temporarily or permanently debarred by the Secretary may petition the United States District Court for the District of Columbia, or the United States district court in the judicial district in which the person resides or the agency is located, pursuant to 5 U.S.C. 706, to set aside the action.

■ 8. Revise subpart M to read as follows:

Subpart M—Dissemination and Reporting of Information by Accrediting Entities

Sec.

Subpart M—Dissemination and Reporting of Information by Accrediting Entities

§ 96.91 Scope.

The provisions in this subpart govern the dissemination and reporting of information on accredited agencies and approved persons by accrediting entities.

§ 96.92 Dissemination of information to the public about accreditation and approval status.

(a) Each accrediting entity must maintain and make available to the public at least monthly the following information:

(1) The name, address, and contact information for each agency and person that has been accredited or approved;

(2) The names of agencies and persons that have been denied accreditation or approval that have not subsequently been accredited or approved;

(3) The names of agencies and persons that have been subject to suspension, cancellation, refusal to renew accreditation or approval, or debarment by an accrediting entity or the Secretary;

(4) Other information specifically authorized in writing by the accredited agency or approved person to be disclosed to the public;

(5) Confirmation of whether or not a specific agency or person has a pending application for accreditation or approval, and, if so, the date of the application and whether it is under active consideration or whether a decision on the application has been deferred; and

(6) If an agency or person has been subject to suspension, cancellation, refusal to renew accreditation or approval, or debarment, a brief statement of the reasons for the action, including, where relevant, the identity and conduct of any foreign supervised providers.

(b) [Reserved]

§ 96.93 Dissemination of information to the public about complaints against accredited agencies and approved persons.

Each accrediting entity must maintain a written record documenting each complaint received and the steps taken in response to it. This information may be disclosed to the public as follows:

(a) Each accrediting entity must confirm, upon inquiry from a member of the public, whether there have been any substantiated complaints against an accredited agency or approved person, and if so, provide information about the status and nature of any such complaints.

(b) Each accrediting entity must have procedures for disclosing information about complaints that are substantiated.

§ 96.94 Reports to the Secretary about accredited agencies and approved persons and their activities.

(a) Each accrediting entity must make annual reports to the Secretary on the information it collects from accredited agencies and approved persons pursuant to § 96.43. Each accrediting entity must make semi-annual reports to the Secretary that summarize for the preceding six-month period the following information:

(1) The accreditation and approval status of its applicants, accredited agencies, and approved persons;

(2) Any instances where it has denied accreditation or approval;

(3) Any adverse actions it has taken against an accredited agency or approved person;

(4) All substantiated complaints against its accredited agencies and approved persons and the impact of such complaints on their accreditation or approval status;

(5) The number, nature, and outcome of complaint reviews carried out by the accrediting entity as well as the shortest, longest, average, and median length of time expended to complete complaint reviews;

(6) Any discernible patterns in complaints it has received about specific agencies or persons, as well as any discernible patterns of complaints in the aggregate;

(7) A list of cases involving disruption, dissolution, unregulated custody transfer, and serious harm to the child, by agency or person and by country or origin, and any discernible patterns in these cases; and

(8) A summary of unsubstantiated complaints, and those which the accrediting entity declined to review.

(b) In addition to the reporting requirements contained in § 96.72, an accrediting entity must immediately notify the Secretary in writing:

(1) When it learns an accredited agency or approved person has:

(i) Ceased to provide adoption services;

(ii) Transferred its intercountry adoption cases and adoption records; or

(iii) Withdrawn a pending application for renewal of accreditation or approval;

(2) When it accredits an agency or approves a person;

(3) When it renews the accreditation or approval of an agency or person; or

(4) When it takes an adverse action against an accredited agency or approved person that impacts its accreditation or approval status.

§§ 96.95–96.99 [Reserved].

■ 9. Add reserved subparts N, O, P, and Q.

■ 10. Add subpart R, consisting of §§ 96.100 and 96.1010, to read as follows:

Subpart R—Alternative Procedures for the Intercountry Adoption of Relatives

§ 96.100 Alternative procedures for the intercountry adoption of relatives.

In a case where the child is being adopted by a relative as defined in § 96.2:

(a) The primary provider, in accordance with § 96.44, develops and implements a service plan for providing adoption service 3 (performing and reporting on the home study and child background study, according to the provisions in §§ 96.47 and 96.53), adoption service 5 (monitoring a case after a child has been placed with prospective adoptive parent(s) until final adoption), and adoption service 6 (when necessary because of a disruption before final adoption, assuming custody and providing child care or any other social service pending an alternative placement, according to the provisions in §§ 96.50 and 96.51); and provides all such services in accordance with § 96.44.

(b) The primary provider includes in the service plan any additional adoption services found in the definition of adoption services in § 96.2 only if they will be provided by the primary provider or one of its supervised providers.

(c) The primary provider verifies that the prospective adoptive parents have met the training requirements outlined in § 96.48 in incoming cases before the finalization of the adoption or the granting of legal custody for purposes of emigration and adoption in the United States. In cases where the adoption or legal custody grant occurred prior to the primary provider's involvement in the case, the primary provider must verify such training requirements have been met as soon as practicable.

(d) The provisions in § 96.54 relating to reasonable efforts to find a timely adoptive placement for the child in the United States do not apply.

(e) All services provided pursuant to this section must be performed in accordance with the Convention, the IAA, the UAA, and the regulations implementing the IAA and the UAA.

§ 96.101 Applicability date.

The provisions of this subpart are applicable beginning [DATE THREE

MONTHS AFTER EFFECTIVE DATE OF FINAL RULE].

Carl Risch,

Assistant Secretary of State for Consular Affairs, Department of State.

Note: The following appendix will not appear in the Code of Federal Regulations.

BILLING CODE 4710–06–P

Appendix A: Supplementary Information, RIN 1400-AE39 NPRM, Amending 22 CFR part 96.

This appendix informs Part V, Regulatory Information, *Regulatory Flexibility Act/Executive Order 13272: Small Business* and in the section on *E.O. 12866 providing a possible costing structure for implementing the changes in this NPRM.*

These calculations are summarized in **Table 2, Summary of Appendix A**.

Info Levels	Appendix A Elements
1.	**Preamble Section: II-A-1**
1.1	*Current Rule Provisions:* **Adoption by Relatives Subpart R § 96.100** The Department's accreditation regulations currently do not have standards specifically relating to adoption by relatives in incoming cases. These cases follow the same procedures as all other cases.
1.2	*Proposed Changes to the Accreditation Rule* The new provisions on the adoption of relatives represent a less burdensome alternative to the existing rule, designed to minimize significant economic impacts on small entities while accomplishing our statutory obligations. It reduces the number of adoption services that ASPs are responsible for as primary providers, and thus minimizes costs to ASPs.
1.3	*Potential Compliance Cost for Small Firms* The anticipated impact of this change is an unquantifiable decrease in costs to all ASPs providing services in incoming cases involving relative adoptions.
2	**Preamble Section: II-B-1**

2.1	*Current Rule Provisions* **Case tracking, data management, and reporting §§ 96.43 and 96.94** These two sections outline a number of data points to maintain and report to an accrediting entity on an annual basis, including what is to be recorded in the case of disrupted placements and dissolutions.
2.2	*Proposed Changes to the Accreditation Rule* The new provisions of §§ 96.43 and 96.94 add additional data points to report in the event of a disruption or dissolution. The additional information allows for better tracking of the welfare of children whose placements disrupt or whose adoptions end in dissolution.
2.3	*Potential Compliance Cost for Small Firms* Assumptions in projecting costs of compliance: Of the roughly 30 pieces of new information to report to an AE, the U.S. Central Authority, and foreign authorities, half relate to cases involving disruption and half to cases of dissolution. The number of such cases requiring new reporting is extremely small. In fiscal year 2018 we received information about 4 disruptions of intercountry adoption cases by U.S. ASPs and 72 reports of dissolutions received through Department of Health and Human Services channels. For these reasons, we anticipate that a very small percentage, less than 5% of all small firms, will be required to actually provide the additional reporting and therefore ASPs do not need to put extensive processes and preparations in place, just minimal updates to policies and procedures addressing the reporting requirements, to which the ASP can refer as needed.
2.3.1	**Updating policies and procedures. Up to five social worker hours @ $31/hour are needed.** **Range: (1 x $31) to (5 x $31) = $31 to $155**
2.3.1.1	**Cost for one firm:** **Range: $31 to $155**
2.3.1.2	**Cost for all firms:** **(90 x $31) to (90 x $155) =** **Range: $2,790 to $13,950**
3	**Preamble Section: II-C-2**

3.1	*Current Rule Provisions* **Payments to the birth mother of certain expenses and enhancing financial transparency of funds spent abroad. § 96.36(a) and (b)** The current regulation in § 96.36(a) and (b) prohibit payment for a child or as an inducement to release a child for adoption.
3.2	*Proposed Changes to the Accreditation Rule* Section 96.36(a) has been revised to remove references to expenses that could be paid to birth parents as long as they did not constitute a payment for the child or an inducement to release the child. While such expenses are still possible, removing references to them clarifies that no payments for buying a child or as inducement to release a child are ever allowed. Proposed additions in § 96.36(b) would require an ASP to retain a record of all foreign financial transactions to enhance transparency and provide a means of identifying potential child buying.
3.3	*Potential Compliance Cost for Small Firms* Compliance would require a two-step process:
3.3.1	Step 1: Updating policies and procedures. Up to five social worker hours @ $31/hour are needed. **Range**: (1 x $31) to (5 x $31) = $31 to $155
3.3.1.1	**Cost for one firm – Step 1**: **Range**: $31 to $155
3.3.1.2	**Cost for all firms – Step 1**: (90 x $31) to (90 x $155) = **Range**: $2,790 to $13,950
3.3.2	Step 2: Revision of materials for the public including information on an ASP's website and updating existing staff training to reflect the new record retention requirements. This could be accomplished by:
3.3.2.P1	Part 1: Country program officer/social worker, 2 hours @ $31/hour per foreign program, from 1 to 10 programs): (1 x (2 x $31)) to (10 x (2 x $31)) = **Range:** $62 to $620

3.3.2.P2	Part 2: Training and development specialist, 1 hour @ 32/hour per foreign program, up to 10 foreign programs. (1 x $32) to (10 x $32) = **Range:** $32 to $320
3.3.2.1	**Cost for one firm - Step 2:** ($62 + $32) to ($620 +$320) = **Range**: $94 to $940
3.3.2.2	**Cost for all firms - Step 2:** (90 x $94) to (90 x $940) = **Range**: $8,460 to $84,600
3.3.3	**Total cost for one firm: Steps 1 and 2:** ($31 + $94) to ($155 + $940) = **Range**: $125 to $1,095
3.3.4	**Total cost for all firms: Steps 1 and 2:** ($14,105 + $8,460) to ($14,105 + $84,600) = **Range**: $22,659 to $99,645
4	**Preamble Section: II- C-3**
4.1	*Current Rule Provisions* **Prohibition on Child Buying § 96.36(b)** The provisions of this section embody one of the prime elements of the Convention, the prohibition on child buying. As currently written, this standard requires the accredited agency or approved person to have policies and procedures in place prohibiting the sale of children and requires that they be incorporated in an ASP's employee training.
4.2	*Proposed Changes to the Accreditation Rule* Recognizing that the key to monitoring compliance with this standard is transparency regarding how funds are used in an adoption case, the revisions to § 96.36(b) require an ASP's employees, providers, and agents, to retain a record of all payments or fees tendered and the purposes for which they were paid and to provide a copy of them to the agency, as long as required by State law.
4.3	*Potential Compliance Cost for Small Firms*

4.3.1	**Step 1. Updating Policies and Procedures:** Must take into account a method for keeping track of payments and fees and their purposes as well as providing that information to the ASP. Up to 10 Social Worker Hours @ $31/hour are needed in the first year only. **Range**: (5 x $31) to (10 x $31) = $155 to $310
4.3.1.1	**Year 1 cost for one firm – Step 1**: **Range**: $155 to $310
4.3.1.2	**Year 1 cost for all firms – Step 1:** (90 x $31) to (90 x $310) = **Range**: $2,790 to $27,900
4.3.2	**Step 2. Ongoing Tasks:** In addition to collecting the information, an ASP needs to analyze the information received for trends of any misuse of funds.
4.3.2.P1	Part 1: Auditor, up to 10 hours @ $38/hour to develop the scope of information collected and the process of analyzing the information: In first year only. **Range**: (1 x $38) to (10 x $38) = $38 to $380 **Year 1 Cost to one firm – Step 2, Part 1**: **Range: $38 to $380**
4.3.2.P2	Part 2. Financial Clerk to collect the submitted records, analyze them, and archive them. Up to 10 hours per month @ $21/hour during the initial year and up to 10 hours per month @ $21/hour in each subsequent year **Range**: (1 x $21 x 12) to (10 x $21 x 12) = $252 to $2,520
4.3.2.1	**Year 1 cost for one firm – Step 2, part 2**: Range: $252 to $2,520
4.3.2.2	**Subsequent years cost to one firm – Step 2, part 2**: Range: $252 to $2,520
4.3.2.3	**Year 1 cost for one firm – All step 2 parts =** ($38 + $252) to ($380 + $2,520) = **Range:** $290 to $2900

4.3.2.4	**Subsequent years cost for one firm – All step 2 parts =** **Range**: $252 to $2,520
4.3.2.5	**Year 1 cost for all firms – All step 2 parts =** **(90** x $290) to (90 x $2,900) = **Range:** $26,390 to $263,900
4.3.2.6	**Subsequent years cost for all firms – All step 2 parts** (90 x $252) to (90 x $2,520) = **Range:** $22,932 to $229,320
4.3.2.P3	Part 3. Archiving, and retrieving the information is an ongoing cost that ASPs may address in many ways. Using data entry staff to maintain a spreadsheet of data may be the simplest method and is already included in the annual cost for financial clerk services noted above.
4.3.3	**Total: Steps 1 and 2 costs for one firm =** **Year one:** ($155 + $290) to ($310 + $2900) = **Range:** $445 to $3,210
4.3.4	**Total: Steps 1 and 2 costs for one firm =** **Subsequent years:** ($252 + $252) to ($2,520 + $2,520) = **Range:** $504 to $5,040
4.3.5	**Total: Steps 1 and 2 costs for all firms =** **Year 1:** (90 x $445) to (90 x $3,210) **Range**: $40,050 to $288,900
4.3.6	**Total: Steps 1 and 2 costs for all firms =** **Subsequent years:** (90 x $504) to (90 x $5,040) = **Range**: $45,360 to $453,600
5	**Preamble Section: II- C-4**

5.1	*Current Rule Provisions* **Compensation § 96.34** This section establishes the basis on which compensation for work in intercountry adoption may take place and to whom the standard applies. It embodies principles of no incentive or contingent fees for locating or placing children that compensation should only be made for services actually endered and only on a fee-for-service, hourly wage, or salary basis.
5.2	*Proposed Changes to the Accreditation Rule* The amendments to this section extend these compensation provisions to require that an ASP does not compensate or plan to compensate directly or indirectly individuals or entities or agents except as provided in this section.
5.3	*Potential Compliance Cost for Small Firms*
5.3.1	**Updating Policies and Procedures:** Must take into account a method for keeping track of payments and fees and their purposes as well as providing that information to the ASP. Up to 10 Social Worker Hours @ $31/hour are needed. **Range**: (1 x $31) to (10 x $31) = $31 to $310
5.3.1.1	**Subtotal: Costs for one firm =** **Range**: $31 to $310
5.3.1.2	**Subtotal: Costs for all firms =** (90 x $31) to (90 x $310) = **Range**: $2,790 to $27,900
5.3.2	**Update internal and external training:** Training and development specialist (between 10 and 25 hours @ $32/hour) to update internal training and develop training for foreign supervised providers and others as relevant: **Range**: (10 x $32) to (25 x $32) = $320 TO $800
5.3.2.1	**Subtotal: Costs for one firm** = $320 TO $800
5.3.2.2	**Subtotal: Costs for all firms =** (90 x $320) to (90 x $800) = **Range** = $28,800 to $72,000

5.3.4	**Total costs for one firm:** ($31 + $320) to ($310 + $800) = **Range** = $351 to $1,110
5.3.5	**Total costs for all firms:** (90 x $351) to (90 x $1,110) = **Range**: $31,590 to $99,000
6	**Preamble Section: II- C-5**
6.1	*Current Rule Provisions* Fee Disclosures. **§ 96.40** The current fee disclosure provisions in § 96.40 identify nine categories of estimated fees and expenses to include in a fee schedule of the usual costs associated with an intercountry adoption.
6.2	*Proposed Changes to the Accreditation Rule* The proposed changes in § 96.40 increase the kind of fee information provided to the public and the frequency and timing with which it is disclosed to the public and PAPs. Fee categories reflect those fees paid for services provided in the United States and those services provided abroad.
6.3	*Potential Compliance Cost for Small Firms* The procedures for complying with the general changes to § 96.40 for updating the ASP's fee schedules assume that the recommended steps toward compliance with changes to § 96. 40(i) in this appendix at II-C-1 have already been completed and have not been repeated here. The following steps toward compliance with the changes noted above include updating policies and procedures and keeping the schedules updated and contemplate determining the form in which an ASP will provide them to PAPs. **Updating policies and procedures** would require up to 10 social worker hours @ $31/hour. **Range**: (5 x $31) to (10 x $31) = $155 to $310
6.3.1.1	**Subtotal: Costs for one firm** = **Range**: $155 to $310

6.3.1.2	**Subtotal: Costs for all firms =** (90 x $155) to (90 x $310) = **Range**: $13,950 to $27,900
6.3.2	Financial clerk to maintain running updates on fee schedules across various country programs, including surveying PAPs on actual cost experiences in the country of origin will require up to 10 hours per month of financial clerk time @ $21/hour during the initial year and 10 hours per month of financial clerk time @ $21/hour in each successive year. **Range**: (5 x $21 x 12) to (10 x $21 x 12) = $1,260 to $2,520
6.3.2.1	**Subtotal: Year 1 costs for one firm** = **Range**: $1,260 to $2,520
6.3.2.2	**Subtotal: Subsequent years costs for one firm** = Range: $1,260 to $2,520
6.4	**TOTAL: Year 1 costs for one firm =** ($155 + $1,260) to ($310 + $2,520) = **Range**: $1,415 to $2,830
6.5	**TOTAL: Subsequent years cost for one firm =** **Range**: $1,415 to $2,830
6.6	**TOTAL: Cost for all firms =** Year one: (90 x $1,415) to (90 x 2,830) = **Range**: $127,350 to $254,700
6.7	**TOTAL: Subsequent years cost for all firms =** (90 x $252) (90 x $2,520) = **Range**: $22,680 to $226,800
7	**Preamble Section: II- C-6**

7.1	*Current Rule Provisions* Payment **for care of specific children in the country of origin** **§ 96.40(c)(4)** Section 96.40(c)(4) currently requires disclosure of funds not identified elsewhere that are provided to third parties and for travel and accommodation but contain no requirements that all funds be delivered through an ASP. This allows ASPs to direct PAPs to make payments directly, allowing ASPs to forego oversight of the payments and their potential relationship to child buying provisions, compensation provisions, or reasonableness.
7C.2	*Proposed Changes to the Accreditation Rule* The revised § 96.40(c)(4) prohibits ASP involvement in directing or requiring PAPs to make payments for care of specific children in the country of origin. Payment of monthly support fees to ASPs or local providers for the care of children where the intercountry adoption process is not complete can create an incentive to recruit children into institutions, while also providing a disincentive for expeditious processing of an adoption. The proposed change does not prohibit an ASP from providing funds to assist in the care of children in orphanages or from requiring parents to make a general donation to such funds as part of the adoption process. It requires that an ASP, which is better suited to determine if the fees are reasonable and justified, to accept responsibility for such payments, rather than placing the responsibility on PAPs.
7.3	*Potential Compliance Cost for Small Firms* The cost of ceasing direct donations by PAPs and providing them through an ASP on a general basis rather than in connection with a particular child may involve updating policies and procedures, revising information provided to the public, and updating existing staff training to reflect new policies and procedures. It will also in some cases require ASP management to review its child welfare support programs and adapt them to conform to these new standards. This would involve: revision of policies and procedures using:
7.3.1	Step 1: 20 hours of social worker staff time @ $31/hour, to include revising ASP information sheets, website information. **Range**: (5 x $31) to (15 x $31) = $155 to $465

7.3.1.1	**Subtotal: Step 1 costs for one firm =** **Range**: $155 to $465
7.3.1.2	**Subtotal: Step 1 costs for all firms =** (90 x $155) to (90 x $465) = **Range**: $13,950 to $41,850
7.3.2	Step 2: 10 hour of ASP chief executive time to review the details and direction of the ASP's child welfare support programs, if any @ $97/hour **Range**: (1 x $97) to (10 x $97) = $97 to $970
7.3.2.1	**Subtotal: Step 2 costs for one firm =** $97 to $970
7.3.2.1	**Subtotal: Step 2 costs for all firms =** (90 x $97) to (90 x $970) = **Range:** $8,730 to $87,300
7.3.3	Step 3: 10 hours of training and development staff time @ $32/hour to integrate training on this subject into internal and external training. **Range**: (1 x $32) to (10 x $32) = $32 to $320
7.3.3.1	**Subtotal: Step 3 costs for one firm =** **Range**: $32 to $320
7.3.3.2	**Subtotal: Step 3 costs for all firms =** (90 x $32) to (90 x $320) = **Range**: $2,880 to $28,800
7.3.4	**TOTAL: All steps costs for one firm =** ($155 + $97 + $32) to ($465 +$970 + $320) = **Range**: $284 to $1,755
7.3.5	**TOTAL: All steps costs for all firms =** (90 x $284) to (90 x $1,755) = **Range**: $25,560 to $157,950

8	**Preamble Section: II- C-7**
8.1	*Current Rule Provisions* **Paying Fees Directly to Foreign Supervised Providers §§ 96.40(c)(6) and 96.46(7) and (8)** The current rule in § 96.46 permits direct payments to foreign supervised providers at the discretion of the foreign supervised provider.
8.2	*Proposed Changes to the Accreditation Rule* As amended, the provisions in § 96.40(c)(6) prohibit direct payments by PAPs to foreign supervised providers. All fees are to be billed by and paid to the primary provider in the case, which is responsible for paying foreign supervised providers. This change will reduce PAPs' personal safety risk associated with carrying large sums of cash when visiting the child's country of origin, and provide much enhanced transparency regarding fees paid to foreign supervised providers abroad.
8.3	*Potential Compliance Cost for Small Firms*
8.3.1	**Step 1. Updating Policies and Procedures:** Must take into account a method for keeping track of payments and fees and their purposes as well as providing that information to an ASP. 10 Social Worker Hours at $31/hour **Range**: (1 x $31) to (10 x $31) = $31 to $310
8.3.1.1	**Subtotal: Step 1 costs for one firm =** **Range**: $31 to $310
8.3.1.2	**Subtotal: Step 1 costs for all firms** = (90 x $31) to (90 x $310) = **Range**: $2,790 to $27,900
8.3.2	**Step 2. Update internal and external training:** Training and development specialist (15 hours @ $32/hour) to update internal training and develop training for foreign supervised providers and others as relevant: **Range**: (1 x $32) to (15 x $32) = $32 to $480
8.3.2.1	**Subtotal: Step 2 costs to one firm =** $32 to $480

8.3.2.2	**Subtotal: Step 2 costs for all firms =** (90 x $32) to (90 x $480) = **Range: $2,880 to $43,200**
8.3.3	**TOTAL: Step 1 and Step 2 costs for one firm =** ($31 + $32) to ($310 + $480) = **Range:** $63 to $790
8.3.4	**TOTAL: Step 1 and Step 2 costs for all firms =** **(90 x $63) to (90 x $790)Range: $5,670 to $71,100**
9	**Preamble Section: II- C-8**
9.1	*Current Rule Provisions* **Holding Unspent Client Funds Separate from ASP Operating Funds § 96.40(f)** Section 96.33(e) (now found in § 96.40(f)) requires ASPs to have a plan for reimbursing client funds paid for services not yet rendered, in the event the ASP ceases to provide or is no longer permitted to provide adoption services in intercountry adoption cases. These provisions have been moved to § 96.40(f).
9.2	*Proposed Changes to the Accreditation Rule* Amendments to § 96.40(f) require that ASPs segregate client fees collected for services not yet rendered. Segregated funds may not be counted towards the agency's or person's required reserve or other operating funds. At least annually, the agency or person must submit monthly balance sheets for inspection by the accrediting entity to verify segregation of unused client funds. However, the proposed change does not specify a particular method for achieving segregation of funds, and some ASPs already do this.
9.3	*Potential Compliance Cost for Small Firms*
9.3.1	**Step A. Cost to adapt financial management practices** Financial managers may need to provide up to 10 hours of work @ $71/hour to adapt ASP management practices to segregate client funds not yet expended from ASP operating and reserve funds, if the ASP does not already have such a process: **Range:** (1 x $71) to (10 x $71) = $71 to $710

9.3.1.1	**Subtotal: Year 1, Step A, costs to one firm =** $71 to $710
9.3.2	**Step B. Costs to implement a segregation management plan.** Bookkeeping/accounting/auditing financial clerical staff may need to put into effect a segregation management plan for existing and future clients. Keeping client funds not yet expended segregated from ASP operating funds is an ongoing expense, although the cost to do it on an ongoing basis is much lower than the cost of initially establishing segregation processes
9.3.2.P1	**Part 1.** Bookkeeping clerical staff, up to 40 hours in the first year @ $21/hour, to perform the segregation tasks. **Range:** (1 x $21) to (40 x $21) = $21 to $840
9.3.2.1	**Subtotal: Year 1, Step B, Part 1, costs for one firm =** $21 to $840
9.3.2.P2	**Part 2.** In subsequent years, segregating the funds becomes more routine. Bookkeeping clerical staff, up to 20 hours in subsequent years @ $21/hour. **Range:** (1 x $21) to (20 x $21) = $21 to $420
9.3.2.2	**Subtotal: Subsequent years, Step B, Part 2, costs for one firm =** $21 to $420
9.3.2.P3	During the first year, an ASP also needs to put in place a process for evaluating whether the segregation of funds is effective or not and assign someone to do research and analysis relating to how well the segregation of funds is working. One auditing professional for up to 10 hours at $38/hour: **Range:** (1 x $38) to (10 x $38) = $38 to $380
9.3.2.3	**Subtotal: Year 1, Step B, Part 3, costs for one firm =** $38 to $380
9.3.2.P4	**Part 4.** Bookkeeping clerical staff, 20 hours @ $21/hour = **Range:** (1 x $21) to (20 x $21) = $21 to $420

9.3.2.4	**Subtotal: Year 1, Step B, Part 4, costs for one firm =** $21 to $420
9.3.2.5	**Subtotal: Subsequent years, Step B, Part 4, costs for one firm =** $21 to $420
9.3.2.6	**TOTAL: Year 1, Step B, All Parts, costs for one firm =** ($21 + $38 + $21) to ($840 + $380 + $420) = **Range**: $80 to $1,640
9.3.2.7	**TOTAL: Subsequent years, Step B, All Parts, costs for one firm =** ($21 + $21) to ($420 + $420) = **Range**: $42 to $840
9.3.3	**Step C. Revising existing policies and procedures and public information and updating existing staff training**
9.3.3.P1	**Part 1.** This will take up to 15 hours. Trainings specialist time @ $38/hours. **Range**: (1 x $38) to (15 x $38) = $38 to $570
9.3.3.1	**Subtotal: Year 1, Step C, Part 1, costs for one firm =** $38 to $570
9.3.3.P2	**Part 2.** And up to 20 hours of social work staff time @ $31/hour. **Range**: (1 x $31) to (20 x $31) = $31 to $620
9.3.3.2	**Subtotal: Year 1, Step C, Part 2, costs for one firm =** $31 to $620
9.3.3.3	**TOTAL: Year 1, Step C, Part 2, costs for one firm =** ($38 + $31) to ($570 + $620) = **Range**: $69 to $1,190
9.3.4	**GRAND TOTAL:** **Year 1 costs for one firm =** ($71 + $80 + $69) to ($710 + $1,640 + $1,190) = **Range**: $220 to $3,540

9.3.5	**GRAND TOTAL:** **Subsequent year costs for one firm =** **Range**: $42 to $840
9.3.6	**GRAND TOTAL:** **Year 1 costs for all firms =** (90 x $220) to (90 x $3,540) = **Range**: $19,800 to $318,600
9.3.7	**GRAND TOTAL:** **Subsequent year costs for all firms =** (90 x $42) to (90 x $840) = **Range**: $3,780 to $75,600
10	**Preamble Section: II-D-1**
10.1	*Current Rule Provisions* **Placement and Post-Placement Monitoring § 96.50** Section 96.50 requires an ASP to monitor and supervise a child's placement before adoption, provide counseling if a crisis arises, provide certain services if a placement disrupts, and provide notification of the disruption to the Central Authority of the country of origin and the Department, but does not provide time frames for notification.
10.2	*Proposed Changes to the Accreditation Rule* Newly organized § 96.50 (c) through (h) expand on the actions an ASP must take if a placement appears to be failing and if it does fail, and adds a requirement of notification to the Department and the Central Authority in the country of origin within 24 hours. The new provisions also address disruptions that occur while the child and PAPs are still in the country of origin. They also address providing or arranging counseling services in the event of disruption.
10.3	*Potential Compliance Cost for Small Firms*
10.3.1	**Step 1. Updating policies and procedures** would require up to 10 Social Worker Hours @ $31/hour **Range:** (1 x $31) to (10 x $31) = $31 to $310

10.3.1.1	**Subtotal: Step 1 costs for one firm** = **Range**: $31 to $310
10.3.1.2	**Subtotal: Step 1 costs for all firms =** (90 x $31) to (90 x $310) = **Range**: $2,790 to $27,900
10.3.2	**Step 2. Update internal and external training:** Training and development specialist (between 10 and 25 hours @ $32/hour) to update internal training and external training as appropriate: **Range**: (10 x $32) to (25 x $32) = $320 to $800
10.3.2.1	**Subtotal: Step 2 costs to one firm =** $320 to $800
10.3.2.2	**Subtotal: Step 2 costs for all firms =** (90 x $320) to (90 x $800) = **Range** = $28,800 to $72,000
10.3.3	**TOTAL: Steps 1 and 2 costs for one firm =** ($31 + $320) to ($310 + $800) = **Range** = $351 to $1,110
10.3.3	**TOTAL: Steps 1 and 2 costs for all firms =** (90 x $351) to (90 x $1,110) = **Range**: $31,590 to $99,900

11	**Preamble Section: II-D-2**
11.1	*Current Rule Provisions* **Post-adoption Services § 96.51** Currently § 96.51 provides for good faith efforts on the part of an ASP to obtain post-adoption reports from the adoptive family. It also instructs on the topic of returning a child to the country of origin in the event of a dissolution.

11.2	*Proposed Changes to the Accreditation Rule* Provisions proposed in § 96.51(b) would require ASPs to inform PAPs whether post-adoption services, including post-adoption reporting, are included in the ASP's fees, and if not, enumerates the cost for such services. ASPs must also inform PAPs of services it will provide in the event of a dissolution, or, if it will not provide such services itself, it provides information about other resources that may be consulted if an adoption is dissolved.
11.3	*Potential Compliance Cost for Small Firms*
11.3.1	**Step 1. Updating policies and procedures** would require up to 10 Social Worker Hours @ $31/hour **Range**: (1 x $31) to (10 x $31) = $31 to $310
11.3.1.1	**Subtotal: Step 1 costs for one firm** = **Range**: $31 to $310
11.3.1.2	**Subtotal: Step 1 costs for all firms =** (90 x $31) to (90 x $310) = **Range**: $2,790 to $$27,900
11.3.2	**Step 2. Update internal and external training:** Training and development specialist (between 10 and 25 hours @ $32/hour) to update internal training and external training as appropriate: **Range**: (10 x $32) to (25 x $32) = $320 to $800
11.3.2.1	**Subtotal: Step 2 costs for one firm =** $320 to $800
11.3.2.2	**Subtotal: Step 2 costs for all firms =** (90 x $320) to (90 x $800) **Range** = $28,800 to $72,000
11.3.3	**TOTAL: Steps 1 and 2 costs for one firm =** ($31 + $320) to ($310 + $800) = **Range** = $351 to $1,110
11.3.4	**TOTAL: Steps 1 and 2 costs for all firms =** (90 x $351) to (90 x $1,110) = **Range**: $31,590 to $99,900

12	**Preamble Section: II-E-1**
12.1	*Current Rule Provisions* **Complaints § 96.41** Allows for written, signed complaints that are submitted directly to an ASP, with recourse to an AE if the complainant is not satisfied with how the complaint was resolved by the ASP.
12.2	*Proposed Changes to the Accreditation Rule* This provision provides for written complaints but removes the requirement for signature and allows for submission of complaints by electronic means.
12.3	*Potential Compliance Cost for Small Firms*
12.3.1	**Step 1. Updating policies and procedures** would require up to 10 Social Worker Hours @ $31/hour **Range**: (1 x $31) to (10 x $31) = $31 to $310
12.3.1.1	**Subtotal: Step 1 costs for one firm =** **Range**: $31 to $310
12.3.1.2	**Subtotal: Step 1 costs for all firms =** (90 x $31) to (90 x $310) = **Range**: $2,790 to $27,900
12.3.2	**Step 2. Update internal and external training:** Training and development specialist (between 10 and 25 hours @ $32/hour) to update internal training and external training as appropriate: **Range**: (10 x $32) to (25 x $32) = $320 to $800
12.3.2.1	**Subtotal: Step 2 costs to one firm =** $320 to $800
12.3.2.2	**Subtotal: Step 2 costs for all firms =** (90 x $320) to (90 x $800) = **Range** = $28,800 to $72,000

12.3.3	**TOTAL: Steps 1 and 2 costs for one firm =** ($31 + $320) to ($310 + $800) = **Range** = $351 to $1,110
12..3.4	**TOTAL: Steps 1 and 2 costs for all firms =** (90 x $351) to (90 x $1,110) = **Range**: $31,590 to $99,900
13	**Preamble Section: II-F-1**
13.1	*Current Rule Provisions* **Placement Standards in outgoing Cases § 96.54(a)** Currently, § 96.54(a) permits ASPs to facilitate birth parent placement with PAPs in foreign countries without undertaking efforts to find a placement in the United States.
13.2	*Proposed Changes to the Accreditation Rule* Proposed revisions to § 96.54(a) require ASPs to make reasonable efforts to find a timely and qualified placement in the United States before placing a child abroad. The new § 96.54(c) reinforces the requirement for ASPs to document their efforts for the responsible court approving an outgoing adoption of a child from the United States.
13.3	*Potential Compliance Cost for Small Firms* The Department lacks current information on the costs required to recruit PAPs within the United States. In the past year, the Department received notification of 83 outgoing adoptions. The provisions in § 96.54(a) only apply in non-relative placements. We do not know what the proportion of relative to non-relative adoptions there are. We do know that of the 90 small business entity ASPs, only 17 do outgoing cases, a small percentage of all accredited and approved ASPs. Our conclusion is that we cannot estimate the cost of these changes, but assume based on the number of possible applicable cases annually the overall impact of these changes in § 96.54 would be very small. We invite comment from the public on this issue.
14	**Preamble Section: II-F-2**

14.1	*Current Rule Provisions* **Placement of Siblings in Outgoing Cases § 96.54(c)(2)** Section 96.54(c)(2) currently provides for making diligent efforts to place siblings together consistent with State law in outgoing cases.
14.2	*Proposed Changes to the Accreditation Rule* Changes to § 96.54(d)(1) relating to placement of siblings together include the following new language, "To the extent consistent with State law, the Convention, the IAA and these regulations, . . .," which expands the basis upon which sibling placements should be made. This is a change in degree of emphasis suggesting that the weight of the law is in favor of sibling placement together in outgoing cases even in the absence of a State law requiring it.
14.3	*Potential Compliance Cost for Small Firms*
14.3.1	**Step 1. Updating policies and procedures** would require up to 10 Social Worker Hours @ $31/hour **Range**: (1 x $31) to (10 x $31) = $31 to $310
14.3.1.1	**Subtotal: Step 1 costs for one firm =** **Range**: $31 to $310
14.3.1.2	**Subtotal: Step 1 costs for all firms =** (90 x $31) to (90 x $310) = **Range**: $2,790 to $27,900
14.3.2	**Step 2. Update internal and external training:** Training and development specialist (between 10 and 25 hours @ $32/hour) to update internal training and external training as appropriate: **Range**: (10 x $32) to (25 x $32) = $320 to $800
14.3.2.1	**Subtotal: Step 2 costs for one firm =** $320 to $800
14.3.2.2	**Subtotal: Step 2 costs for all firms =** (90 x $320) to (90 x $800) = **Range**: $28,800 to $72,000

14.3.3	**TOTAL: Steps 1 and 2 costs for one firm =** ($31 + $320) to ($310 + $800) = **Range:** $351 to $1,110
14.3.4	**TOTAL: Steps 1 and 2 costs for all firms =** (90 x $351) to (90 x $1,110) = **Range**: $31,590 to $99,900
15	**Preamble Section: II-G-1**
15.1	*Current Rule Provisions* **Retention of Records Relating to meetings and major decision of the ASP's governing body § 96.32(c)** The current standard calls for maintaining permanent records of meetings and decisions of the governing body.
15.2	*Proposed Changes to the Accreditation Rule* Changes proposed for § 96.32(c) reduce the retention period to 25 years and includes among records to retain those relating to selection, monitoring, and oversight of supervised providers, and records of financial transactions to and from foreign countries.
15.3	*Potential Compliance Cost for Small Firms* Compliance would require a multi-step process:
15.3.1	**Step 1. Updating policies and procedures.** Up to 5 Social Worker Hours at $31/hour are needed for this task. **Range**: (1 x $31) to (5 x $31) = $31 to $155
15.3.1.1	**Subtotal: Step 1 costs for one firm = $31 to $155**
15.3.2	**Step 2.** Revision of materials for the public including information on an ASP's website and updating existing staff training to reflect the new record retention requirements. This could be accomplished by: Country program officer/social worker, 2 hours @ $31/hour per foreign program, for 1 to 10 programs: **Range:** (1 x (2 x $31)) to (10 x (2 x $31)) = $62 to $620
15.3.2.1	**Subtotal: Step 2 costs for one firm** = $62 to $620

15.3.3	**Step 3.** Training and development specialist, 1 hour @ $32/hour per foreign program, up to 10 foreign programs. **Range:** (1 x $32) to (10 x $32)
15.3.3.1	**Subtotal: Step 3 costs for one firm** = $32 to $320
15.3.4	**TOTAL: Steps 1, 2, and 3 costs for one firm:** ($31 + $62 + $32) to ($155 + $620 + $320) = **Range**: $125 to $1,095
15.3.5	**TOTAL: Steps 1, 2, and 3 costs for all firms:** (90 x $125) to (90 x $1,095) = **Range:** $11,250 to $98,550
16	**Preamble Section: II-G-2**
6.1	*Current Rule Provisions* **Other Record Keeping § 96.32(e)(4)**
16.2	*Proposed Changes to the Accreditation Rule* The new subsection § 96.32(e)(4) introduces a new reporting requirement. All ASPs must maintain point of contact information for all entities with whom an ASP shares any leadership, officers, board of directors, or family relationships if the ASP provides any service to it, or receives payment from it.
16.3	*Potential Compliance Cost for Small Firms* Compliance would require a multi-step process:
16.3.1	**Step 1. Updating policies and procedures.** Up to 5 Social Worker Hours at $31/hour are needed for this task. **Range**: (1 x $31) to (5 x $31) = $31 to $155
16.3.1.1	**Subtotal: Step 1 costs for one firm = $31 to $155**

16.3.2	**Step 2.** Revision of materials for the public including information on an ASP's website and updating existing staff training to reflect the new record retention requirements. This could be accomplished by: Country program officer/social worker, 2 hours @ $31/hour per foreign program, for 1 to 10 programs: **Range:** (1 x (2 x $31)) to (10 x (2 x $31)) = $62 to $620
16.3.2.1	**Subtotal: Step 2 costs for one firm** = $62 to $620
16.3.3	**Step 3.** Training and development specialist, 1 hour @ $32/hour per foreign program, up to 10 foreign programs. **Range:** (1 x $32) to (10 x $32)
16.3.3.1	**Subtotal: Step 3 costs for one firm** = $32 to $320
16.3.4	**TOTAL: Steps 1, 2, and 3 costs for one firm:** ($31 + $62 + $32) to ($155 + $620 + $320) = **Range**: $125 to $1,095
16.3.5	**TOTAL: Steps 1, 2, and 3 costs for all firms:** (90 x $125) to (90 x $1,095) = **Range:** $11,250 to $98,550
17	**Preamble Section: II-"Eye"-1**
17.1	*Current Rule Provisions* **Deliberate destruction of documentation or provision of false or misleading information § 96.25(c)**
17.2	*Proposed Changes to the Accreditation Rule* The additions to § 96.25(c) will permit an AE to take adverse action if an ASP engages in deliberate destruction of documentation or provides false or misleading documents or information to an AE.

17.3	*Potential Compliance Cost for Small Firms* This change can be implemented by updating policies and procedures using up to 3 hours of social work time @ $31/hour. **Range**: (1 x $31) to (3 x $31) = $31 to $93 **Total cost for one firm:** $31 to $93 **Total cost for all firms:** (90 x $31) to (90 x $93) = **Range**: $2,790 to $8,370
18	**Preamble Section: II--"Eye"-2**
18.1	*Current Rule Provisions* **Professional experience required for social service personnel 96.37(c)**
18.2	*Proposed Changes to the Accreditation Rule* A minor change to § 96.37(c) allows certain employees providing adoption-related services that require the application of clinical skills and judgment to qualify to occupy such positions on the basis of experience or training, training being the new basis.
18.3	*Potential Compliance Cost for Small Firms* This change requires no compliance efforts by ASPs; we do not anticipate this new provision will create an added burden on small firms.
19	**Preamble Section: II--"Eye"-3**
19.1	*Current Rule Provisions* **Training Requirements for Social Service Personnel § 96.38(b)** The current § 96.38(b) delineates topics of training both for initial training and for ongoing training for social service personnel.
19.2	*Proposed Changes to the Accreditation Rule* Amendments to § 96.38(b) add additional topics of training such as adverse childhood experience; trauma; psychological, cognitive, and emotional issues; sexual abuse; and increased risks involving older children.
19.3	*Potential Compliance Cost for Small Firms* Compliance would require a multi-step process:

19.3.1	**Step 1. Updating policies and procedures.** Up to 5 Social Worker Hours at $31/hour are needed for this task. **Range**: (1 x $31) to (5 x $31) = $31 to $155
19.3.1.1	**Subtotal: Step 1 costs for one firm = $31 to $155**
19.3.2	**Step 2.** Revision of materials for the public including information on an ASP's website and updating existing staff training to reflect the new record retention requirements. This could be accomplished by: Country program officer/social worker, 2 hours @ $31/hour per foreign program, for 1 to 10 programs: **Range:** (1 x (2 x $31)) to (10 x (2 x $31)) = $62 to $620
19.3.2.1	**Subtotal: Step 2 costs for one firm = $62 to $620**
19.3.3	**Step 3.** Training and development specialist, 1 hour @ $32/hour per foreign program, up to 10 foreign programs. **Range:** (1 x $32) to (10 x $32)
19.3.3.1	**Subtotal: Step 3 costs for one firm = $32 to $320**
19.3.4	**TOTAL: Steps 1, 2, and 3 costs for one firm:** ($31 + $62 + $32) to ($155 + $620 + $320) = **Range**: $125 to $1,095
19.3.5	**TOTAL: Steps 1, 2, and 3 costs for all firms:** (90 x $125) to (90 x $1,095) = **Range:** $11,250 to $98,550
20	**Preamble Section: II--"Eye"-4**
20.1	*Current Rule Provisions* **Exemption from training for newly hired social service staff in certain circumstances § 96.38(d)** The current regulation does not include such exemptions from training.

20.2	*Proposed Changes to the Accreditation Rule* This new provision in § 96.38(d) includes an exemption from initial training for new employees if within the previous two years the new employee had been employed by an accredited ASP where they had received orientation training similar to that envisioned in this section.
20.3	*Potential Compliance Cost for Small Firms* Updating policies and procedures. Up to 5 Social Worker Hours at $31/hour are needed **Range**: (1 x $31) to (5 x $31) = $31 to $155 **Cost for one firm:** $31 to $155 **Cost for all firms:** (90 x $31) to (90 x $155) **Range: $2,790 to $13,950**
21	**Preamble Section: II--"Eye"-5**
21.1	*Current Rule Provisions* **Withdrawal of home study approval 96.47(e)** There are no standards relating to this topic in the current regulation.
21.2	*Proposed Changes to the Accreditation Rule* New **§ 96.47(e)** will provide a justification and procedures for withdrawal of home study approval for cause. The new provisions reflect the same guidance USCIS has given on this topic informally for the past several years.
21.3	*Potential Compliance Cost for Small Firms* Compliance would require a multi-step process:
21.3.1	**Step 1. Updating policies and procedures.** Up to 5 Social Worker Hours at $31/hour are needed for this task. **Range**: (1 x $31) to (5 x $31) = $31 to $155
21.3.1.1	**Subtotal: Step 1 costs for one firm = $31 to $155**

21.3.2	**Step 2.** Revision of materials for the public including information on an ASP's website and updating existing staff training to reflect the new record retention requirements. This could be accomplished by: Country program officer/social worker, 2 hours @ $31/hour per foreign program, for 1 to 10 programs: **Range:** (1 x (2 x $31)) to (10 x (2 x $31)) = $62 to $620
21.3.2.1	**Subtotal: Step 2 costs for one firm = $62 to $620**
21.3.3	**Step 3.** Training and development specialist, 1 hour @ $32/hour per foreign program, up to 10 foreign programs. **Range:** (1 x $32) to (10 x $32)
21.3.3.1	**Subtotal: Step 3 costs for one firm** = $32 to $320
21.3.4	**TOTAL: Steps 1, 2, and 3 costs for one firm:** ($31 + $62 + $32) to ($155 + $620 + $320) = **Range**: $125 to $1,095
21.3.5	**TOTAL: Steps 1, 2, and 3 costs for all firms:** (90 x $125) to (90 x $1,095) = **Range:** $11,250 to $98,550

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Part III

Department of Transportation

Federal Aviation Administration

14 CFR Part 39
Airworthiness Directives; The Boeing Company Airplanes; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0686; Product Identifier 2019–NM–035–AD; Amendment 39–21332; AD 2020–24–02]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2018–23–51, which applied to all The Boeing Company Model 737–8 and 737–9 (737 MAX) airplanes. AD 2018–23–51 required revising certificate limitations and operating procedures of the Airplane Flight Manual (AFM) to provide the flightcrew with runaway horizontal stabilizer trim procedures to follow under certain conditions. This AD requires installing new flight control computer (FCC) software, revising the existing AFM to incorporate new and revised flightcrew procedures, installing new MAX display system (MDS) software, changing the horizontal stabilizer trim wire routing installations, completing an angle of attack (AOA) sensor system test, and performing an operational readiness flight. This AD also applies to a narrower set of airplanes than the superseded AD, and only allows operation (dispatch) of an airplane with certain inoperative systems if specific, more restrictive, provisions are incorporated into the operator's existing FAA-approved minimum equipment list (MEL). This AD was prompted by the potential for a single erroneously high AOA sensor input received by the flight control system to result in repeated airplane nose-down trim of the horizontal stabilizer. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective November 20, 2020.

The Director of the Federal Register approved the incorporation by reference of a certain publications listed in this AD as of November 20, 2020.

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0686.

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–2020–0686; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Ian Won, Manager, Seattle ACO Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3500; email: *9-FAA-SACO-AD-Inquiry@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

Summary of NPRM

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 and supersede AD 2018–23–51, Amendment 39–19512 (83 FR 62697, December 6, 2018; corrected December 11, 2018 (83 FR 63561)) (AD 2018–23–51). AD 2018–23–51 applied to all Boeing Model 737–8 and 737–9 (737 MAX) airplanes. The NPRM proposed to apply only to the 737 MAX airplanes identified in Boeing Special Attention Service Bulletin 737–31–1860, dated June 12, 2020, which identifies line numbers for airplanes with an original airworthiness certificate or original export certificate of airworthiness issued on or before the effective date of the original Emergency Order of Prohibition. Airplanes that have not received an original airworthiness certificate or original export certificate of airworthiness on or before the date of the original Emergency Order of Prohibition will have been modified to incorporate the changes required by this AD prior to receiving an original, or original export, airworthiness certificate.

The NPRM published in the **Federal Register** on August 6, 2020 (85 FR 47698). The NPRM was prompted by the potential for a single erroneously high AOA sensor input received by the flight control system to result in repeated airplane nose-down trim of the horizontal stabilizer. To address this unsafe condition, the NPRM proposed to require installing new FCC software, revising the existing AFM to remove the AFM revisions required by AD 2018–23–51 and to incorporate new and revised AFM flightcrew procedures, installing new MDS software, changing the horizontal stabilizer trim wire routing installations, completing an AOA sensor system test, and performing an operational readiness flight. The NPRM also proposed to allow operation (dispatch) of an airplane with certain inoperative systems only if certain more restrictive provisions are incorporated into the operator's existing FAA-approved MEL.

Related Actions

During September 2020, the FAA conducted an operational evaluation of the operating procedures (checklists) in the proposed AD, to assess their effectiveness. The FAA also evaluated pilot training proposed by Boeing pertaining to the 737 MAX. The FAA conducted the evaluation jointly with the Agência Nacional de Aviação Civil (ANAC) Brazil, Transport Canada Civil Aviation (TCCA), and the European Union Aviation Safety Agency (EASA). This joint evaluation is referred to as the Joint Operational Evaluation Board (JOEB). The operational evaluation included airline pilots with varied levels of experience from the United States, Canada, Brazil, and the European Union. The FAA and the other civil aviation authorities (CAAs) concluded that air carrier pilots operating the 737 MAX need to complete special training on the 737 MAX, including ground and flight training in a full flight simulator (FFS). The FAA also identified additional special emphasis areas to be included in 737 MAX recurrent or continuing qualification pilot training.

The FAA documented the results of the JOEB evaluation in the draft FAA Flight Standardization Board (FSB) Report, The Boeing Company 737, Revision 17 (draft 737 FSB Report). As described in an addendum to the draft 737 FSB Report, the JOEB evaluation identified three areas in the proposed Airspeed Unreliable checklist for potential refinement.[1] On October 6, 2020, the FAA made the draft 737 FSB Report and the Addendum available to the public for comment (85 FR 63641,

[1] These areas are described in the 737 FSB Report Addendum, which is in the docket for this rulemaking.

October 8, 2020). The comment period closed November 2, 2020.

The FAA issued the final FSB Report, The Boeing Company 737, Revision 17, dated November 16, 2020 (final 737 FSB Report), after considering the relevant comments received to the 737 FSB Report docket (Docket No. FAA–2020–0928). The FAA considered the conclusions of the JOEB, comments received during the NPRM comment period regarding the AFM procedures, and comments received during the draft 737 FSB Report comment period in determining the final AFM procedures contained in this final rule. For information on the refinements to AFM procedures identified in the proposed AD, please refer to the section of this preamble titled, ''Suggestions for Crew Procedure Changes.''

Additionally, the FAA has also finalized the ''Preliminary Summary of the FAA's Review of the Boeing 737 MAX,'' dated August 3, 2020, which the FAA placed in the docket at the time of publication of the NPRM. This ''Summary of the FAA's Review of the Boeing 737 MAX,'' dated November 18, 2020, is also included in the docket for this rulemaking. The final Summary includes additional explanation regarding 737 MAX design changes, certification efforts, maintenance considerations, pilot training, and final disposition of the Technical Advisory Board (TAB) findings. The TAB is an independent team of experts that evaluated efforts by the FAA and efforts by Boeing associated with the redesign of the maneuvering characteristics augmentation system (MCAS). The conclusions from the TAB and resolution of the findings directly informed the FAA's decision-making on MCAS.[2] The TAB included FAA certification specialists and chief scientific and technical advisors not involved in the original 737 MAX certification program. TAB members also included subject matter experts from the U.S. Air Force, the Volpe National Transportation Systems Center, and the National Aeronautics and Space Administration. All findings that the TAB members identified as required for return to service of the 737 MAX were resolved to their satisfaction.

Summary of Final Rule

After careful consideration of the comments submitted[3] and further review of the proposal, the FAA adopts this final rule. This final rule mandates corrective action that addresses an unsafe condition on the 737 MAX. This unsafe condition is the potential for a single erroneously high AOA sensor input received by the flight control system to result in repeated airplane nose-down trim of the horizontal stabilizer, which, in combination with multiple flight deck effects, could affect the flightcrew's ability to accomplish continued safe flight and landing.

As proposed in the NPRM, the corrective actions mandated by this AD include a revision of the airplane's flight control laws (software).[4] The new flight control laws now require inputs from both AOA sensors in order to activate MCAS. They also compare the inputs from the two sensors, and if those inputs differ significantly (greater than 5.5 degrees for a specified period of time), will disable the Speed Trim System (STS), which includes MCAS, for the remainder of the flight and provide a corresponding indication of that deactivation on the flight deck. The new flight control laws now permit only one activation of MCAS per sensed high-AOA event, and limit the magnitude of any MCAS command to move the horizontal stabilizer such that the resulting position of the stabilizer will preserve the flightcrew's ability to control the airplane's pitch by using only the control column. This means the pilot will have sufficient control authority without the need to make electric or manual stabilizer trim inputs. The new flight control laws also include FCC integrity monitoring of each FCC's performance and cross-FCC monitoring, which detects and stops erroneous FCC-generated stabilizer trim commands (including MCAS).

This AD further mandates changes to the airplane's AFM to add and revise flightcrew procedures to facilitate the crew's ability to recognize and respond to undesired horizontal stabilizer movement and the effects of a potential AOA sensor failure.

This AD also mandates an AOA DISAGREE alert, which indicates certain AOA sensor failures or a significant calibration issue. The alert is implemented by revision of MDS software; as a result, certain stickers (known as INOP markers) will be removed.

Additionally, this AD mandates adequately separating certain airplane wiring, and conducting an AOA sensor system test and an operational readiness flight on each airplane before the airplane is reintroduced to service.

Finally, this AD requires that operators that wish to dispatch airplanes with certain inoperative systems must first have incorporated specific provisions that are more restrictive into their existing FAA-approved MEL.

Differences From the NPRM

This final rule differs from the NPRM in minor respects. After review of input from the operational evaluations and public comments, the FAA adjusted two AFM procedures: The Airspeed Unreliable and the ALT Disagree non-normal checklists. This AD simplifies and corrects grammatical and typographical errors in the Airspeed Unreliable non-normal checklist (figure 2 to paragraph (h)(3) of this AD), and revises the ALT Disagree non-normal checklist (figure 8 to paragraph (h)(9) of this AD) to correct a typographical error in the NPRM.

The FAA has reviewed and approved new and updated service information that is mandated by this AD, including Boeing Alert Requirements Bulletin 737–22A1342 RB and Alert Service Bulletin 737–22A1342, both dated November 17, 2020, for the new FAA-approved FCC software; Boeing Special Attention Service Bulletin 737–31–1860, Revision 1, dated July 2, 2020, for the MDS software change; and Boeing Special Attention Service Bulletin 737–27–1318, Revision 2, dated November 10, 2020, for the horizontal stabilizer wiring change. This AD also provides credit for accomplishment of certain prior actions as specified in paragraph (o) of this AD.

Public Comment

The FAA provided the public with an opportunity to comment on the proposed AD and received approximately 230 submissions to Docket No. FAA–2020–0686. The FAA received comments from individual commenters as well as from organizations. The majority of the comments were from individuals.

Organizations submitting comments included the Families of Ethiopian Airlines Flight 302; the civil aviation authorities of Turkey (Turkish DGCA) and the United Arab Emirates (UAE GCAA); the National Transportation Safety Board (NTSB); the National Air

[2] The TAB Report has been included in this docket.

[3] In developing this final rule, the FAA considered comments submitted to the NPRM docket and also comments submitted to the 737 FSB Report docket.

[4] In the NPRM, the FAA used several terms (including ''new,'' ''updated,'' and ''revised'') when describing the FCC software (including MCAS and control laws) required by paragraph (g) of this AD. This software change is a complete replacement of the original FCC software, including a new part number. This final rule requires installation of the same FCC software as described in the NPRM and refers to it as the new FCC software, new MCAS, and new control laws. For example, where this final rule uses the term ''new MCAS,'' this term reflects the same meaning as ''revised MCAS'' or ''updated MCAS'' used in the NPRM.

Traffic Controllers Association (NATCA); Flyers Rights; Aerospace Safety and Security, Inc.; the Aerospace Safety Research Institute, Inc.; Boeing; Airlines for America (A4A); the Ethiopian Airlines Group; the Joint European Max Operators Group (JEMOG); the British Airline Pilots Association (BALPA); the Allied Pilots Association; the Association of Flight Attendants-CWA (AFA–CWA); Air China; Ameco; Travelers United, Inc.; Southwest Airlines Pilot Association (SWAPA); and the Air Line Pilots Association, International (ALPA).

The following summarizes the comments received on the NPRM, and provides the FAA's responses.

A. Support for the NPRM

The FAA received supportive comments on the NPRM from Travelers United, Inc., and numerous other commenters. Commenters who expressed support for the NPRM noted the benefits of the proposed design changes based on lessons learned and applied by the FAA, the resolution of issues related to the airplane's MCAS, the relative ease of accomplishing the proposed changes, a general appreciation for the airplane design and handling, and the length and intensity of the review of the unsafe condition, corrective action, and the airplane, which the commenters said resulted in a safe design. The NTSB expressed general support for the NPRM as it relates to MCAS, noting ''positive progress on meeting the intent of the overall recommendation regarding system safety assessments (SSAs) for the Boeing 737 MAX relating to uncommanded flight control inputs.''

B. Fundamental Design/Approach Concerns

The Boeing 737 MAX uses MCAS to change the handling characteristics for the flightcrew in order to comply with certain regulations during high-AOA maneuvers. In the NPRM, the FAA proposed to require the installation of new FCC software with new MCAS control laws to replace the earlier FCC software installed on 737 MAX airplanes. Several commenters questioned the fundamental design of the airplane, especially the inclusion and availability of MCAS.

Comments Regarding Inclusion and Availability of MCAS

Comment summary: Several commenters stated that MCAS should not be retained as a function on the airplane, and other commenters including the Families of Ethiopian Airlines Flight 302 had fundamental concerns with the basic design and availability of MCAS. More specifically, these comments focused on the availability of MCAS after failure, whether the airplane remained safe and compliant, and on the redundancy of the system and its inputs.

FAA response: The FAA determined that the 737 MAX with the new MCAS implemented by the new FCC software, as proposed in the NPRM and required by paragraph (g) of this AD, meets FAA safety standards.

The MCAS on the 737 MAX improves the pilot handling qualities (maneuvering characteristics) during non-normal flight conditions, specifically when the airplane is at high AOAs. During normal flight, the 737 MAX should never be at an AOA high enough to be within the range that MCAS would activate. FAA regulations require that airplanes be designed and tested over the entire range of potential angles of attack, including high AOAs. FAA regulations also require column force to increase as AOA increases (14 CFR 25.143(g), 25.251(e), and 25.255).

In a 737 MAX, if a pilot is maneuvering the airplane with the flaps retracted and encounters a high AOA (outside of the normal flight envelope), MCAS will activate and command the stabilizer to move in the airplane nose-down direction, which changes the handling characteristics such that the pilot would need to pull with increasing force on the control column to maintain the current AOA or further increase the AOA. MCAS-commanded stabilizer movement results in increased column forces such that the airplane meets FAA handling characteristics requirements for airplane operation at high AOAs. Existing FAA regulations (14 CFR 25.21, 25.671, and 25.672) allow for use of stability augmentation systems (such as MCAS) in showing compliance with FAA handling characteristics requirements. The 737 MAX airplane with MCAS operative is therefore compliant.

To be approved by the FAA, the proposed designs of transport category airplane flight control systems must comply with applicable 14 CFR part 25 regulations. The assessment of compliance must consider the airplane in the as-designed, fully operational configuration (no failures) and also, in accordance with 14 CFR 25.671 and 25.1309, in potential failure conditions. When assessing those failure conditions, the applicant must take into account both the probability of the failures and their airplane-level consequences. The outcome must show that the airplane is capable of continued safe flight and landing after single failures and any failure combination not shown to be extremely improbable (14 CFR 25.1309). For example, a twin-engine transport airplane complies with all regulations while both engines are operating, but if there is a single engine failure, the airplane must be capable of continued safe flight and landing with only the one remaining engine operating.

With MCAS inoperative, the Boeing 737 MAX is capable of continued safe flight and landing and is therefore compliant with 14 CFR 25.671 and 25.1309. If at high AOAs, with MCAS inoperative, MCAS will not move the stabilizer, and the resultant incremental change in column force will not be experienced by the pilot. In this situation, the pilot maintains control and can decrease the airplane's AOA by moving the column forward. Through comprehensive analysis, simulation testing, and flight testing, the FAA determined that the airplane meets applicable 14 CFR part 25 standards, with MCAS operative and with failures, including failures that render MCAS inoperative. With MCAS inoperative after a failure, the 737 MAX is capable of continued safe flight and landing, as required by 14 CFR 25.671 and 25.1309.

If a system must be functional at all times to ensure continued safe flight and landing, the system must be available to function after a single failure. Conversely, if an inoperative system does not prevent continued safe flight and landing, then it is acceptable under FAA regulations for the system to not be available after a single failure; this is how MCAS is implemented on the 737 MAX.

The foregoing discussion focuses on an inoperative MCAS. All failure modes must be considered and assessed by the manufacturer and the FAA for compliance with 14 CFR 25.671 and 25.1309. The new MCAS is designed such that most failures will result in the MCAS function becoming inoperative, with maintenance required before a subsequent flight to return MCAS to being fully operative and available. The manufacturer and the FAA have assessed potential failure modes of the system to ensure that no single failure will prevent continued safe flight and landing and that any combination of failures that could occur in service, except for those shown to be extremely improbable, would similarly not prevent continued safe flight and landing.

Failures of MCAS are annunciated to the flightcrew. MCAS is implemented as part of the airplane's STS. During flight, STS failures (including MCAS failures) are annunciated by illumination of the master caution light, the SPEED TRIM FAIL light, and the system annunciator

panel (FLT CONT). Per training, the flightcrew will follow applicable crew procedures for continued safe flight and landing.

Based on analyses, simulation, and flight testing to establish consequences of failures and the capability for continued safe flight and landing, the FAA has determined that the new MCAS meets FAA safety standards, and that it is acceptable for STS (including MCAS) to remain inoperative for the remainder of a flight after the system fails. Therefore, the additional redundancy requested by commenters, to increase the availability of the system, is not required.

C. Specific Concerns About MCAS

1. Comments Regarding Redundancy of Two AOA Sensors

Comment summary: The Families of Ethiopian Airlines Flight 302 asked whether the two AOA sensor inputs to MCAS are truly redundant.

FAA response: The two AOA sensors and the data they provide are independent, and are therefore redundant in that the failure of one AOA sensor does not impede the operation of the other AOA sensor. For MCAS inputs, the left and right air data/inertial reference units (ADIRUs) receive direct input from the AOA sensors installed on the left and right sides of the airplane, respectively. Each ADIRU transmits the current AOA sensor position to the left and right FCCs via databuses. The signal path to each FCC is independent of the other FCC (*e.g.,* the left AOA data does not travel through the left FCC to reach the right FCC).

2. Comments Regarding Additional AOA Sensors or Data

Comment summary: Numerous commenters including the Families of Ethiopian Airlines Flight 302 and BALPA contended that three or more AOA values are required for the system to be able to continue operating after a failure of a single AOA sensor. Commenters assert that if the two AOA values diverge, the system cannot detect which value is erroneous; but with three AOA inputs, if one value deviates from the other two, the deviant value could be excluded while the system continues to operate using data from the remaining two sensors. In support of their requests for additional AOA sensors or inclusion of a derived value (synthetic AOA), some commenters noted that AOA sensors are exposed to the elements or other external factors such as bird strikes.

FAA response: As explained earlier in this preamble, the 737 MAX is capable of continued safe flight and landing with MCAS inoperative. Accordingly, continued safe flight and landing can be accomplished when MCAS is disabled following the failure of a single AOA input. The new MCAS, as proposed in the NPRM and mandated by this AD, utilizes two AOA inputs and compares the difference between them. If there is a significant difference (greater than 5.5 degrees for a specified period of time), then MCAS will be disabled (unavailable) for the remainder of that flight, annunciation will alert the flightcrew to the failure, and maintenance will be required before subsequent flight.

Regarding exposure to the elements (that is, weather conditions but not a bird strike), AOA sensors are designed, tested, and qualified for their operational environment as part of certification (14 CFR 25.1301). The new MCAS design accounts for safe operation after AOA sensor failures due to environmental causes including bird strikes that bend or break the vane of the AOA sensor, as discussed in subsequent responses.

3. Comments Regarding Keeping MCAS Partitioned

Comment summary: Commenters suggested that MCAS be partitioned such that each FCC would receive input from only a single AOA sensor, with the pilots responsible for switching control from one FCC to the other.

FAA response: The change suggested by the commenters would not improve the safety of the airplane, because it would remove the AOA sensor comparison feature of the new design and allow a single AOA sensor failure to activate MCAS as in the original MCAS. Regarding the request to make the pilots responsible for switching control from one FCC to the other, the FAA evaluated the design presented by the applicant. It is likely, however, that the commenters' proposal would increase pilot workload and may also introduce unreasonable reaction time requirements for pilot actions. Contrary to the commenters' proposed single-input configuration, which could allow for MCAS activation following a single failure, the new MCAS design mandated by this AD addresses the unsafe condition by not allowing for that exact event.

4. Comments Regarding MCAS Response After Failure(s)

Comment summary: Several commenters, including BALPA and the Turkish DGCA, requested that the FAA require that MCAS not activate if there is a disagreement between AOA sensor inputs or a dual AOA sensor failure, and that MCAS should not remain available following certain AOA sensor failures.

FAA response: The FAA confirms that most AOA sensor failures will result in the MCAS function becoming inoperative, and if MCAS is activated, it will activate only once for each high-AOA event, which does not preclude continued safe flight and landing. AOA sensor failures can be divided into two broad categories: (1) Detected failures of the electrical circuit that measures the angular position of the AOA sensor such that the AOA data is labeled as invalid and not used by user systems (including MCAS); and (2) undetected failures that do not damage the electrical circuit such that AOA data is transmitted from the ADIRU to the FCC as valid. Both 737 MAX accidents involved the second category of AOA sensor failures; the AOA sensor electrical circuit was unaffected and therefore perceived by the ADIRU to be valid, and the transmitted value was used by the MCAS function in the FCC.

With the new MCAS, the second type of AOA sensor failure will result in disparate inputs to the FCCs. When disparate inputs are received by the FCCs, the FCCs will disable the MCAS function, preventing it from activating for the remainder of that flight. When MCAS is disabled in this way, the master minimum equipment list (MMEL) does not allow for dispatch of the airplane again until the system is repaired.

If a single AOA sensor is damaged due to a bird strike, the bent or broken AOA sensor vane will affect the AOA measurement. If the AOA sensor vane breaks off, the AOA sensor will provide a high AOA value due to a counterweight falling within the sensor. With a significant difference between valid AOA sensor inputs, the FCCs will disable MCAS. Later, if the other AOA sensor is damaged (resulting in a high AOA value), MCAS will already have been disabled and there will be no MCAS activation. The sequential failure of two AOA sensors during the same flight is unlikely; even more unlikely would be a case where two sensors are damaged simultaneously and symmetrically such that there is not a difference sensed between the two AOA sensors as they both transition to similar high AOA values. Even if such a simultaneous and symmetrical failure were to occur, MCAS would activate only once. The FAA confirmed through testing and analysis during certification that a single activation of MCAS will not prevent continued safe flight and

landing. The pilots can control the change in pitch using only the control column, or trim inputs, or any combination of the two.

The other concern raised by these commenters was that if during a flight there is a detected AOA sensor circuit failure (the first category described previously), MCAS will continue to be available to operate with only a single AOA sensor input for the remainder of that flight. During the remainder of the flight when the first circuit failure occurred, a subsequent independent failure of the other AOA sensor, that is not detected (second category, *e.g.,* a bird strike) and results in an erroneous valid AOA input, would be extremely improbable. Nevertheless, if this failure combination were to occur (first category followed by the second category), the outcome would not prevent continued safe flight and landing; MCAS would activate only one time, with the pilots able to control the airplane using either the control column, the electric trim switches, or both. This scenario was analyzed and tested by FAA engineers and pilots and found to be compliant with the FAA's safety standards.

5. Comments Regarding MCAS Operation at Low Altitude

Comment summary: A commenter stated that MCAS should not operate in certain phases of flight, such as takeoff, climb, and landing, because there should not be a potential for a failure to cause the airplane to lose altitude during those phases of flight. Another commenter suggested MCAS should not operate at low altitudes due to the potential for a wake turbulence encounter or a bird or animal strike.

FAA response: MCAS is functional only during flight with the flaps fully retracted. When the airplane is at low altitudes near the airport for takeoff, and later during approach and landing, flaps are extended, typically below 1,000 feet; therefore, MCAS is not operational for the take-off and landing phases of flight. For other phases of flight including climb, AOA disagreement due to an incident such as a bird strike will be detected by the FCCs, and the FCCs will disable MCAS for the remainder of that flight. Since the new MCAS function is consistent with the commenters' requests, no change to this AD is necessary.

6. Comments Regarding MCAS Availability for Multiple Activations

Comment summary: Two commenters expressed concern that limiting MCAS to a single activation would render MCAS unavailable for more activations later in the flight, if needed, and that MCAS would not be available to perform its intended function.

FAA response: The commenters' concerns do not accurately reflect the new MCAS functionality. The new MCAS is designed to activate one time for each high-AOA event (above the MCAS activation threshold). The new MCAS will activate when there is a high-AOA event (above activation threshold as previously described), and then will reset after the airplane returns to a low AOA that is sufficiently below the MCAS activation threshold, such that it will be available for a subsequent activation if there is a subsequent high-AOA event. As a result, after the new MCAS activates once, it will be available for more activations later in the same flight. Only if there has been a failure during the flight that disables MCAS, which is indicated by the SPEED TRIM FAIL light, will MCAS not be available during a high-AOA event with the flaps retracted.

7. Comments Regarding Disabling of Column Cutout Switches

Comment summary: Two commenters suggested changing the design and function of the column cutout switches on the 737 MAX to be more similar to those on earlier Boeing Model 737 designs.

FAA response: The column cutout switch function of earlier Boeing Model 737 models would not allow for MCAS activation.

Column cutout switches on earlier Boeing Model 737 models allow the flightcrew the capability to interrupt (cut out) a stabilizer command in one direction by making a control column input in the other direction (*e.g.,* an airplane nose-down stabilizer command will be interrupted by pulling the control column aft). The 737 MAX has the same column cutout feature, but it is temporarily disabled during the short duration of an MCAS activation.

MCAS operates only during high-AOA events, which are typically caused by the flightcrew pulling aft on the control column. To allow MCAS to operate as intended, the FCC temporarily disables the column cutout switches when MCAS is activated (makes a command). Without this temporary disable feature, the MCAS command to move the stabilizer in the airplane nose-down direction would otherwise be interrupted by the column cutout switches.

After the MCAS activation, the column cutout switches revert to a configuration where control column inputs will interrupt stabilizer commands in the opposite direction. When MCAS is not making a command, the column cutout switches operate like they do on earlier models of the Boeing Model 737. It is only during the short duration of an MCAS command that the column cutout switches on 737 MAX airplanes operate differently than those on other Boeing Model 737 airplanes.

The new MCAS includes cross-FCC monitoring, which detects and stops erroneous FCC-generated stabilizer trim commands (including MCAS). This protects against an erroneous FCC-generated stabilizer trim command throughout the entire flight, including when the column cutout switches are temporarily disabled.

8. Comments Regarding Erroneous MCAS Enable Command

Comment summary: A commenter expressed concern that the MCAS enable command, which disables column cutout, could be asserted during a horizontal stabilizer trim runaway due to hardware faults on the stabilizer interface.

FAA response: The scenario set forth by the commenter would result from the simultaneous occurrence of an erroneous FCC-generated command that disables the column cutout feature and an erroneous command (from either the pilot or the FCC) to move the stabilizer. The potential for this combination of failures to occur simultaneously is mitigated by integrity monitoring of the MCAS enable command by the new FCC software, which monitors for proper FCC performance. Furthermore, periodic maintenance checks, implemented by new tasks in the Boeing 737 Maintenance Planning Document (MPD), verify the function of the cutout switches (located on the aisle stand) and the MCAS enable command. Finally, the cross-FCC monitor also reduces the likelihood of any FCC-generated stabilizer trim runaway command.

9. Comments Regarding MCAS Vulnerability to Single Failures

Comment summary: A commenter stated that the system should not be vulnerable to a single failure, and expressed concern that the new MCAS remains vulnerable to a single failure. Another commenter asked whether there is a scenario where any single failure, or probable combination of failures, requires the flightcrew to stop moving the stabilizer by grabbing the manual stabilizer trim wheel in the flight deck; this commenter also asked whether that is in the crew procedure.

FAA response: The FAA determined that the new MCAS is compliant with 14 CFR 25.671 and 25.1309, such that no single failure, or combination of

failures not shown to be extremely improbable, will prevent continued safe flight and landing. Nevertheless, the AFM revisions required by this AD include a runaway stabilizer procedure with guidance for arresting any potential runaway stabilizer event. The final step of that procedure is to ''grasp and hold stabilizer trim wheel.'' That procedure is yet another layer of protection.

10. Comments Regarding MCAS Vulnerability to Sinusoidal AOA Input

Comment summary: Several commenters expressed concern about perceived vulnerabilities of the new MCAS implemented by the new FCC software. A commenter expressed concern that MCAS is vulnerable to sinusoidal AOA sensor input. Another commenter expressed concern that the middle value select (MVS) function implemented to mitigate erroneous sinusoidal AOA sensor input as part of the new MCAS can diverge or cause a limit cycle oscillation. Another commenter expressed a concern with the MVS algorithm, specifically that if there is a fixed offset between the two AOA sensor values that is less than the 5.5-degree threshold that will cause deactivation of MCAS, the MCAS function would be utilizing AOA sensor inputs that are offset by up to 5.5 degrees.

FAA response: The new FCC software compares the two AOA sensor inputs relative to each other and will disable STS (including MCAS) for the remainder of the flight if the difference between the two exceeds a threshold of 5.5 degrees. The new MCAS also uses an MVS algorithm to address the potential for a sinusoidal AOA input from a single AOA sensor. To demonstrate compliance with 14 CFR part 25 standards, the new MCAS was analyzed and tested with various failure scenarios, including a sinusoidal AOA sensor input. The results established that MVS is effective, that it will not result in divergence or limit cycle oscillation, and that the design is compliant and safe. The FAA also tested the new MCAS with the scenario of AOA sensors offset by up to 5.5 degrees during certification and found the design to be compliant and safe.

11. Comments Regarding MCAS Vulnerability to Pilot Induced Oscillation

Comment summary: A commenter expressed concern about the MCAS response to a pilot induced oscillation (PIO).

FAA response: PIO, which is also known as airplane/pilot coupling (APC), is a phenomenon where the frequency of pilot inputs couples (matches) with an inherent airplane frequency. The susceptibility of the 737 MAX to PIO/APC was assessed throughout all of the FAA flight testing during certification of the 737 MAX. The FAA found the 737 MAX is not prone to PIO/APC. This remains true with and without MCAS being available. This also remains true during a valid or erroneous MCAS activation.

12. Comments Regarding Adequacy of MCAS

Comment summary: A commenter was concerned that the new MCAS is inadequate with regard to the rate at which it can respond during a high-AOA event. The commenter noted that the rate at which the airplane AOA increases may be too great for MCAS to be effective.

FAA response: MCAS has been analyzed and tested by the FAA and the manufacturer in various scenarios and flight conditions, which includes MCAS's rate of response, as part of the certification process, and was found to meet its intended function, and to be compliant with all applicable 14 CFR part 25 regulations.

D. Specific Concerns About Alerting

1. Comments Regarding Annunciating MCAS Activation and MCAS Failures

Comment summary: Numerous commenters, including BALPA, the Families of Ethiopian Airlines Flight 302, and Ethiopian Airlines Group, commented regarding annunciations and alerting associated with MCAS. Some commenters wanted the system changed to add features to make the pilot aware when MCAS is making a valid command to the stabilizer system. They were concerned that without annunciation, pilots would have difficulty discerning normal from non-normal MCAS activation. They suggested illuminating a new light, displaying a message on the primary flight display (PFD), displaying a new flight mode annunciator, displaying the magnitude of the incremental MCAS command to the stabilizer, and generating a voice annunciation. Other commenters suggested that MCAS failures or deactivations be annunciated by the addition of a warning to alert the crew, a red MCAS FAIL warning, or a loud alert at the same time MCAS is disabled.

FAA response: The new MCAS already alerts the pilot of an MCAS failure. The addition of more annunciation of valid MCAS activation is not necessary to address the unsafe condition.

When the STS (including the speed trim function and the MCAS function) makes a command to move the stabilizer, the flightcrew is aware of the command because the manual trim wheels, located in the aisle stand between the two pilots in the flight deck, will rotate as the stabilizer moves. The STS has been a basic design feature of the Boeing Model 737 series for many years and is familiar to flightcrews. It is not necessary for a system to annunciate to the pilot that it is active. The pilot can both see and hear the manual trim wheels rotate when the stabilizer is moved. Normal MCAS activation occurs only during non-normal flight conditions when the airplane is at a high AOA, and high AOA maneuvering could potentially already be a high workload scenario for the flightcrew. Indications to the pilot that the airplane is at a high AOA include the appearance of the amber band on the airspeed tape, the appearance of amber pitch limit indicator (PLI), flashing amber airspeed digits on the airspeed tape, the appearance of the red and black barber pole on the airspeed tape on the PFD, increasing column force, and stick shaker.

Additional annunciation of normal MCAS function during this time could distract the pilots from recovering from this non-normal high-AOA flight condition.

Regarding the commenters' request for annunciation of FCC failures related to MCAS, the system alerts the flightcrew by illuminating the Master Caution, system annunciator panel (FLT CONT), and SPEED TRIM light. After landing, the SPEED TRIM FAIL and/or STAB OUT OF TRIM light will be illuminated. Therefore, the existing system already alerts the flightcrew to MCAS failures.

The new FCC software monitors inputs and outputs for failures, including erroneous MCAS commands, and will disable MCAS for detected failures. During normal operation, the FCC commands horizontal stabilizer movement only for three cases: (1) When the autopilot is engaged and the stabilizer is moved to offload column movement, (2) as part of the speed trim function during manual flight, associated with changes in airspeed, and (3) as part of the MCAS function during manual flight at high AOA outside normal flight conditions. Pilots will learn about automated stabilizer trim operation in the special 737 MAX training. Pilots have the ability to override any FCC-generated stabilizer trim command, because pilot stabilizer trim commands via the thumb switches

on the control wheel always have priority over FCC-generated commands.

Finally, if the flightcrew deactivates MCAS by moving the stabilizer trim cutout switches (located on the aisle stand) to the cutout position using the Runaway Stabilizer NNC (non-normal checklist), there is no associated annunciation. When the FCC generates an STS command (speed trim or MCAS) after the trim cutout switches are moved to the cutout position, the system will detect the lack of trim motor response to the STS command and illuminate the master caution light, the SPEED TRIM FAIL light, and the system annunciator panel (FLT CONT). If the autopilot is engaged, when the FCC generates an autopilot command after the trim cutout switches are moved to the cutout position, the system will detect the lack of trim motor response to the autopilot command and illuminate the STAB OUT OF TRIM light. Therefore, the requested additional annunciation is not necessary.

2. Comments Regarding Display of AOA DISAGREE Alert

Comment summary: Several commenters, including the UAE GCAA, requested that the AOA DISAGREE alert be displayed in the pilot's primary field of view and/or on the Head Up Display (HUD).

FAA response: Paragraph (j) of this AD requires installation of new MDS software including functionality to display the AOA DISAGREE alert on each pilot's PFD if the left and right AOA values differ by more than 10 degrees for more than 10 seconds. The PFDs are in the primary field of view in front of each pilot, and are therefore consistent with the commenters' request. Regarding the message also showing on the HUD, the FAA notes that HUDs are optional equipment. For airplanes with HUDs installed, updated HUD software will display AOA DISAGREE on the HUD if it is being displayed on the PFD. The HUD software is not required by this AD. No change to this AD is necessary based on this comment.

3. Comments Regarding Omission of AOA DISAGREE Alert From 737 MAX

Comment summary: Several commenters asked why the AOA DISAGREE alert was not included in the original 737 MAX design.

FAA response: The AOA DISAGREE alert is a standard design feature on the 737 NG fleet (600/700/800/900/900ER) and was intended to be standard for the 737 MAX, but it was instead erroneously linked by the manufacturer to an optional AOA indicator (which some refer to as a gauge). The optional AOA indicator is a round dial that provides graphic and numeric AOA position information on both PFDs. Because of this error, only airplanes with the (optional) AOA indicator had a functioning AOA DISAGREE alert. This was incorrectly implemented by the manufacturer during the display software development, and was not identified until after the 737 MAX entered into service.

4. Comments Regarding Display of AOA Indicators

Comment summary: Several commenters, including BALPA, suggested that the optional AOA indicators (gauges) be made basic to the airplane, or offered as a no-cost option, so they are available to check accuracy and enhance pilot situational awareness. Another commenter asked why there is no standby (third) AOA indicator.

FAA response: The AOA position indicators are not required for compliance with design standards with regard to pilot situational awareness. The cues to the pilots as the airplane approaches stall are inherent in other airspeed and attitude information displayed on the PFDs, which provide situational awareness and are described earlier in this preamble. In response to the question about a third AOA indicator, the FAA notes that there is no requirement to have any AOA indicator for compliance with 14 CFR part 25 standards.[5] The FAA has not changed this AD based on this comment.

5. Comments Regarding Additional Aural Alerts

Comment summary: A commenter stated that the AOA DISAGREE alert, as well as IAS DISAGREE and ALT DISAGREE alerts, need a corresponding aural alert for immediate two-sense awareness of the condition by the flightcrew.

FAA response: The AOA DISAGREE, IAS DISAGREE, and ALT DISAGREE alerts show on both PFDs in the pilots' primary field of view. This design has been assessed, tested, and found compliant with 14 CFR part 25. The FAA has not changed this AD based on this comment.

[5] This preamble addresses elsewhere a comment suggesting the addition of a third independent AOA input, which would be required to provide data to a third independent AOA indicator.

E. Specific Concerns About Crew Interface

1. Comments Regarding Flightcrew Maintaining Control of Airplane

Comment summary: Numerous commenters stated that the pilot must be able to maintain control of the airplane. A commenter expressed concern that MCAS remains vulnerable to a combination of MCAS commands and pilot inputs that would generate the repetitive MCAS activations that occurred during the accident flights. The commenters requested that the FAA ensure that the pilots have the physical strength required to make column inputs to counter system failures. These commenters stated that the system design should be changed to include an independent means to turn MCAS off via a dedicated MCAS shutoff switch, which would be different from and independent of the aisle stand cutout switches. The commenters suggested including a guard that would illuminate the MCAS shut-off switch when MCAS is inoperative and provide a corresponding aural warning.

FAA response: None of the identified additional system changes are necessary to achieve the objective that the flightcrew must be able to maintain control of the airplane. The new MCAS design and associated pilot procedures and training focus on the pilot's ability to control and remain in control of the airplane.

The new MCAS has several features to ensure that the pilot maintains control. With the new MCAS design, pilot inputs to the trim switches do not reset MCAS. Therefore, the new MCAS is not vulnerable to the same repetitive cycles of MCAS activation that occurred during the accident flights.

The new MCAS design will (1) detect failures and not command MCAS if those failures occur; (2) result in only a single activation of MCAS for certain dual failures; and (3) in the event the airplane experiences multiple high AOA events, it will limit the stabilizer movement so the pilot can always maintain control of the airplane using only the control column.

The FAA also notes that the Runaway Stabilizer NNC (as revised and required by paragraph (h) of this AD) is a means for a pilot to stop MCAS commands and any electric command to the stabilizer trim motor. That procedure is another safety feature in the unlikely event the airplane experiences erroneous stabilizer trim movement.

Regarding the comments suggesting a dedicated switch to disable MCAS to include a guard, light, or aural warning, the FAA notes that when MCAS is

disabled due to detected faults, the Master Caution and system annunciator panel (FLT CONT), as well as the SPEED TRIM light on the P5 overhead panel, will be illuminated. The new MCAS is compliant with 14 CFR part 25 certification standards and addresses the unsafe condition, so it is not necessary to change the design to add a dedicated switch to disable MCAS or add an additional light or aural alert.

2. Comments Regarding Function of Aisle Stand Cutout Switches

Comment summary: Numerous commenters suggested changing the design of the aisle stand stabilizer trim cutout switches to resemble the design on pre-MAX versions of Model 737 airplanes. On those earlier Model 737 airplanes, two guarded switches on the aft end of the center aisle stand, aft of the throttle levers, are used to stop electric commands to the stabilizer trim motor. The pilots are directed to use the switches by two NNCs: Runaway Stabilizer and Stabilizer Trim Inoperative. In both procedures, the pilot is directed to ''place both STAB TRIM cutout switches to CUTOUT.'' On the earlier models of the Boeing Model 737, the switches have distinct functions (labeled ''main'' and ''auto'') where one (auto) would cut out all FCC-generated stabilizer commands (autopilot and speed trim) and the other (main) would cut out pilot-generated commands (from the pilot thumb switches). On the 737 MAX, however, the switches are wired in series, and both perform the same function (primary and backup): To cut out all electric commands to the stabilizer (both FCC-generated commands and pilot commands). The commenters asserted that the configuration of the earlier (pre-MAX) Boeing Model 737 airplanes would allow the pilot to disable MCAS commands while retaining the ability to make electric trim inputs using the thumb switches. The commenters expressed concern that pilots would be required to use manual trim for the remainder of that flight.

FAA response: No change to the design or this AD is necessary to address the commenters' concerns. The new MCAS has redundancy (receives inputs from two AOA sensors and is implemented by two FCC computers) and will automatically disable MCAS for the remainder of the flight if certain failures are detected. For detected failures where MCAS stops making commands, the pilot does not use the aisle stand cutout switches, and retains the ability to use thumb switches to control the stabilizer. The only time the thumb switches would be unavailable is if the pilot moves the aisle stand cutout switches to the cutout position; in that event, the pilot has the option to use manual trim to move the stabilizer. As discussed in the next paragraph, manual trim forces have been assessed and deemed acceptable.

3. Comments Regarding Manual Trim Forces

Comment summary: Many commenters, including the Allied Pilots Association, ALPA, BALPA, Ethiopian Airlines Group, and the UAE GCAA, expressed concerns regarding the 737 MAX manual trim system and the forces required to control and trim the aircraft following a failure of the STS (including MCAS). Some questioned the mechanical advantage provided by the manual trim system and whether it had been evaluated in flight testing. A commenter stated that it takes 15 turns of the pitch trim wheel to get just one degree of horizontal stabilizer movement, and some pilots may lack the strength to make those turns if the required force is too high. The commenter suggested pilots should be required to take a yearly strength test to determine whether they are capable of pulling a yoke or turning the pitch trim wheel in simulated emergency conditions.

FAA response: Following the Ethiopian Airlines accident, the 737 MAX manual trim system design and force requirements were an area of intense focus by the Ethiopian Aircraft Accident Investigation Bureau, the FAA, Boeing, and other CAAs, which continued throughout the FAA's evaluation and testing of the new FCC software and new MCAS during certification. The data from the Ethiopian Airlines accident indicates that the high trim wheel forces experienced during that accident were the result of significant horizontal stabilizer mis-trim combined with excessive airspeed. The new FCC software limits the maximum mis-trim that could occur for any foreseeable failure of the STS, thus ensuring the pilot can maintain control of pitch using the column only, without requiring exceptional pilot skill, strength, or alertness. Additionally, the FAA evaluated the manual trim system for the unlikely event that manual trim will be necessary. This included detailed analysis of manual trim wheel forces as a function of both dynamic pressure and out-of-trim state, testing to measure and assess the strength capability of an anthropometric cross-section of male and female subjects, and FAA flight testing to quantitatively validate manual trim wheel forces and qualitatively evaluate the ability to control the airplane for continued safe flight and landing. These flight test conditions and the associated analysis included maximum out-of-trim conditions well beyond those possible for any failure conditions in the new MCAS design and included the most critical aircraft configurations and airspeeds to the operational airspeed limit of the flight envelope (referred to as Vmo/Mmo). The FAA determined that manual trim wheel forces meet FAA safety standards and do not require exceptional pilot skill or strength nor any special or unique handling techniques as suggested by some of the commenters. Improvements to the Runaway Stabilizer non-normal procedure proposed in the NPRM and mandated by this final rule include steps to help ensure column forces remain manageable and reduce manual wheel trim forces in the unlikely case where manual trim may be needed. Additionally, this AFM procedure and pilot training emphasize the first priority in an emergency is to maintain control of the airplane, and also include specific information about the manual trim system including techniques for effectively using manual trim. Therefore, the FAA has made no changes in finalizing this AD related to the manual trim system or related AFM non-normal procedures.

4. Comments Regarding Availability of Automation After MCAS Failure

Comment summary: A commenter stated that the autopilot and autothrottle should be available following an MCAS failure. The commenter expressed concern that MCAS will be triggered routinely due to turbulence and gusts during cruise, and its shutdown would render the autopilot inoperative. The commenter noted that when autopilot is not available, airplanes are prohibited from flight at higher altitudes where airplanes fly with reduced vertical separation minima (RVSM).

FAA response: In most cases, autopilot and autothrottle are available following an MCAS failure. Flight testing of the new MCAS has demonstrated that it will not be triggered due to turbulence and gusts. The new MCAS design is such that following certain MCAS failure scenarios, the system will allow for engagement of the autopilot and autothrottle. Flightcrew training and procedures identify when the flightcrew may attempt to engage the autopilot and/or autothrottle. If the Runaway Stabilizer NNC is used, the use of autopilot is prohibited by the procedure.

5. Comments Regarding Selection of Air Data Source

Comment summary: A commenter wanted the air data system to be revised to allow for selection of offside data if onside data is erroneous (*i.e.,* the captain can select to display first officer's data, or vice versa), and ideally to automate it to prevent the display of erroneous data.

FAA response: This comment regarding the air data system is not related to the unsafe condition addressed by this AD. The Boeing 737 air data system is federated such that independent air data (altitude, airspeed, and AOA) from the captain's side is used to provide information on the captain's PFD, while independent air data from the first officer's side is used to provide information on the first officer's PFD. The unsafe condition addressed by this AD concerns a single high erroneous AOA generating repetitive MCAS behavior, which, in combination with multiple flight deck effects, could affect the flightcrew's ability to accomplish continued safe flight and landing. The requirements of this AD address the MCAS issue.

6. Comments Regarding Suppression of Overspeed Warning

Comment summary: A commenter stated that the warning system needs to be revised so that the overspeed aural warning can be suppressed manually by the flightcrew.

FAA response: This comment is not related to the unsafe condition addressed by this AD. Like the airspeed and stick shaker, the overspeed aural warning is federated in a left/right configuration aligning with the captain's and first officer's sides of the airplane. The system meets the certification standards applicable to this airplane and was certificated without a provision for suppressing the aural warning.

7. Comments Regarding Crew Procedure To Extend Flaps

Comment summary: Two commenters suggested adding a crew procedure to extend the flaps in the event of an MCAS failure. They noted that MCAS is available only when the flaps are retracted, which indicates that the airplane does not need MCAS when the flaps are extended.

FAA response: It is not necessary to add a new flightcrew procedure for extending the flaps in order to counter an MCAS failure. With the new MCAS design, time-critical crew procedures are not required to mitigate MCAS failures. Furthermore, extending the flaps at high airspeeds could damage the flaps and cause controllability problems. The FAA has not changed this AD regarding this issue.

F. Suggestions for Crew Procedure Changes

1. Comments Regarding AFM Crew Procedure Adequacy

Comment summary: Several commenters, including BALPA, NATCA, ALPA, Boeing, the Allied Pilots Association, the JEMOG, Ethiopian Airlines Group, A4A, and SWAPA, requested that the FAA modify the emergency and non-normal procedures contained in the proposed AD. These comments covered several of the proposed checklists, with an emphasis on the Airspeed Unreliable and Runaway Stabilizer checklists. The comments included requests to make small changes involving typographical errors, to add information to checklists, to simplify checklists, to shorten or reduce the number of memory items, and to develop checklists for certain specific failure cases. Three commenters, including BALPA and Ethiopian Airlines Group, recommended providing a combined Airspeed Unreliable and Runaway Stabilizer checklist for certain specific failure conditions.

Finally, ALPA commented that, while it supported in principle the potential changes to the Unreliable Airspeed checklist described in the addendum to the draft 737 FSB Report, it cannot provide support or opposition to any such changes without reviewing the checklist as modified. ALPA proposed that the FAA release the final Airspeed Unreliable Checklist for public review and comment after modification with the potential refinements described in the addendum.

FAA response: The FAA has made several changes to the checklists, taking into consideration not only comments provided in the context of the NPRM, but also in response to the outcomes from the FAA FSB evaluation. The inputs from the FAA FSB were the result of collaboration with other CAAs during the JOEB. The JOEB conducted an extensive evaluation of the proposed procedures and training conducted by a wide variety of crews, including line pilots with levels of experience ranging from high to low and regulatory pilots from four separate CAAs during the NPRM comment period.

The AFM procedures specified in the proposed AD were the result of procedural development conducted by FAA test pilots, human factors, and operations personnel (along with other engineering and operational experts from other CAAs and from Boeing), which considered a myriad of similar aspects as the procedures were developed and evaluated. Additionally, the procedures were evaluated during FAA certification, including human factors evaluations to determine compliance to 14 CFR 25.1302, and system safety assessments to determine compliance to 14 CFR 25.1309. The FAA convened a team of test pilots, operational pilots, and human factors experts during the development of the AFM procedures specified in the proposed AD. The FAA convened a similar team to consider each procedural comment made during the NPRM comment period and to determine if changes were warranted to improve safety.

A4A and SWAPA expressed concern that there are too many recall items in the Runaway Stabilizer non-normal procedure, and included a suggestion for how to reduce the number of steps. The suggestion included combining some recall items to achieve fewer numbered steps, but with multiple embedded actions in each recall item, such that the suggested changes would result in the same number of required flightcrew actions. The FAA agrees that it is desirable to minimize recall items when appropriate. The recall steps in the non-normal procedures required by paragraph (h) of this AD reflect flightcrew actions required to address a runaway stabilizer condition. Based on the FAA's evaluation and in coordination with human factors specialists, the FAA determined that the commenters' proposed changes would complicate the recall steps and would increase the likelihood that a critical flightcrew action is forgotten or missed. The FAA considered all of the commenters' requests in the context of crew workload, clarity of instruction, consistency with training objectives, and consistency with other procedures contained in the AFM. The FAA declines the request to combine checklists because checklists must be applicable to all potential failure conditions, not just the specific failure conditions noted by the commenters. Additionally, the failure conditions where a combined checklist might be useful were evaluated by multiple flightcrews, resulting in a conclusion by the FAA that, primarily due to the new MCAS required by this AD, the order and content in which these two checklists were accomplished is not critical to continued safe flight and landing.

The FAA made minor changes to the procedures that were proposed in the NPRM. The changes simplify and

correct grammatical and typographical errors in, the Airspeed Unreliable non-normal checklist (figure 2 to paragraph (h)(3) of this AD) as follows:

- Removed the words ''using performance tables from an approved source,'' which contradicted the next sentence.
- Corrected a typographical error to specify actions if the ''captain's and first officer's altitude indications are both unreliable'' instead of the proposed ''captain's or first officer's altitude indications are both unreliable.''
- Revised a note to correct a typographical error; the corrected text refers to ''DA/MDA,'' while the previous text referred to ''DH/MDA,'' and revised the last sentence for clarity.
- Revised a sentence to specify that the pitch bar may ''automatically'' be removed, thus clarifying that removal does not require pilot action.
- Revised a sentence to specify ''An AFDS pitch mode'' instead of ''Selection of an AFDS pitch mode.''
- Added a note to specify ''only use flight director guidance on the reliable PFD.''

The FAA also revised the ALT Disagree non-normal checklist (figure 8 to paragraph (h)(9) of this AD) to correct a typographical error in the proposed AD. The corrected text refers to ''DA/MDA,'' while the proposed text referred to ''DH/MDA.''

To the extent that ALPA suggests the addendum contained insufficient information to provide a meaningful comment, the FAA notes that the addendum identified the areas of potential checklist refinement and the reasons why refinement may be necessary. The JOEB's operational evaluation of the proposed checklists generated potential refinements that did not result in any substantive change to the checklists proposed in the NPRM. Rather, the results of the evaluation indicated that minor revisions to the unreliable airspeed checklist, which are reflected in this AD, may be appropriate. As such, there was no need for the FAA to publish the ''final checklist'' with the 737 FSB Report. However, because the FAA was aware that additional information obtained during the operational evaluation could have an impact on the final checklists, it provided notice of the findings in an addendum to the 737 FSB Report and sought comment from the public. The FAA finds that the addendum provided sufficient information for commenters to assess the potential revisions and offer alternatives to the proposed checklist to address the concerns suggested by the operational evaluation.

2. Comments Regarding Crew Procedure To Disable Stick Shaker

Comment summary: Several commenters, including the Allied Pilots Association, ALPA, BALPA, Ethiopian Airlines Group, and the UAE GCAA, expressed concerns regarding the attention-getting nature of the stick shaker and requested a change to the procedures to include a means to suppress an erroneous stick shaker, including procedures to pull the associated stick shaker circuit breaker. In contrast, a commenter expressed a concern with the possible safety risks of including a procedure to pull the stick shaker circuit breaker in order to silence the warning.

FAA response: The FAA infers that the commenters are suggesting there is an unacceptably high flightcrew workload when stick shaker is activated erroneously. The 737 stall warning/stick shaker is, by design, attention getting and can be a distraction during an erroneously high-AOA event. However, after careful evaluation, the FAA has not changed the AFM non-normal procedure to include pulling the stick shaker circuit breakers in this final rule, for the following reasons.

The FAA evaluated all failure conditions of the new FCC software as part of certification of the proposed system changes. The new FCC software removes the potential for repeated, uncommanded MCAS inputs in the presence of an erroneous high AOA sensor input. This new design therefore removes the most significant contributor to unacceptably high flightcrew workload. With the new FCC software on the 737 MAX, the FAA tested and assessed all remaining flight deck effects, including erroneous stick shaker, during all foreseeable failure conditions, including high-AOA sensor failures during the most critical phases of flight (such as during takeoff or go-around). With the remaining flight deck effects and associated crew workload, these failures and effects were found compliant and safe.

The FAA considered the commenters' concerns that an erroneous stick shaker may pose a distraction for the crew, and evaluated that scenario with procedures that include steps to silence an erroneous stick shaker stall warning via a circuit breaker pull. The FAA finds that an erroneous stick shaker, while it may pose a distraction to the flightcrew, does not affect controllability of the airplane. The stick shaker circuit breaker locations also do not meet FAA requirements for convenient operation for emergency controls for the complete range of pilots from their normal seated position in the flight deck, leading to possible distraction from their primary duties to safely control and monitor the aircraft. Furthermore, inclusion of these additional steps would add cognitive and physical workload to an already substantial Airspeed Unreliable non-normal procedure, and errors in locating and pulling the correct circuit breaker may lead to other airplane hazards. Balancing the concerns associated with adding a procedure to pull circuit breakers against the distraction of an erroneous stick shaker, the FAA has concluded that the design is compliant and safe, and therefore no change to the proposed non-normal procedures related to silencing the 737 MAX stall warning is required for this AD.

3. Comments Regarding Changes Associated With Crew Procedures

Comment summary: The FAA received comments from A4A, JEMOG, Air China, Ameco, and several other commenters regarding the new AFM non-normal procedures that were primarily administrative in nature rather than specific recommended changes. A commenter recommended referring to the AFM non-normal procedures as ''updates'' versus ''new'' as stated in the NPRM. Another commenter stated that the proposed new non-normal procedures were different and more complicated than previous Boeing Model 737 non-normal procedures. Another commenter disagreed with the FAA's proposed allowance to insert the figures containing the non-normal procedures directly into the AFM. A4A expressed concern with the memory items in the proposed AFM non-normal procedures and use of Quick Reference Cards (QRCs) by some operators. Finally, a commenter requested that the FAA assess the proposed procedures in light of one pilot instead of a crew of two.

FAA response: While it is true that some of these non-normal procedures can be viewed as updates to existing procedures, such as those in the operator's Quick Reference Handbook, this AD addresses AFM non-normal procedures that are part of the required type design change to the 737 MAX. The FAA is mandating removal of old, and replacement with new, AFM non-normal procedures. These AFM changes will result in corresponding changes to flightcrew training and operations materials including applicable Quick Reference Handbook Non-Normal Checklists such that they reflect these new AFM procedures.

Regarding the comment about the added complexity in the new AFM non-normal procedures compared to

previous Boeing Model 737 procedures, as previously noted the AFM procedures specified in the proposed AD were thoroughly vetted by the FAA and others, as previously described in the ''Related Actions'' section. The AFM procedures are required by this AD as part of the 737 MAX design changes; their complexity has been reduced during the FAA's certification activity, and they have been validated by the FSB during the JOEB evaluation.

To facilitate immediate incorporation of new AFM non-normal procedures, the FAA allows for copies of the figures to be inserted directly into the existing AFM if needed. That provision is specified in paragraph (h) of this AD. The FAA agrees that revised AFMs should be provided to operators, and the FAA expects those revisions will be available from Boeing following issuance of this final rule.

The FAA did not assess use of QRCs, which are operator specific. Should an operator wish to use QRCs that deviate from the AFM procedures specified in paragraph (h) of this AD, the operator must coordinate with its principal inspector or responsible Flight Standards Office and submit a request for an alternative method of compliance (AMOC) to the requirements of this AD.

Finally, while most tasks in the flight deck could be accomplished by a single pilot, the FAA notes that the 737 MAX is certified with two pilots as the minimum crew, in accordance with 14 CFR 25.1523.

No change to this AD is necessary based on these comments.

4. Comments Regarding Disabling Elevator Feel Shift

Comment summary: A commenter requested that the flight control system disable differential feel in the event it is triggered falsely by an erroneous high AOA condition.

FAA response: The FAA infers the commenter is referring to the Elevator Feel Shift (EFS), which is associated with identification of a stall on 737 NG and 737 MAX airplanes based on AOA sensor data. Although both MCAS and EFS use AOA data, only MCAS can move the horizontal stabilizer. The EFS changes control column feel force, but does not use the horizontal stabilizer trim system to initiate the changed feel force. This comment is unrelated to MCAS and the unsafe condition addressed by this AD. The FAA considered this system during the analysis, flight testing, and human factors assessments performed prior to approval of the new MCAS implemented by the FCC software required by paragraph (g) of this AD. No change to this AD is necessary based on this comment.

5. Comments Regarding Timeliness of Flightcrew Procedures

Comment summary: Boeing recommended that the FAA revise a sentence in the sixth paragraph of the Proposed Design Changes section of the NPRM to clarify the use of ''timeliness'' as it relates to the flightcrew performing a non-normal procedure. Boeing stated that there is an element of timeliness expected in flightcrew responses to all non-normal events.

FAA response: The FAA intentionally referred to the ''timeliness'' of the flightcrew performing a non-normal procedure in the proposed AD. The 737 MAX flight control design at the time of the Lion Air and Ethiopian accidents relied on pilot use of secondary flight controls (*i.e.,* the electric trim switches) in a particular way (large continuous commands versus several short duration commands) or use of the Runaway Stabilizer non-normal crew procedure (using aisle stand cutout switches or grasping the manual trim control wheel), in a relatively short amount of time, for certain failure conditions (erroneous MCAS command) to retain aircraft control and ensure continued safe flight and landing. Control of the airplane during this failure scenario depended on these timely crew actions. With the new MCAS implemented by the FCC software required by this AD, basic control of the airplane is ensured for all potential failure conditions through the use of only the primary flight controls (*i.e.,* control column), without the need for particular and timely pilot reactions on non-primary controls. Therefore, the FAA has determined that no change to this AD is warranted.

G. Suggestions Regarding Monitors/Maintenance/Operations

1. Comments Regarding AOA Sensor Checks and Monitoring

Comment summary: Several commenters offered input regarding suggested additional checks and monitoring of the AOA sensors, including doing a visual inspection before flight, continuously monitoring the AOA sensor electrical circuits, comparing AOA sensor values before flight, and continuously monitoring them throughout the flight. The commenters asked whether the monitors can detect damage (*e.g.,* damage that occurs while at the gate) to an AOA sensor while on the ground. The commenters noted that the NPRM did not mention ground operations actions regarding vulnerable AOA vanes. The commenters requested expansion of the one-time AOA sensor system test (required by paragraph (l) of this AD) to a regularly scheduled repetitive action (not just one time before the airplane is returned to service).

FAA response: The vane-style AOA sensor used on the 737 MAX is a common instrument installed on many transport airplanes. The existing preflight walk-around inspection of the airplane includes a visual check of the condition of the AOA sensors. These AOA sensors include electrical circuits that measure the angle of the sensor. The position-sensing electrical circuits are continuously monitored and can detect if an electrical circuit is compromised. The AOA sensors also include electrical heaters in the body of the sensor and within the vane that aligns with local airflow and rotates within the sensor as AOA changes. The electrical current to the AOA heaters is monitored to detect a heater failure. The left and right AOA sensor values are not compared before flight because AOA sensors can be moved by winds. The left and right AOA sensor values are compared during flight and before the data is used by MCAS. If the difference between them is more than 5.5 degrees, MCAS will be disabled. If an AOA sensor is damaged while at the gate, the typical damage would be a bent or broken vane. This damage could be detected during the preflight inspection. If the heater circuit is damaged, the heater failure will be annunciated. If a vane is bent only a small amount, there may be small differences between the captain's and first officer's altitude and airspeed indications. Paragraph (l) of this AD requires a one-time check of the AOA sensors to verify that the AOA sensors are calibrated correctly and the AOA heaters are working properly. Scheduled checks of the AOA sensors are not necessary due to the preflight inspections, the continuous circuit monitors, and the pilots' use of altitude and airspeed data affected by the AOA sensors.

2. Comments Regarding AOA Sensor Calibration and Testing

Comment summary: A commenter requested improved calibration and testing of critical AOA sensors.

FAA response: The Collins Aerospace Component Maintenance Manual (CMM) that is used for calibrating the 737 MAX AOA sensors as they are assembled has been updated with a new final check to verify that the AOA sensor has been calibrated correctly. This new check uses a simple independent electrical test that will

detect whether the more sophisticated calibration equipment was configured and used correctly. The AOA sensor is tested on the airplane using the AOA sensor system test in the AMM. This test is specified in Boeing Special Attention Service Bulletin 737–00–1028, dated July 20, 2020, which is required by paragraph (l) of this AD. The test is required to ensure that all 737 MAX AOA sensors are properly calibrated and the heaters are operational prior to return to service. Therefore no change to this AD is necessary based on this comment.

3. Comments Regarding Discerning AOA Sensor Failures

Comment summary: The Turkish DGCA, Ethiopian Airlines Group, and other commenters proposed to integrate information from the various AOA sensor electrical circuits and other data available on the airplane to establish when there is an AOA sensor failure and when data from the AOA sensor should not be used. Data from the Ethiopian Airlines Flight 302 accident shows a detected AOA heater failure coincident with the sensed AOA transitioning rapidly to a large AOA value.[6] The commenters also noted that with the failure of the AOA sensor heater, the AOA sensor is more vulnerable to icing and consequently could provide unreliable AOA output values. Proposed scenarios that would cause AOA sensor data to be disregarded include the following: Heater failure, heater failure combined with a rapid change in the AOA sensor position to a position consistent with vane departure, AOA disagree at 90 knots during takeoff, unreasonable AOA for flight conditions, and an AOA that disagrees with the estimated (synthetic) AOA.

FAA response: FAA regulations do not require the integrated failure detection capability requested by the commenters, and the 737 MAX air data system does not include this capability. The FAA has determined that no change to this AD is necessary because heater failures are annunciated, and the Unreliable Airspeed NNC provides guidance for pilots to establish whether there is reliable available data.

[6] Figure 56, ''AOA Values During the Beginning of the Flight,'' of Report No. AI 01/19, ''Interim Investigation Report on Accident to the B737–8 (MAX) Registered ET–AVJ operated by Ethiopian Airlines on 10 March 2019,'' dated March 9, 2020, of the Federal Democratic Republic of Ethiopia Ministry of Transport Aircraft Accident Investigation Bureau.

4. Comments Regarding Use of Erroneous AOA Sensor Data

Comment summary: A commenter noted that it would be preferable to suppress the effects of a faulty AOA sensor by declaring it failed and disregarding it.

FAA response: The unsafe condition identified in this AD is addressed by the required actions, including installation of the new FCC software (with the new MCAS) which compares AOA sensor data supplied to it. The actions required by this AD do not change the existing 737 MAX air data system, which includes monitoring and determination of AOA sensor failures, which was certificated without the capability suggested by the commenter.

5. Comments Regarding Use of STAB OUT OF TRIM Light

Comment summary: Several commenters, including ALPA and the UAE GCAA, had questions and concerns regarding the STAB OUT OF TRIM light function and use. The commenters noted the new use of the light to annunciate FCC failures, and had questions about where the light is located, when the light would be illuminated, whether pilots would see it, and whether depressing the RECALL button would be required. Other commenters were concerned that a light with a dual meaning could lead to what they referred to as a ''Helios'' type of event, and therefore there should be a new separate light.

FAA response: On the 737 MAX, there is one STAB OUT OF TRIM light located on the captain's forward instrument panel above the inboard display. Per figure 6 to paragraph (h)(7) of this AD, on the ground the light will illuminate if there is a partial failure of an FCC. In flight, the light will illuminate if the autopilot does not set the stabilizer trim correctly. Dispatch is prohibited when the STAB OUT OF TRIM light is illuminated while on the ground. With electrical power on, for certain failures of an FCC, the light will be illuminated continuously, such that no recall action is required of the pilot to have the light annunciate a fault. The light is in a location that is visible by both pilots.

The FAA infers that the commenter's reference to Helios is regarding the Helios Airways Flight 522 accident on August 14, 2005,[7] related to confusion with a single flight deck warning used for a dual purpose. On that 737–300 airplane, a single warning served to annunciate two different, unrelated issues: Takeoff configuration warning and cabin altitude warning, with two associated distinct flightcrew procedures. The function of the STAB OUT OF TRIM light implemented by this AD (it is in the FCC software) is associated with only one flightcrew procedure (the Stabilizer Out of Trim NNC required by this AD). Per that procedure, if the light is illuminated on the ground the flightcrew is directed to not takeoff. Therefore, a new separate light is not required. No change to this AD is necessary based on these comments.

[7] Hellenic Republic Ministry of Transport & Communications Air Accident Investigation & Aviation Safety Board (AAIASB) Helios Airways Flight HCY522 Aircraft Accident Report, dated November 2006 (*https://data.ntsb.gov/Docket/?NTSBNumber=DCA05RA092*).

6. Comments Regarding Periodic Testing of MCAS

Comment summary: A commenter suggested that MCAS have either an automatic or a manual self-test that could be tied to the stall warning system test.

FAA response: Based on the suggestion to tie a self-test to the stall warning system test, the FAA infers that the commenter is suggesting that this test be conducted every day. Frequent testing of MCAS is not required to comply with FAA reliability requirements (14 CFR 25.1309). Even though MCAS is intended only for use during non-normal flight conditions, the elements of the air data and flight controls system associated with MCAS are used during every flight and are continuously monitored. These include AOA sensors and associated wiring, ADIRUs, databuses, FCCs, and FCC-generated stabilizer trim commands, such as STS commands or autopilot commands. An existing CMR (22–CMR–01 in the Boeing MPD) does an operational check of speed trim and stabilizer trim discrete associated with the FCC computers. Certification of the new MCAS required implementing a new CMR (22–CMR–02), which requires periodic testing to verify proper functioning of the stabilizer trim enable ground path and autopilot arm cutout switch. In summary, while MCAS is not explicitly tested each flight, any problem with AOA, ADIRU, FCC, software, etc., will be evidenced immediately by existing monitors and alerts to be resolved by maintenance prior to subsequent dispatch, and therefore does not need to be tested. The FAA has not changed this AD based on this comment.

7. Comments Regarding Maintenance of MCAS

Comment summary: A commenter noted that there is little mention of

maintenance in the NPRM. Another commenter asked whether dispatch is prohibited after MCAS failure. Another commenter inquired about procedures for recording, diagnosing, and repairing the system before another flight.

FAA response: Design changes mandated via an AD often have new or revised maintenance documents associated with them.

All of these 737 MAX maintenance-related documents have been revised:

- Boeing 737 Fault Isolation Manual (FIM)
- Boeing 737 Aircraft Maintenance Manual (AMM)
- Boeing 737 Maintenance Planning Document (MPD)
- FAA Maintenance Review Board Report
- FAA Master Minimum Equipment List (MMEL) (referenced in paragraph (i) of this AD)
- Collins Aerospace Component Maintenance Manual (CMM) for AOA Sensor

This AD requires accomplishment of certain Boeing service bulletins that reference sections of the AMM. Paragraph (i) of this AD requires actions related to the MMEL. The FAA has released a maintenance Safety Alert for Operators (SAFO), SAFO 20015, Boeing 737–8 and 737–9 Airplanes: Return to Service,[8] that identifies related documents.

U.S. airlines must have an approved maintenance program as a condition of their approval to operate in the U.S. In response to the comment pertaining to operation after MCAS failure, the MMEL does not allow dispatch of the airplane with failure of the STS, which includes MCAS. Maintenance will utilize the FIM and AMM to assess the system, isolate the fault, resolve the issue, and then return the airplane to service.

For shop repair of AOA sensors, the Collins Aerospace CMM was updated to add a final check using different equipment to ensure the sensor was not mis-calibrated.

For scheduled periodic maintenance, two new tasks are included in the FAA's Maintenance Review Board Report and in the Boeing MPD. The first is Item 22–011–00 in the Boeing MPD, which is an operational check of the MCAS discrete to verify the integrity of MCAS. The other new task is Item 22–030–00 in the Boeing MPD, which is also a CMR (22–CMR–02) that operationally checks the stabilizer trim enable ground path and autopilot arm cutout switch.

[8] SAFO 20015 is available at *https://www.faa.gov/other_visit/aviation_industry/airline_operators/airline_safety/safo/all_safos/.*

Boeing notified 737 MAX operators that these documents were revised and published via customary communication methods. U.S. part 121 and part 135 operators must use current CMRs per their OPS SPECS D072 Aircraft Maintenance—Continuous Airworthiness Maintenance Program (CAMP) Authorization. Continued eligibility for a CAMP authorization depends on the operator incorporating MPD revisions (which include CMRs) into their maintenance programs.

8. Comments Regarding Oversight of Maintenance Program

Comment summary: A commenter asked who and what documents and/or procedure ensures that the maintenance program is enforced.

FAA response: For airplanes registered in the United States, operators must have an approved maintenance program and must adhere to it. The FAA oversees U.S. operators. Foreign operators are regulated and overseen by the civil aviation authority of their country.

9. Comments Regarding Redundancy in the Master Minimum Equipment List

Comment summary: A commenter noted that figure 10 to paragraph (i) of the proposed AD contained redundant information. The commenter stated that within figure 10 to paragraph (i) of the proposed AD, both step (2) and step (8) specify that the autopilot disengage aural warning system must be operating normally for dispatch. The commenter added that item 22–10–02 (which is discussed in note 2 to paragraph (i) of the proposed AD; now note 3 to paragraph (i) of this AD) was deleted in revision 2 of the MMEL.

FAA response: The FAA agrees that the items mentioned are redundant. However, this redundancy does not affect compliance with the AD. In addition, this redundancy will be addressed in the next revision of the MMEL. No change to this AD is necessary based on this comment.

10. Comments Regarding Inclusion of AOA Sensors in MMEL

Comment summary: A commenter asked if the AOA sensors and MCAS are in the MEL. The commenter stated that if the AOA and MCAS are essential, then they must be included in the MEL so that pilots cannot take off if the AOA sensor or the connection between the AOA and MCAS is degraded or failed.

FAA response: The FAA infers that the commenter is asking that the AOA sensors and MCAS be excluded from the MMEL, meaning that the equipment must be operative for dispatch. On April 10, 2020, the FAA published the FAA-approved Boeing 737 MAX B–737–8/–9 MMEL, Revision 2, after public notice and opportunity for comment. The 737 MAX MMEL does not allow dispatch with the STS (which includes MCAS) inoperative, and it does not allow dispatch with the position sensing circuit in an AOA sensor inoperative. The monitoring that would prevent this dispatch would also detect a failure in the communication between the AOA sensors and the MCAS function in the FCCs. The MMEL, which includes AOA sensor heaters, allows for limited dispatch with inoperative AOA heaters, provided the airplane is not operated in known or forecast icing conditions. No change to this AD is necessary based on this comment.

11. Comments Regarding Inclusion of AOA Sensor Heaters in MMEL

Comment summary: The UAE GCAA noted that currently ''AOA heating system, flight control system, and AP/YD'' are MMEL ''go'' items in most cases, except for long-range operations and in-icing conditions. The UAE GCAA noted that it is sometimes difficult for flightcrews to avoid icing in some flight conditions. The UAE GCAA asked that the FAA and Boeing make these items ''no go'' in the MMEL.

FAA response: As previously noted, the FAA approved revisions to the MMEL that removed provisions for dispatch related to MCAS failures. The MMEL continues to include provisions for limited dispatch for other unrelated degradation of the flight control system, the autopilot, and yaw damper. Regarding the AOA heating system, no changes are required for MMEL item 30–31–02. The MMEL currently states that the AOA sensor heaters may be inoperative, provided the aircraft is not operated in known or forecast icing conditions. However, if icing conditions are encountered, the potential effects due to unheated vanes, including to air data and to MCAS, do not rise to a hazardous level.

12. Comments Regarding Typographical Error in Note 2 to Paragraph (i) of the Proposed AD

Comment summary: A4A stated that note 2 to paragraph (i) of the proposed AD incorrectly refers to MMEL item 22–11–06–2B instead of MMEL item 22–11–06–02B.

FAA response: The FAA concurs and has revised this note, now note 3 to paragraph (i) of this AD, to refer to MMEL item 22–11–06–02B.

13. Comments Regarding Removal of Note in Item (4) Within Figure 10 to Paragraph (i) of the Proposed AD

Comment summary: A4A stated that the FAA should correct conflicts between the NPRM and policies regarding MEL items pertaining to several aspects of the flight control system (FCS). A4A noted that figure 10 to paragraph (i) of the proposed AD contains a note under item (4) stating that both FCCs must be operative to dispatch. A4A explained that there are several FCC functions that will continue to have MMEL deferral relief, as specified in figure 10 to paragraph (i) of the proposed AD and Revision 2 of the MMEL. A4A added that the item (4) statement in figure 10 to paragraph (i) of the proposed AD (which states that speed trim function must be operative for dispatch), combined with the deletion of the Speed Trim deferral allowance from Revision 2 of the MMEL, provides a clear indication that Speed Trim must operate normally for dispatch. For these reasons, A4A recommended that the note be removed.

FAA response: The FAA has removed the note identified in the A4A comment. The intent of the note was to emphasize that FCC deactivation is no longer permitted; this deactivation was associated with Speed Trim Function relief in previous MMEL revisions. This deactivation came as part of a required maintenance procedure supported by Boeing in the Dispatch Deviation Guide (DDG). The FAA acknowledges that the note is unnecessary, and the revised MMEL itself addresses the condition specified in the note. For these reasons, the FAA has revised this AD to remove the note that was under item (4) in figure 10 to paragraph (i) of the proposed AD.

H. Suggestions for Crew Reporting and Crew Procedures

1. Comments Regarding Crew Reporting of Irregularities

Comment summary: A commenter stated that a procedure should exist mandating that every 737 MAX operator inform Boeing, the FAA, and local authorities when any stall warning activation, airspeed disagree alert, altitude disagree alert, or AOA disagree alert occurs in normal operation (excluding test flights or readiness flights).

FAA response: For U.S. operators, 14 CFR 121.563 requires the pilot in command to ensure all mechanical irregularities occurring during flight time are entered into the maintenance log of the airplane at the end of that flight time. 14 CFR 121.533, 121.535, and 121.537 also place responsibility for operational control with the operator and require operators to exercise operational control through approved or accepted procedures that lead to the safe dispatch and operation of a flight. Operators may also provide additional reporting and/or data collection such as irregularity reports, Aviation Safety Action Program reports, flight operational quality assurance data, or ad-hoc data collection from flight data recorders or from aircraft communicating and reporting system (ACARS) as part of their operational control system. 14 CFR 121.703 requires reporting of emergency actions during flight, such as stick shaker activations. The FAA has not changed this final rule regarding this issue.

2. Comments Regarding Consistency of 737 MAX and 737 NG AFM Procedures

Comment summary: The BALPA questioned whether applicable procedure changes from the 737 MAX AFM would be applied to the Boeing 737 NG AFM to avoid confusion if pilots serve in both the Boeing 737 MAX and the Boeing 737 NG.

FAA response: The FAA expects Boeing will update the eight non-normal procedures included in this final rule in the Boeing 737 NG AFM. The FAA is considering mandating these 737 NG AFM changes by a separate AD rulemaking action. Additionally, the new special emphasis areas [9] described in section 9.2 of the 737 FSB Report, also apply to the Boeing 737 NG. Therefore, pilots serving in mixed fleet operations of the Boeing 737 MAX and the Boeing 737 NG will have consistent procedures and training in both airplanes. The FAA has not changed this final rule regarding this issue.

3. Comments Regarding Flight Crew Operations Manual Content

Comment summary: The Turkish DGCA commented that a comprehensive description of the flight director bias out of view needed to be included ''in FCOM'' (the FAA infers the commenter is referring to a Flight Crew Operations Manual) to ensure pilots will understand that manual flight is necessary. Another commenter stated that the ''MAX system'' (which the FAA infers means MCAS) must be included in the pilot's manual.

FAA response: The information requested by the commenters is in the AFM. In addition, the FAA has confirmed that Boeing will include the information requested by the commenter in the FCOM (which is not mandated by this AD) after publication of this AD.

I. Comments Related to Pilot Training and the Use of Simulators for Pilot Training

The FAA received several comments to the NPRM docket related to pilot training and certification and the qualification and use of simulators for pilot training. The FAA appreciates this input and, where appropriate, considered the information in other related actions (*e.g.,* finalizing the 737 FSB Report). Although the comments are beyond the scope of this rule, the FAA provides the following responses.

1. Comments Regarding Simulator Training

Comment summary: Several commenters, including Flyers Rights, ALPA, and the Turkish DGCA, stated that the FAA must require simulator training for pilots operating the Boeing 737 MAX including training on specific areas.[10] Two commenters also recommended that the FAA address perceived deficiencies in 737 MAX simulators related to accurate representations of the force required by pilots to turn the pitch trim wheel manually.

FAA response: As noted, this AD does not mandate pilot training. However, consistent with the results of the JOEB operational evaluation and in accordance with 14 CFR 121.405(e), the FAA is requiring air carriers to revise all Boeing 737 MAX training curricula to include the special training as described in the 737 FSB Report. This special training includes training on all of the areas identified by the commenters, including the use of manual stabilizer trim in an FFS. The FAA has taken steps to verify that, in accordance with 14 CFR 60.11(d), flight simulation training device (FSTD) sponsors have evaluated the manual stabilizer trim system for proper control forces and travel on each

[9] 737 FSB Report, paragraph 6.11, defines a ''special emphasis area'' as ''A training requirement unique to the aircraft, based on a system, procedure, or maneuver, which requires additional highlighting during training. It may also require additional training time, specialized FSTD, or training equipment.''

[10] Commenters suggested the following areas be included in simulator training: Stall recovery, flight displays, what to do if the AOA disagree light illuminates, maneuvers with the AOA sensor failed, training that mimics the forces needed by pilots, intricacies of the manual trim wheel and how to implement two-pilot intervention, autopilot disconnect and flight director bias out of view, dependencies between MCAS and the other aircraft systems, and differences in behavior when MCAS is operational versus when MCAS has failed. Another commenter also noted that computer-based training (CBT) should include the AOA disagree warning system and the instrument panel gauges.

FAA-qualified Boeing 737 MAX FFS. If the forces do not meet the specified requirements of 14 CFR part 60, Appendix A, the FSTD sponsor must not allow use of the FFS to conduct training on the manual stabilizer trim wheel.

The FAA recommends that commenters review the 737 FSB Report and SAFO 20014, Boeing 737–8 and 737–9 Airplanes: Pilot Training and Flight Simulation Training Devices (FSTDs) Updates for more information on air carrier pilot training requirements for the MAX.[11]

2. Comments Regarding New Pilot Type Rating

Comment summary: Some commenters suggested that the FAA establish a new type rating for the Boeing 737 MAX because, according to the commenters, the 737 MAX behaves differently than the Boeing 737 Next Generation (NG), and differences training is not adequate to address the changes in the 737 MAX from the previous series. Commenters suggested that a new type rating would ensure that 737 MAX pilots are properly trained especially in abnormal and emergency situations. The UAE GCAA raised concerns regarding a mixed fleet consisting of both the Boeing 737 MAX and the Boeing 737 NG, suggesting that the FAA needed to examine the impact of mixed fleet operations on crew training.

FAA response: The FAA establishes type ratings through an operational evaluation of an aircraft conducted by a Flight Standardization Board. The same process determines the differences training required for a variation of the aircraft type (*e.g.,* a new series). For each new series of Boeing Model 737 airplanes, the FAA conducted the described evaluation and determined that the same pilot type rating applies to all Boeing Model 737 airplanes. The FAA finds that this evaluation process has properly determined that the Boeing 737 type rating is appropriate for the 737 MAX. However, in accordance with 14 CFR 121.400(c)(5), differences training is required for air carrier pilots to serve on a new series of the Boeing 737. As outlined in the 737 FSB Report, the differences training from the Boeing 737 NG to the 737 MAX includes ground and flight training on abnormal and emergency situations.

Regarding concerns about mixed fleets, the FAA notes that the new special emphasis areas described in section 9.2 of the 737 FSB Report also apply to the Boeing 737 NG. Therefore, pilots serving in mixed fleet operations of the Boeing 737 MAX and the Boeing 737 NG will have consistent training in both airplanes. The FAA refers commenters to the 737 FSB Report for further information specific to this issue.

3. Comments Regarding Manual Flying Proficiency

Comment summary: Several commenters asserted that pilots have an over-reliance on automation and need training on manual flying skills to ensure proficiency.

FAA response: Although these comments are not within the scope of the proposed rule, the FAA notes that air carrier pilots are required to demonstrate and maintain proficiency of manual flying skills.[12] The FAA's commitment to ensuring manual flying proficiency is evident in its publication of several advisory circulars (ACs) and SAFOs related to this topic.[13]

The FAA continues to emphasize proficiency in manual flying skills for air carrier pilots by requiring 737 MAX special pilot training that focuses on manual trim operations, manual flight during MCAS demonstration at high angles of attack, and manual flight with an unreliable airspeed condition. The 737 MAX special training is described in Appendix 7 of the 737 FSB Report.

In September 2019, the FAA presented a working paper at the International Civil Aviation Organization (ICAO) Assembly seeking the establishment of a new panel that would address pilot training and automation dependency. This panel would be an important step in understanding the scope of automation dependency globally and bring the international community together to work towards accepted solutions that could reduce the variability in how the issue is addressed by individual CAAs.

With broad support for establishing a panel at the Assembly, the ICAO Air Navigation Commission approved the establishment of a new Personnel Training and Licensing Panel (PTLP) in June 2020. The U.S. has been named a member of this panel and the panel's work is anticipated to begin in early 2021. The FAA will continue to advocate for taking steps to address automation dependency, manual flight operations proficiency, and improving pilot management of automated systems globally. No change to this AD is necessary based on these comments.

4. Comments Regarding Inclusion of Low-Time Pilots in Operational Evaluation

Comment summary: The UAE GCAA stated the operational evaluation should include low-time pilots with a commercial pilot license.

FAA response: As previously described in the ''Related Actions'' section, the FAA completed the operational evaluation jointly with EASA, ANAC, and TCCA in September 2020. The operational evaluation of the 737 MAX with the new MCAS included pilots from multiple countries with varying levels of experience, including a low-time pilot with a commercial pilot license.

J. Requests for Clarification

Several commenters sought additional information about operation and behavior of certain systems on the 737 MAX.

1. Comments Regarding Various AOA Thresholds

Comment summary: Several commenters asked questions regarding the different thresholds used by the new FCC and MDS software when comparing AOA values. They asserted that use of different thresholds and different computers should be eliminated. They were concerned that different thresholds for the two monitors could cause confusion. They noted that if the difference in AOA values is between the two thresholds, MCAS would be disabled but the AOA DISAGREE annunciation would not take place.

FAA response: The FAA provides the following clarification. At lower speeds (flaps extended), the acceptable difference between the left and right AOA values is larger. MCAS operates with flaps fully retracted (higher airspeeds), where the acceptable difference is smaller.

Airplanes experience significantly different sideslip conditions during low-speed flight compared to high-speed flight, resulting in larger differences between left and right sensed AOA values at low airspeed when compared to high airspeed. It is therefore appropriate for MCAS, which operates only at high airspeeds (with the flaps retracted), to have a smaller acceptable

[11] The 737 FSB Report is available at *https://fsims.faa.gov/PICResults.aspx?mode=Publication&doctype=FSBReports;* and SAFO 20014 is available at *https://www.faa.gov/other_visit/aviation_industry/airline_operators/airline_safety/safo/all_safos/*

[12] See 14 CFR 121.423, 121.424, 121.427, 121.441, and part 121 Appendices E and F.

[13] See AC 120–109A, Stall Prevention and Recovery Training; AC 120–111, Upset Prevention and Recovery Training; AC 120–114, Pilot Training and Checking (14 CFR part 121, subparts N and O, including Appendices E and F); SAFO 13002 Manual Flight Operations; and SAFO 17007 Manual Flight Operations Proficiency.

difference (tighter tolerance) than the AOA DISAGREE alert, which functions throughout the flight envelope (low and high airspeeds). With this tighter tolerance, MCAS will be disabled with the smaller difference between AOA sensor inputs; thus, preventing erroneous MCAS commands. No change to this AD is necessary based on these comments.

2. Comments Regarding MCAS Activation Prior to Stick Shaker

Comment summary: Several commenters stated that the thresholds for MCAS activation and for stick shaker activation should ensure that stick shaker occurs after MCAS activation.

FAA response: The AOA threshold associated with MCAS activation is less than the AOA threshold associated with stick shaker. Therefore, MCAS will activate prior to stick shaker.

3. Comments Regarding Function of Column Cutout Switches

Comment summary: Several commenters stated that the NPRM did not explain the hardware and software modifications that provide new functionality for control column cutout. They stated that there are three conditions of control column cutout: Main electric stabilizer trim column cutout, FCC trim column cutout, and FCC trim software column cutout. They asked that the FAA explain the significant modification on the control column cutout as part of this AD.

FAA response: The functionality of the column cutout switches is described in section 6 of the ''Preliminary Summary of the FAA's Review of the 737 MAX,'' dated August 3, 2020, which was included in the docket for this AD at the time of publication of the NPRM. At the base of the control column are column cutout switches. They inhibit stabilizer trim commands if the control column moves more than a few degrees in a direction opposite to the trim command. For example, if the stabilizer trim command is in the airplane nose-down direction and the pilot pulls the column aft to raise the nose of the airplane, then the column cutout switches will inhibit the command to the stabilizer. There are column cutout switches for commands initiated by the pilot using the thumb switches on the control wheels, and for commands initiated by the FCC for autopilot and speed trim commands. The new FCC software installed as required by paragraph (g) of this AD includes a redundant software equivalent of the physical switches that interrupt FCC commands. An FCC will not make a stabilizer command if the column position is more than a few degrees in the opposite direction of the pending stabilizer command. The exception occurs when there is an MCAS airplane nose-down command during high-AOA flight, when the pilot is typically pulling aft on the control column. During the short duration of an MCAS activation, the physical and software column cutouts will be temporarily bypassed to allow the MCAS command.

4. Comments Regarding Term Used in NPRM for Wiring Change

Comment summary: A commenter suggested changing the description of wiring associated with the horizontal stabilizer trim system. The NPRM described one of the wires as ''arm'' wiring, and the commenter suggested that the wiring be referred to as ''power'' wiring.

FAA response: The wiring nomenclature in the NPRM is consistent with that of the service information required by paragraph (k) of this AD. No change has been made to this AD based on this comment.

5. Comments Regarding Autopilot Engagement During Stick Shaker

Comment summary: A commenter asked whether the autopilot can be engaged with the stick shaker active. The commenter noted that flight data recorder data from the ET302 flight shows that the autopilot was engaged while the stick shaker was active.

FAA response: Flightcrew training informs pilots how to recover from a stall, which does not include engagement of the autopilot. In some cases, the autopilot can be engaged or remain engaged while a single stick shaker is active. For example, an AOA sensor failure (*e.g.,* ET302 flight) can cause persistent erroneous stick shaker that would also affect airspeed and altitude displayed to one of the pilots. The Airspeed Unreliable procedure required by paragraph (h) of this AD directs flightcrews to disengage the autopilot, then later allows for autopilot engagement, but only after a reliable airspeed indication has been determined. No change has been made to this AD based on this comment.

6. Comments Regarding Retention of INOP Markers

Comment summary: Several commenters questioned why the FAA proposed to mandate removing ''INOP'' markers as part of paragraph (j) of the proposed AD. They suggested that the INOP markers be retained as a backup or to draw the attention of the flightcrew.

FAA response: The INOP markers are simply stickers that are covering one of the selectable positions of a dial on the electronic flight instrument system (EFIS) panel. After installation of the software required by paragraph (j) of this AD, a display setting that had been inoperative will be operative. Removal of the INOP marker will allow the flightcrew to select and use the now operative display setting. No change to this AD has been made based on these comments.

7. Comments Regarding Boeing Model 737 STS Failures

Comment summary: Several commenters noted that the STS has been on Boeing Model 737 airplanes since the Boeing Model 737 Classic airplanes, implemented with a single FCC in control of the function. They stated that the STS has always been subject to the failure conditions that drove MCAS to require a dual FCC solution. They asserted that the STS has not failed to date, but seems vulnerable to a future failure. They asked whether there is a plan to address STS on prior models, or if the unhindered aft column cutout saves those airplanes from further hazards.

FAA response: These comments do not pertain directly to the unsafe condition of the Boeing 737 MAX that this AD addresses, and therefore no change to this AD is required based on these comments. Relevant to these comments, however, the new FCC software installed on the 737 MAX includes a cross-FCC monitor that will detect and stop any erroneous FCC-generated stabilizer commands, including STS/MCAS commands. Earlier Boeing 737 models (pre-MAX) include full-time column cutout switches, which effectively protect against an erroneous stabilizer trim command. The pilot stops, or cuts out, the trim command by moving the control column to oppose the uncommanded trim input. Because of this design difference between the 737 MAX and earlier versions of the Boeing Model 737, the FAA is not aware of any need to change earlier Boeing 737 models in this respect.

K. Changed Product Rule/Regulations Allowance

This section addresses comments regarding how the FAA certificates new and derivative aircraft, the overall configuration of the 737 MAX, whether it is appropriate to include systems like MCAS on airplanes, and specific comments suggesting changes to crew alerting and indication on the 737 MAX.

1. Comments Regarding Certification of Derivative Airplane Models

Comment summary: Several commenters, including the Families of Ethiopian Airlines Flight 302 and NATCA, did not consider it appropriate that FAA regulations allowed for 737 MAX airplanes to be certificated as derivative airplanes of the older, existing Boeing 737 Type Certificate. They highlighted that all Model 737 airplanes are included on the same type certificate. They stated that FAA regulations related to this practice should be amended to disallow this. A commenter suggested that type certificates should expire. Some commenters contended that FAA regulations allow for existing type certificates of older designs to be modernized excessively to avoid complying with new more restrictive requirements. They stated that every variation needs to be thoroughly reviewed as if it were new. They also stated that when certifying a derivative aircraft, standard improvements should be required, such as to include brake temperature gauges, to make upgrades to the airspeed system, and to introduce triple redundancy for critical systems. Lastly, they stated that the 737 MAX airplane needs to be recertified with a new type certificate. Specific to the 737 MAX, they cited the new, larger engines installed on the old airframe, the age of stabilizer trim system, and the flight deck caution and warning system.

FAA response: The comments recommend broader reforms to 14 CFR 21.19 and 21.101 and associated guidance that address the criteria and process used by the FAA, and the other major civil aviation authorities, when assessing proposed changes to existing products. These comments do not pertain specifically to correcting the unsafe condition addressed in this AD. The corrective action mandated by this AD addresses the identified unsafe condition.

2. Comments Regarding Configuration of 737 MAX

Comment summary: Several commenters, including the Families of Ethiopian Airlines Flight 302, Flyers Rights, and Aerospace Safety and Security, Inc., expressed fundamental concerns with the configuration of the 737 MAX. They stated that the design should be changed, and should not have been certificated originally. They cited the new, larger engines installed on the older airplane in a new location that is forward and higher, and potential associated impacts to aerodynamics, weight and balance, and pitch-up tendency. Redesign suggestions include the following: Reverting to using the old engines, replacing the engines with smaller engines, redesigning the nacelles so they do not generate lift, and increasing the height of the airplane by extending the landing gear.

FAA response: The FAA does not prescribe particular designs, but rather assesses the regulatory compliance and safety of designs proposed by an applicant. In this case, the FAA certificated the configuration of the MAX with its current configuration of wing, engine, landing gear, nacelles, etc., with MCAS as part of the design. Since the initial certification of the MAX, an unsafe condition was identified and is addressed by the actions mandated by this AD. The FAA has determined that the resultant configuration, which includes the new MCAS, is compliant with the 14 CFR part 25 regulatory requirements and is safe.

3. Comments Regarding Inclusion of MCAS

Comment summary: Several commenters, including the Families of Ethiopian Airlines Flight 302, stated that MCAS should not be retained on the airplane. Some asserted that FAA regulations do not (or, if they do, they should not) allow for inclusion of a stability augmentation system like MCAS on an airplane. They stated the airplane should be redesigned via an aerodynamic configuration change, as discussed previously, such that it is stable without MCAS, instead of relying on automation like MCAS to make it stable. They stated that if MCAS is installed, it would be unacceptable for the airplane to become unstable with MCAS inoperative. They questioned how much divergent pitch instability is permitted in commercial aircraft. They stated MCAS should be replaced with an elevator system solution to resolve a column force issue.

FAA response: The FAA does not have a factual basis to mandate removing MCAS from the airplane and finds that the unsafe condition is appropriately addressed by the requirements of this AD. In addition, FAA regulations 14 CFR 25.21, 25.671, and 25.672 provide for inclusion of stability augmentation systems in showing compliance to those standards. Stability augmentation systems are common features included in the design of modern transport category airplanes. Subpart B of 14 CFR part 25 requires transport airplanes to have stable pitch characteristics. The 737 MAX airplane is stable both with and without MCAS operating. This has been demonstrated on the MAX during FAA flight testing. Regarding the suggestion to revise the elevator system, the FAA does not prescribe design, but rather assesses proposed designs, and the FAA finds the new MCAS meets FAA safety standards.

4. Comments Regarding Crew Alerting System

Comment summary: The Families of Ethiopian Airlines Flight 302 suggested simplifying the Crew Alert System on the 737 MAX so that flightcrews are not overwhelmed by multiple warning systems. They asserted that due to provisions of 14 CFR 21.101, the 737 MAX does not fully comply with 14 CFR 25.1322 concerning flightcrew alerts. They asserted that an FAA rule (14 CFR 21.101) allows for determining that it would be ''impractical'' to comply with later amendments of regulations because the anticipated safety benefits do not justify the costs necessary to comply with later amendments. They asserted that the Boeing 737 MAX does not fully comply with 14 CFR 25.1322(b)(3), which requires advisory alerts ''for conditions that require flightcrew awareness and may require subsequent flightcrew response''; 14 CFR 25.1322(c)(2), which mandates that warning and caution alerts ''must provide timely attention-getting cues through at least two different senses by a combination of aural, visual, or tactile indications''; and 14 CFR 25.1322(d), which states that ''the alert function must be designed to minimize the effects of false and nuisance alerts.''

Separately, NATCA recommended that all changes to the 737 MAX comply with the flightcrew alerting requirements in 14 CFR 25.1302 amendment 25–137 and 25.1322 amendment 25–131. Specifically, NATCA contended that the exception to 14 CFR 25.1322(b)(2), (b)(3), (c)(2), (d)(1), and (d)(2) granted by the FAA for the 737 MAX should not be granted for the cockpit changes that would be implemented by the proposed AD.

Finally, another commenter suggested conducting a holistic evaluation of flight deck human factors and crew alerting, at least ensuring all alerts comply with regulations, and reevaluate the exception to the crew alerting regulation, and to ideally require installation of an engine indication and crew alerting system (EICAS) on the 737 MAX.

FAA response: The 737 MAX complies with 14 CFR 25.1322, as specified in that airplane's certification basis. The 737 MAX crew alerting system is not substantially changed

from the 737 NG crew alerting system, which has been shown through service history to be reliable and safe. The FAA has determined the existing certification basis for the 737 MAX airplane is appropriate for the design changes necessary to correct the identified unsafe condition.

The FAA lacks a factual basis to require any changes (simplifying the crew alerting system or converting to EICAS) other than those proposed in the NPRM and mandated by this AD. The unsafe condition associated with this AD is related to MCAS and how it contributed to pilot workload. The changes mandated by this AD effectively address the unsafe condition.

This AD includes two changes related to the crew alerting system. First, the MDS software change required by paragraph (j) of this AD implements the AOA DISAGREE alert that was certificated, but erroneously not implemented, during the initial certification of the 737 MAX. The other change is implemented by the new FCC software required by paragraph (g) of this AD, which changes the conditions for which the existing SPEED TRIM FAIL and STAB OUT OF TRIM lights are illuminated. No change to this AD is necessary based on these comments.

5. Comments Regarding Autothrottle Indication

Comment summary: NATCA asked the FAA to require design changes to the autothrottle indication to meet current certification regulations, which are 14 CFR 25.1329(k) at amendment 25–119 and 25.1322.

NATCA stated that the Autothrottle Disconnect alert on the 737 MAX is a red flashing light with no aural component, which does not meet the standard alert definitions in 14 CFR 25.1322 and 25.1329(k).

FAA response: This request is unrelated to the unsafe condition addressed by this AD. There are no changes to the autothrottle associated with this AD.

L. Certification Process

1. Comments Regarding Compliance and Certification Rigor of MCAS

Comment summary: Some commenters had several questions regarding the certification associated with the new MCAS, including the basis for assessing the change, whether the change complies with applicable regulatory requirements, and the rigor associated with the certification effort. The commenters questioned the aviation standards that the FAA used to certify MCAS, including whether the certification basis is the latest (as commenters believe it should be), whether MCAS complies, and whether MCAS would comply if it were installed as part of a new airplane. The comments were associated with hazard classifications of the software and of certain failures of MCAS, Speed Trim, and the pitch trim systems. The commenters asserted that a single-channel system cannot be upgraded to a dual-channel system via a software change only, and that a hardware change must also be required. Another commenter asked whether certification testing was done with MCAS failed. Other commenters suggested specific flight test scenarios.

FAA response: The initial 737 MAX certification and the recent certification of changes to the 737 MAX used the 737 MAX certification basis as documented in the Type Certificate Data Sheet. In some areas, the regulations in the certification basis are at earlier amendment levels, as allowed by 14 CFR 21.101. The new MCAS complies with those design standards, and addresses the unsafe condition identified in this AD. While certifying the new MCAS, the FAA determined the hazard levels associated with potential failure scenarios after thorough review, including failure scenarios assessed by FAA pilots.

The new MCAS software was certified as Level A using Radio Technical Commission for Aeronautics, Inc. (RTCA) DO–178 ''Software Considerations in Airborne Systems and Equipment Certification'' as a means of compliance, per Advisory Circular 20–115. Regarding the assertion that the new MCAS software is insufficient and that a hardware change is needed, the existing hardware on the 737 MAX airplane includes two AOA sensors and two FCCs; therefore, with only a software change to the existing dual-FCC and dual-AOA hardware configuration, MCAS became a dual-channel system. In addition to the dual architecture, the new FCC software that implements MCAS includes integrity monitoring and cross-FCC monitoring. The flight test program included flights with MCAS failures, and the FAA determined the set of test scenarios to be sufficient for demonstrating compliance with applicable 14 CFR part 25 regulations.

2. Comments Regarding Embedding Pilots in Certification Process

Comment summary: Several commenters, including BALPA, suggested that pilots should be embedded in the certification process and that average airline pilots should be considered. BALPA stated that the MAX accidents were due to modifying aircraft with a commonality of design that precluded the need for a level of certification rigor that the modification deserved. BALPA cited the Kegworth accident with B737 Engine Instrument System (EIS) change that did not necessitate a new type rating for EIS-equipped models. BALPA asserted that had line pilots been involved in certification of that EIS and assessing its efficiency in imparting information to the pilots, then a different outcome may have occurred.

FAA's response: The FAA confirms that operational pilots were an integral part of the certification of the 737 MAX. Several types of pilots were embedded in the certification process. The FAA has flight test pilots from its Aircraft Certification Service and aviation safety inspector pilots from the Flight Standards Service participate in various parts of the certification process. Additionally, the certification process involves a cooperative effort from not just the FAA, but also the aircraft manufacturers, who closely consult with their customers. The 737 MAX procedures and training were evaluated by the FAA, EASA, ANAC, and TCCA, including evaluations by pilots from foreign CAAs and airline pilots from many different countries representing a wide range of experience. Associated with the actions required by this AD, 737 MAX flightcrew procedures and training have been updated and evaluated by the FSB to ensure flightcrews are provided information about MCAS and that flightcrews will be trained on the new system before operating the 737 MAX.

3. Comments Regarding Assessment of Flightcrew Response Times

Comment summary: The FAA received two comments, including one from the Families of Ethiopian Airlines Flight 302, expressing concern regarding what they described as unrealistic expectations for pilot response times after failures. The commenters noted that the flightcrew is a key part of the aircraft control system, and pilot reaction and response used for certification must be operationally representative and scientifically validated. A commenter stated that Boeing failed to examine sufficiently the hazard of repeated MCAS activation due to erroneously high AOA and failed to consider properly the real-world pilot reaction to flight deck effects during these potential failures.

FAA response: The FAA agrees that pilot reaction and response used for certification should be operationally

representative and validated. The FAA utilized the findings and recommendations from the accident reports and auditing entities to drive a closer evaluation of airmanship and pilot response. This resulted in extensive FAA design reviews and validations conducted in engineering simulators and in-flight tests. With the original MCAS design, pilots had full control authority over MCAS, but had to use the electric stabilizer trim switches, and could disable the system using the stabilizer trim cutout switches. The new MCAS design eliminates the need for time-critical pilot actions beyond normal pitch attitude control using the column alone for any foreseeable failures. The FAA evaluated possible failures, including AOA failures, during all phases of flight under the most critical (*i.e.,* takeoff and go-around) phases of flight and conditions. All associated flight deck effects were replicated, and the workload and effect of each in combination was considered and validated. These evaluations were conducted using a wide range of FAA test pilots, FAA operations pilots, training pilots, and domestic and international pilots of varying experience. The evaluations were monitored by human factors specialists to validate pilot reactions to possible failures of the new design.

The changes to the 737 MAX required by this AD address the unsafe condition. Therefore, the FAA has not changed this final rule based on these comments.

4. Comments Regarding Integrated Review Including MCAS

Comment summary: Flyers Rights commented that MCAS should be evaluated from an integrated whole-aircraft system perspective, and evaluated with the appropriate catastrophic failure designation.

FAA response: The FAA evaluated MCAS from an integrated whole-aircraft system perspective. During certification of the new MCAS, Boeing developed and the FAA approved an integrated SSA that assessed systems that interface with MCAS. The FAA also approved an analysis of single and multiple failures, which considered comprehensive impacts of single and multiple failures. The FAA concluded that for certification of the new MCAS, Boeing applied the appropriate hazard category designations.

M. Proposed AD Revisions and Data Requests

1. Comments Regarding Clarification of the Unsafe Condition

Comment summary: A commenter suggested the FAA clarify that the agency's intent is to address the following unsafe condition: ''Failures that results in repeated nose-down trim commands of the horizontal stabilizer, that if not addressed, could cause the flightcrew to have difficulty controlling the airplane, and lead to excessive nose-down attitude, significant altitude loss, and possible impact with terrain.''

FAA response: The FAA's description of the unsafe condition in this AD is accurate. The commenter's proposed description of the unsafe condition is specific to the narrow accident scenarios. However, the unsafe conditions and corrective actions addressed by this AD encompass not only those scenarios described by the commenter, but also other related scenarios, to ensure they do not occur in service.

2. Comments Requesting Additional Information

Comment summary: The FAA received a variety of requests for additional information from numerous commenters, including the Families of Ethiopian Airlines Flight 302 and the Turkish DGCA. These requests ranged from general to specific. The most broadly-worded included requests for ''all'' data used by the agency to make its findings and to propose this rule, and for ''technical details of the proposed fixes.'' Slightly more tailored requests asked for all data that showed the airplane's stall characteristics were safe. Very specific requests also were made, such as for the MCAS SSA including its fault trees and failure modes and effects analyses (FMEAs), a full description of system input signals and functions, and details of the in-depth reviews that a commenter stated took place to establish the acceptability of implementing MCAS through tailplane movement. Another commenter asked for internal objections by FAA employees to the NPRM.

FAA response: In reviewing whether a particular issue is an unsafe condition that requires corrective action, the FAA relies upon data provided by the manufacturer, including the manufacturer's contractors and suppliers, which they have designated as proprietary.

The records submitted by the manufacturer to show compliance with FAA regulations consist of highly technical data and proprietary compliance methods that the manufacturer developed specific to the 737 MAX design changes. The Trade Secrets Act (TSA) prohibits the FAA and its employees from disclosing companies' proprietary information. 18 U.S.C. 1905. The information is likewise protected from disclosure under Freedom of Information Act (FOIA) Exemption 4, and would not be available to members of the public through a FOIA request for public access. 5 U.S.C. 552(b)(4).

The FAA supports the public's rights to be reasonably informed of the basis for agency rulemaking. This does not, however, require putting interested members of the public in a position to reconstruct for themselves the underlying technical analyses that are based on proprietary data; rather, the FAA has provided, as the law specifies, ''either the terms or substance of the proposed rule or a description of the subjects and issues involved.'' 5 U.S.C. 553. If the FAA were to disclose or force the disclosure of manufacturers' proprietary data, there is risk of a chilling effect that would make U.S. aviation less safe. Manufacturers could become hesitant to provide the FAA with fulsome design and manufacturing information that best supports the FAA in addressing potential unsafe conditions, instead seeking to provide only a bare minimum of information required by 14 CFR 21.3 and 121.703. FAA analysts would have difficulty obtaining needed technical data, or such details could be slow in forthcoming during what are sometimes very urgent analyses.

This particular NPRM was accompanied by the service bulletins for all of the design changes except for one, and a nearly 100-page summary of technical information in the ''Preliminary Summary of the FAA's Review of the Boeing 737 MAX,'' dated August 3, 2020. This information fairly apprised the public of the issues under consideration in this rulemaking and enabled informed responses, as evidenced by the more than two hundred submitted comments, many of which were highly technical.

For example, the FAA received thirty comments regarding the adequacy of two AOA sensors on the 737 MAX, with many suggesting that three sensors are necessary to address the unsafe condition. Some of these commenters provided detailed engineering rationale, which was possible based on generally available knowledge of how AOA sensors work; their reliability; and general principles on system design, system architecture, and system safety analysis techniques. The information

that the FAA supplied thus enabled the public to provide thoughtful comments on the agency's proposal. As another example, regarding the new FCC software, the NPRM provided a detailed explanation of how the new MCAS functions (as implemented by the new FCC software), and how the FAA proposed that those functions would address the unsafe condition. Also, in the ''Preliminary Summary of the FAA's Review of the Boeing 737 MAX,'' dated August 3, 2020, the FAA explained the safety standards that the agency applied to the software, and how the agency validated that the new software would function as intended. Without the need for underlying detail such as the actual MCAS software code, which could not be interpreted unless it is installed in the airplane or simulator, the information that the FAA supplied enabled meaningful comments on the software's functions and how those functions address the unsafe condition.

Regarding the request for internal objections by FAA employees to the NPRM, this final rule represents the considered position of the FAA based on the totality of the agency's work.

3. Comments Regarding Inclusion of Wiring Change in Proposed AD

Comment summary: Several commenters noted that the proposed AD would mandate wiring separation; however, it was not clear to the commenters how separating wiring prevents the repeated nose-down trim commands that this AD is intended to correct. The Boeing service information indicates that a short circuit between the ''Arm,'' one of the Control signal lines, and a 28 VDC source will cause a stabilizer trim runaway. A commenter noted that a continuous trim runaway command is a different scenario from repeated nose-down trim commands, and stated that continuous trim runaway should be addressed via an AFM procedure. While the commenter agreed that future production aircraft should incorporate this corrective action, the commenter did not find that an AD mandating corrective action was warranted.

FAA Response: As noted in the NPRM, Boeing re-assessed the stabilizer trim control system and identified areas of non-compliance with applicable regulations. The Boeing system safety analysis for the stabilizer trim control system assessed compliance of the revised system (with wires separated). Boeing and the FAA determined that wire separation is needed on the Boeing Model 737 MAX to bring the airplanes into compliance with the FAA's wire separation safety standards (14 CFR 25.1707).

Regarding the commenter's statement about continuous trim runaway, the Runaway Stabilizer NNC required by figure 3 to paragraph (h)(4) of this AD is the AFM procedure to be used ''[i]f uncommanded stabilizer movement occurs continuously or in a manner not appropriate for flight conditions.''

4. Comments Regarding Operational Readiness Flight

Comment summary: Several commenters, including Air China, Ameco, and the UAE GCAA, had questions about the operational readiness flight required by paragraph (m)(1) of this AD. They did not think the ''Operational Readiness Flight'' (ORF) is sufficiently defined in Boeing Special Attention Service Bulletin 737–00–1028, July 20, 2020. They suggested that Boeing publish a separate flight test document for the 737 MAX ORF rather than the profile in the service bulletin. They asked whether an AMOC is required if there is a deviation from the ORF requirements in this AD. They asked whether a subsequent ORF is required if a fault is identified during the ORF required by this AD.

FAA response: The requirements of the ORF are intentionally brief and concise and are specified in the service bulletin. The requirements are to achieve flaps-up flight at or above 20,000 feet above mean sea level (MSL). If a flight achieves these two criteria, the ORF is completed. There are no specific test conditions or required maneuvers. The requirement is written to allow operators the flexibility to utilize their own typical procedures and flight profiles, provided they include flight with the flaps up, at or above 20,000 feet above MSL. The service bulletin includes a suggested flight profile, which an operator may choose to use. The FAA does not anticipate the need for AMOCs related to paragraph (m)(1) of this AD due to the brevity of the requirement.

If a fault is identified during the ORF, a subsequent ORF is not required by this AD; however, the operator should resolve the discrepancy using standard procedures, which may require a test flight. Paragraph (m)(2) of this AD requires resolving any mechanical irregularities that occurred during the ORF following the operator's FAA-approved maintenance or inspection program, as applicable.

5. Comments Regarding Necessity for Flight Permit

Comment summary: A4A noted that all Required for Compliance (RC) steps must be completed ''before further flight'' (including the ORF in paragraph (m) of the proposed AD) to fully address the NPRM referenced unsafe condition. A4A asked the FAA to clarify the airworthiness of the aircraft prior to completing the ORF.

FAA Response: The FAA did not intend the reference to ''before further flight'' in paragraph (m)(1) of this AD to include the ORF. Therefore, the FAA has revised paragraph (m)(1) of this AD to require the ORF to be completed ''before any other flight.'' The FAA finds that completion of the actions specified in paragraphs (g) through (l) of this AD is adequate to accomplish the ORF safely. Ferry flights are permitted prior to or after the ORF as stated in paragraph (n) of this AD.

6. Comments Regarding Warranty Coverage of Wiring Change Costs

Comment summary: A commenter asserted that the cost of the horizontal stabilizer wiring change would be borne by the operators, and suggested that the wiring change should be done at Boeing's expense.

FAA response: Boeing Service Bulletin 737–27–1318, identified in the NPRM as the appropriate source of service information for the horizontal stabilizer wiring change, states that warranty remedies are available for airplanes in warranty as of March 6, 2020. Although the NPRM provided all costs, it also noted, ''[a]ccording to the manufacturer, some or all of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected operators.'' No change to this AD is necessary based on this comment.

7. Comments Regarding Change to AOA Sensor System Test Costs

Comment summary: Based on new data, Boeing clarified and updated the amount of time it will take to perform the AOA sensor system test: 10 work-hours instead of 40 work-hours. Boeing noted that Boeing Special Attention Service Bulletin 737–00–1028, dated July 20, 2020 (the source of service information identified in the NPRM for this test), overstated the time required. Boeing subsequently re-evaluated the time it takes to do the test and determined the 10-work-hour estimate better reflects the actual time required to do the AOA sensor system test. Boeing reported this update in Information Notice IN–737–00–1028–00–01.

FAA response: The FAA concurs with this requested change to the work-hour estimate for the reasons provided by the commenter, and has updated the ''Costs

of Compliance'' section in this final rule accordingly.

N. Requests for Clarification of Preamble Statements

Various commenters requested clarification of preamble statements.

1. Comments Regarding Preamble Changes From Boeing

Comment Summary: Request to clarify purpose of AOA sensors: Regarding the Proposed Design Changes section, Boeing requested that the FAA change ''[t]he updated FCC software would also compare the inputs from the two sensors to detect a failed AOA sensor'' to ''[t]he updated FCC software would also compare the inputs from the two sensors to detect a disagreement between the AOA sensors.'' Boeing stated that this comment is intended to add clarity and enhance the completeness of the information included in the NPRM. The software compares two AOA inputs to determine if they agree, within an appropriate range, and if the STS should be in an operative state.

Comment Summary: Request to clarify conditions for multiple MCAS activations: Regarding the Proposed Design Changes section, Boeing requested that the FAA change ''[a] subsequent activation of MCAS would be possible only after the airplane returns to a low AOA state, below the threshold that would cause MCAS activation'' to ''[a] subsequent activation of MCAS would be possible only after the airplane returns to a low AOA state, below the threshold that would cause MCAS activation, and then increases above the activation threshold.'' Boeing stated that this comment is intended to improve clarity and completeness, and that the proposed language more fully describes the conditions under which multiple MCAS activations could occur. The airplane must return to a low AOA state, below the threshold that would cause MCAS activation, and then increase above the activation threshold.

Comment Summary: Request to clarify purpose of AOA DISAGREE alert: Regarding the Proposed Design Changes section, Boeing requested that the FAA change ''[w]hile the lack of an AOA DISAGREE alert is not an unsafe condition itself, the FAA is proposing to mandate this software update to restore compliance with 14 CFR 25.1301 and because the flightcrew procedures mandated by this AD now rely on this alert to guide flightcrew action'' to ''[w]hile the lack of an AOA DISAGREE alert is not an unsafe condition itself, the FAA is proposing to mandate this software update to restore compliance with 14 CFR 25.1301 and because the flightcrew procedures mandated by this AD now reference the presence of this alert.'' Boeing stated that this comment is included to add clarity and avoid confusion. The AOA DISAGREE alert is not relied upon to guide flightcrew action; it is one of several flight deck indications that may alert the flightcrew of an unreliable airspeed event. Due to those integrated flight deck effects, the flightcrew should execute the un-annunciated Airspeed Unreliable procedure.

Comment Summary: Request for consistent terminology of non-normal procedures: Regarding the Proposed Design Changes section, Boeing requested that the FAA change ''[t]o facilitate the flightcrew's ability to recognize and respond to undesired horizontal stabilizer movement and the effects of a potential AOA sensor failure, the FAA proposes to mandate revising and adding certain operating procedures (checklists) of the AFM used by the flightcrew for the 737 MAX'' to ''[t]o facilitate the flightcrew's ability to recognize and respond to undesired horizontal stabilizer movement and the effects of a potential AOA sensor failure, the FAA proposes to mandate revising and adding certain non-normal procedures (checklists) of the AFM used by the flightcrew for the 737 MAX.'' Boeing stated that this comment is intended to clarify and enhance consistency in the way the NPRM refers to procedures found in the AFM. The referenced procedures are technically referred to as ''non-normal procedures'' and the NPRM uses the ''non-normal procedure'' terminology in the subsequent sentences. This change simply makes the terminology consistent.

Comment Summary: Request to clarify certain Quick Reference Handbook (QRH) provisions: Regarding footnote 15, in the Background section, Boeing requested that the FAA change ''[a]ll of the checklists that the FAA proposes to revise or add to the AFM are already part of Boeing's QRH, for the 737 MAX (except for the IAS Disagree checklist, which is new to both the AFM and the QRH)'' to ''[a]ll of the checklists that the FAA proposes to revise or add to the AFM are already part of Boeing's Quick Reference Handbook, or QRH, for the 737 MAX.'' Boeing stated that this comment provides clarification. The IAS DISAGREE non-normal checklist is not new to the QRH.

Comment Summary: Request to clarify revised Runaway Stabilizer checklist: Regarding the Proposed Design Changes section, Boeing requested that the FAA change ''[f]inally, the checklist would be revised to add a reference item to manually trim the horizontal stabilizer for pitch control, and note that a two-pilot effort may be used to correct an out-of-trim condition'' to ''[f]inally, the checklist would be revised to add a reference item to not reengage the autopilot or autothrottle, note that a two-pilot effort may be used to correct an out-of-trim condition, and note that reducing airspeeds will reduce the effort needed to manually trim the horizontal stabilizer for pitch control.'' Boeing stated that this comment is included to add clarity and avoid confusion. The existing checklist directs the flightcrew to manually trim the horizontal stabilizer. The revised checklist directs the flightcrew to not re-engage the autopilot or autothrottle and provides enhanced guidance that reducing airspeeds reduces the effort needed to manually trim.

Comment Summary: Request to clarify conditions for AOA Disagree procedure: Regarding the Proposed Design Changes section, Boeing requested that the FAA change ''[t]herefore, this proposed checklist would be used when there is an indication, such as an AOA DISAGREE alert, that the airplane's left and right AOA vanes disagree'' to ''[t]herefore, this proposed checklist would be used when there is an AOA DISAGREE alert, which indicates that the airplane's left and right AOA vanes disagree.'' Boeing stated that this comment is included to add clarity and avoid confusion. The current wording may be interpreted to suggest that there are multiple reasons to use the AOA Disagree non-normal procedure. However, the only reason the flightcrew would perform the AOA Disagree procedure is if the AOA DISAGREE alert is annunciated.

Comment Summary: Request to clarify conditions for certain checklist steps: Regarding the Proposed Design Changes section, Boeing requested that the FAA change ''[t]he checklist would also provide additional steps for the flightcrew to subsequently complete for the descent, approach, and landing phases of flight'' to ''[i]f IAS DISAGREE is not shown, the checklist would also provide additional steps for the flightcrew to subsequently complete the descent, approach, and landing phases of flight.'' Boeing stated that this comment is intended to improve clarity. The steps indicated are only executed by the crew if IAS DISAGREE is not present.

FAA response: The FAA agrees with the foregoing assertions and Boeing's rationale for its proposed changes. However, because the proposed changes

would not affect any requirement of this AD, no change to this AD is necessary based on this comment.

2. Comments Regarding Credit for MEL Provisions

Comment summary: Air China and Ameco requested that the FAA revise paragraph (i) of the proposed AD to state that the incorporation of FAA 737 MAX MMEL Revision 2, dated April 10, 2020, into the operator's existing MEL would show compliance with the requirements of paragraph (i) of the proposed AD. The commenter also recommended revising paragraph (o) of the proposed AD to provide credit for the actions specified in paragraph (i) of the proposed AD, if Revision 2 of the MMEL was incorporated into the operator's existing MEL before the effective date of the AD.

FAA response: Since operators are not required to have an MEL, the FAA cannot revise paragraph (i) of this AD to directly require operators to incorporate Revision 2 of the MMEL. Paragraph (i) requires that an operator update their MEL if they want to use it. The FAA agrees with the intent of the request for credit for incorporating Revision 2 of the MMEL before the effective date of this AD. Paragraph (f) of this AD requires that operators ''comply with this AD . . . unless already done.'' Therefore, in light of that provision, no change to this AD is necessary regarding these requests.

3. Comments Regarding Service Information: Boeing Special Attention Service Bulletin 737–27–1318

Comment summary: Air China, Ameco, Boeing, A4A, and the Ethiopian Airlines Group requested that paragraph (k) of the proposed AD refer to revised service information for the horizontal stabilizer trim wire bundle routing change. (The NPRM referred to Boeing Special Attention Service Bulletin 737–27–1318, Revision 1, dated June 24, 2020, as the appropriate source of service information for this action, and provided credit for Boeing Special Attention Service Bulletin 737–27–1318, dated June 10, 2020.)

The commenters requested credit for the prior accomplishment of previous revisions of this service information, if certain Installation Deviation Records (IDRs) identified in Boeing MOM–MOM–20–0608–01B(R3), dated November 3, 2020, have been incorporated. Boeing stated that the FAA and Boeing reviewed the IDRs that were issued to operators and maintenance repair organizations that completed the actions specified in Revision 1 of the service information, and determined that certain IDRs addressed installation issues identified in Revision 1 of the service information that needed to be addressed to ensure proper incorporation of the changes.

A4A requested that the FAA also allow later FAA-approved revisions of this service information.

FAA response: Boeing Special Attention Service Bulletin 737–27–1318, Revision 2, dated November 10, 2020, was issued primarily to identify the IDRs that were issued to ensure proper incorporation of changes that were made in accordance with Revision 1 of the service information. As previously explained in the ''Differences from the NPRM'' section, the FAA is requiring Revision 2 for the actions required by paragraph (k) of this AD. The FAA further agrees to provide credit for the original and Revision 1 of this service information, provided the referenced 14 IDRs have been incorporated. The FAA also finds that incorporation of certain FAA-approved Boeing IDRs is acceptable in lieu of the corresponding RC step identified in the service information. The FAA has revised paragraphs (k) and (o) accordingly in this AD. The IDRs identified in Revision 2 of the service bulletin include an additional IDR that was not identified in Boeing Multi-Operator Message MOM–MOM–20–0608–01B(R3), dated November 3, 2020; this AD therefore does not refer to the MOM since it is incomplete.

Regarding the request to allow use of later-approved service information, an AD may not refer to any document that does not yet exist. To allow operators to use later revisions of the referenced document (issued after publication of the AD), either the FAA must revise the AD to refer to specific later revisions, or operators or the manufacturer must request approval to use later revisions as an AMOC for the AD. The FAA has therefore not changed this AD regarding this issue.

4. Comments Regarding Service Information: Boeing Special Attention Service Bulletin 737–31–1860

Comment summary: Boeing requested that the FAA refer to Boeing Special Attention Service Bulletin 737–31–1860, Revision 1, dated July 2, 2020, for installing/verifying MDS software and removing INOP markers, as specified in paragraph (j) of the proposed AD. (The proposed AD referred to Boeing Special Attention Service Bulletin 737–31–1860, dated June 12, 2020, as the appropriate source of service information for these actions, and also the source of the applicability information in paragraph (c) of the proposed AD.) Boeing stated that allowing use of either version would enhance the completeness of the service information by providing up-to-date information in Revision 1, as well as credit for the original issue.

FAA response: The FAA finds that the requested action would enhance the completeness of the service information, and leaves the effectivity and required actions unchanged. Therefore the FAA has revised paragraphs (c), (j), and (o) of this AD accordingly.

5. Comments Regarding Service Information: Boeing Alert Requirements Bulletin 737–22A1342 RB

Comment summary: Paragraph (g) of the proposed AD would require installing new FCC OPS software. Although no specific compliance method was provided, the proposed AD referred to AMM 22–11–33 as a source of guidance for the service information. Ethiopian Airlines Group reported that it was notified by Boeing of the release of relevant service information for this software installation: Service Bulletin 737–22A1342. Ethiopian requested that the FAA consider this service information as a method of compliance for the proposed FCC OPS software.

FAA response: The FAA has reviewed Boeing Alert Requirements Bulletin 737–22A1342 RB, dated November 17, 2020, and determined that it is an appropriate source of service information for the FCC OPS software installation. The FAA has revised paragraph (g) of this AD to add this service information as a method of compliance.

6. Comments Regarding Effects Contributing to Flightcrew Workload

Comment summary: The NPRM preamble stated that following the Lion Air Flight 610 accident, data from the flight data recorder indicated that a single erroneously high-AOA sensor input to the flight control system while the flaps are retracted can cause repeated airplane nose-down trim of the horizontal stabilizer and multiple flight deck effects, including stall warning activation, airspeed disagree alert, and altitude disagree alert, and ''may affect the flightcrew's ability to accomplish continued safe flight and landing.'' Boeing commented that these effects instead should be characterized as ''contributing factors to crew workload.'' Boeing said that its comment was intended to provide a more specific description of the way in which stall warning activation, an airspeed disagree alert, and an altitude disagree alert may affect the flightcrew. Boeing reported that it has shown, and the FAA has found, that the effects of stall warning

activation and airspeed/altitude disagree alerts specifically affect flightcrew workload, an important factor that can affect continued safe flight and landing. Boeing added that flightcrew workload has been considered and accounted for in the development of the software update and non-normal procedures described in the NPRM.

FAA response: The referenced flight deck effects can contribute to the flightcrew workload, but the FAA finds that the most adverse flight deck effect in the Lion Air 610 accident was a flight control problem that affected the flightcrew's ability to accomplish continued safe flight and landing. Because the proposed changes would not affect any requirement of this AD, no change to this AD is necessary based on this comment.

O. Additional Comments Unrelated to the Unsafe Condition

1. Comments Regarding Removal of 737 MAX Airplanes From Service

Comment summary: Multiple commenters requested that the FAA prevent the 737 MAX from reentering service. Some asked that the FAA do so by removing the 737 MAX from the Boeing 737 Type Certificate; others requested that the FAA permanently prohibit the airplane's operation.

The commenters expressed concern for the continued safety of Model 737 MAX airplanes. Some of these commenters expressed concern about a design that they characterized as old, unsafe, or unstable, with inferior systems and an undue reliance on electronics and automated systems. Some commenters questioned the effect on pilot workload of complex procedures and multiple checklists. Other commenters contended that the MAX certification process was tainted by a lack of transparency, reliance on self-certification, a rush to complete certification, and certification decisions that prioritized profit, cost reduction, and expedience over safety.

FAA response: The FAA finds that the requirements set forth in this AD appropriately address the unsafe condition and that upon completion of the mandated requirements, the 737 MAX airplane meets FAA safety standards. The FAA acknowledges all of the commenters' safety concerns, and those concerns align with the FAA's mission of ensuring safety in air commerce. However, the FAA bases its decisions on data, and because the corrective actions the FAA is mandating appropriately address the identified unsafe condition, the FAA lacks a factual basis to mandate that this airplane be permanently grounded.

2. Comments Regarding Assessment of Other Users of AOA Data

Comment summary: Ethiopian Airlines Group noted that the proposed AD stated that MCAS logic that was dependent on a single AOA sensor input will be changed to using two AOA inputs. The commenter asked about other users of AOA data, either as a single input user or a dual input user, and whether the FAA can confirm the change to MCAS to use two AOA inputs does not affect other users requiring only one AOA input.

FAA response: During the certification of the new MCAS, Boeing and the FAA scrutinized all users of AOA data and considered normal and failure conditions. There is no effect on other users of AOA data. Other users of AOA data are compliant and safe.

3. Comments Not Related to the Unsafe Condition Addressed by This AD

The FAA received a variety of general comments and allegations related to the competence, ethics, motives, and resources of the agency, the manufacturer, and their component organizations such as the organization designation authorization (ODA) and the FAA Boeing Aviation Safety Oversight Office. These comments came from individuals and organizations that included the Families of Ethiopian Airlines Flight 302, Aerospace Safety and Security, Inc., Aerospace Safety Research Institute, Inc., AFA–CWA, Allied Pilots Association, BALPA, Ethiopian Airlines Group, and Flyers Rights. These comments are unrelated to the particular unsafe condition and corrective action, and therefore are not addressed here.

The FAA also received a variety of comments related to other potential safety issues on the 737 MAX. The subjects of these comments include the airplane's susceptibility to high intensity radiated field, protection of the airplane's rudder cable, the reliability of the airplane's auto speedbrake system, engine bonding issues, electronic flight bags, slat track assemblies, the airplane's refueling system, the auxiliary power unit (APU) fuel tank float switch, the Landing Attitude Modifier, the airplane's fly-by-wire spoiler system, and the possibility of foreign object debris. These issues are unrelated to the particular unsafe condition that this AD addresses and therefore are not addressed here.

The FAA also received a variety of comments related to proposed solutions other than those proposed in this rulemaking. These include limiting the 737 MAX's overwater operation; converting all 737 MAX airplanes to cargo airplanes; using the Boeing Model 757 instead; allowing passengers booked on this airplane to change flights; thoroughly redesigning the airplane's flight control surfaces; increasing engine power rather than decreasing pitch; limiting airplane nose up and installing an Alpha floor design used on Airbus airplanes; requiring certain data to be transmitted from the airplane mid-flight; requiring certain parameters to be recorded such as the status of manual electric trim switches; constraining the flight envelope using control laws or mechanical means; and changing the airplane's configuration. Some commenters also suggested that the FAA ask the U.S. Congress to increase the agency's budget and contract out its functions. These proposed solutions are unrelated to the corrective actions that were proposed in this rulemaking and therefore will not be addressed here.

The FAA received a variety of comments and suggestions, including from the Families of Ethiopian Airlines Flight 302, related to other airplane models, and requests that the FAA review the safety of those other airplanes and future airplanes. The FAA is applying lessons learned on the 737 MAX to current and future FAA certifications and continued operational safety processes. However, these comments are unrelated to the unsafe condition addressed by this AD for the 737 MAX, and therefore will not be addressed here.

The FAA received a variety of comments, including from the Families of Ethiopian Airlines Flight 302 and the Allied Pilots Association, related to the adequacy of the regulations that govern how the FAA processes applications, such as 14 CFR part 21 and 21.101 in particular, and the design standards in 14 CFR part 25 such as 25.1309 and 25.1322, and how the FAA applies them, such as in AC 21.101 and AC 25.1329. These comments included 13 requests from BALPA for regulatory and other oversight changes applicable to future aircraft models by the FAA and other authorities. The FAA's regulatory requirements are promulgated via notice-and-comment rulemaking as required by the Administrative Procedure Act (APA), and the public can petition for rulemaking at *https://www.faa.gov/regulations_policies/rulemaking/petition/*.

The FAA received several comments, including from the Families of Ethiopian Airlines Flight 302, to improve its processes and oversight, such as those for approving proposed

designs, overseeing manufacturers (including conducting audits), overseeing the Boeing ODA and other designees including ensuring freedom from undue pressure, and overseeing all aspects of airline operations including maintenance practices and repair facilities. The FAA appreciates and considers all such input; however, it is outside the scope of this particular rulemaking.

The FAA received requests, including from the Allied Pilots Association, regarding how the FAA should treat alternative methods of compliance, known as AMOCs. The FAA acknowledges the commenters' concern; however, it is premature for the FAA to limit or foreclose the methods by which an applicant can show compliance with this AD.

The FAA also received requests that the agency create additional data for public review. These included a request for a comparative analysis of the difference in stability and control between the subject airplane and other airplane models. They also included a request for in-depth reviews to establish the acceptability of implementing MCAS through tailplane movement. The creation of such additional information is not necessary to find compliance with FAA regulations, or to find that the unsafe condition has been addressed.

The FAA also received a request from the Families of Ethiopian Airlines Flight 302 to commission a new independent review board to prepare findings.

The FAA commissioned an independent review board, called the Technical Advisory Board (TAB). The TAB is an independent team of experts that evaluated the design of the new MCAS. The TAB included FAA certification specialists and chief scientific and technical advisors not involved in the original 737 MAX certification program, and subject matter experts from the U.S. Air Force, the Volpe National Transportation Systems Center, and the National Aeronautics and Space Administration. The TAB findings are summarized in the ''Summary of the FAA's Review of the Boeing 737 MAX,'' which is posted in Docket No. FAA–2020–0686.

The FAA also received comments that were out of scope for other reasons, such as doubting the technical ability of the public to comment on this proposal. Such comments are not being addressed.

Commenters asked how the design changes to correct this unsafe condition would be distributed to and approved by the CAAs and implemented by operators worldwide. The FAA, as the airworthiness authority for the State of Design for these airplanes, is obligated by ICAO Annex 8 to provide Mandatory Continued Airworthiness Information to CAAs of other countries.[14] The FAA will provide the AD to those authorities, and ICAO Annex 8 requires them to take appropriate action in response. Therefore, the FAA expects that foreign civil aviation authorities will adopt similar requirements to those mandated by this AD, and that foreign operators would then comply with those requirements.

Conclusion

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

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

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

Related Service Information Under 1 CFR Part 51

The FAA reviewed and approved the following service information.

- Boeing Alert Requirements Bulletin 737–22A1342 RB, dated November 17, 2020, describes procedures for installation of FCC OPS software on FCC A and FCC B, a software installation verification, and corrective actions.
- Boeing Special Attention Service Bulletin 737–31–1860, Revision 1, dated July 2, 2020, describes procedures for installation of MDS software, a software installation verification and corrective actions, and removal of certain INOP markers on the EFIS control panels.
- Boeing Special Attention Service Bulletin 737–27–1318, Revision 2, dated November 10, 2020, describes procedures for changing of the horizontal stabilizer trim wire routing installations.
- Boeing Special Attention Service Bulletin 737–00–1028, dated July 20, 2020, describes procedures for an AOA sensor system test and an operational readiness flight.

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

Effective Date

Section 553(d) of the APA (5 U.S.C.) generally requires publication of a rule not less than 30 days before its effective date. However, section 553(d) authorizes agencies to make rules effective in less than thirty days, upon a finding of good cause. Due to the relationship between the Lion Air accident on October 29, 2018, and the Ethiopian Airlines accident on March 10, 2019, the FAA issued an Emergency Order of Prohibition on March 13, 2019, generally prohibiting the operation of 737 MAX airplanes subject to this AD. This AD now identifies the unsafe condition in the 737 MAX and mandates corrective actions to correct the unsafe condition so that general operations may resume. With the publication of this AD, the Emergency Order is no longer necessary. Accordingly, the FAA is rescinding the Emergency Order contemporaneously with publication of this final rule. These actions create the opportunity for operators to safely return the 737 MAX to service, following a fleet-wide grounding lasting over twenty months. Therefore, the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment immediately effective to provide relief from the grounding restriction as operators take the required actions to address the unsafe condition.

Costs of Compliance

The FAA estimates that this AD affects 72 airplanes of U.S. registry. The agency estimates the following costs to comply with this AD:

[14] *https://www.icao.int/safety/airnavigation/Pages/nationality.aspx.*

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
FCC OPS installation and verification ..	1 work-hour × $85 per hour = $85	$0	$85	$6,120.
AFM revisions	1 work-hour × $85 per hour = $85	$0	$85	$6,120.
MDS installation and verification, INOP marker removal.	1 work-hour × $85 per hour = $85	$0	$85	$6,120.
Stabilizer wiring change	Up to 79 work-hours × $85 per hour = Up to $6,715.	Up to $3,790	Up to $10,505	Up to $756,360.
AOA sensor system test	10 work-hours × $85 per hour = $850	$0	$850	$61,200.

The FAA has received no definitive data that would enable the agency to provide cost estimates for the operational readiness flight specified in this AD.

Operators that have a MEL and choose to dispatch an airplane with an inoperative flight control system affected by this AD would be required to incorporate certain provisions into the operator's existing FAA-approved MEL. The FAA has determined that revising the operator's existing FAA-approved MEL takes an average of 90 work-hours per operator, although the agency recognizes that this number may vary from operator to operator. Since operators incorporate MEL changes for their affected fleet(s), the FAA has determined that a per-operator estimate is more accurate than a per-airplane estimate. Therefore, the FAA estimates the average total cost per operator to be $7,650 (90 work-hours × $85 per work-hour).

According to the manufacturer, some or all of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected operators.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive (AD) 2018–23–51, Amendment 39–19512 (83 FR 62697, December 6, 2018; corrected December 11, 2018 (83 FR 63561)), and

■ b. Adding the following new AD:

2020–24–02 The Boeing Company: Amendment 39–21332; Docket No. FAA–2020–0686; Product Identifier 2019–NM–035–AD.

(a) Effective Date

This AD is effective November 20, 2020.

(b) Affected ADs

This AD replaces AD 2018–23–51, Amendment 39–19512 (83 FR 62697, December 6, 2018; corrected December 11, 2018 (83 FR 63561)) (''AD 2018–23–51'').

(c) Applicability

This AD applies to The Boeing Company Model 737–8 and 737–9 airplanes, certificated in any category, as identified in Boeing Special Attention Service Bulletin 737–31–1860, Revision 1, dated July 2, 2020.

(d) Subject

Air Transport Association (ATA) of America Code 22, Auto flight; 27, Flight controls; and 31, Indicating/recording systems.

(e) Unsafe Condition

This AD was prompted by the potential for a single erroneously high angle of attack (AOA) sensor input received by the flight control system to result in repeated airplane nose-down trim of the horizontal stabilizer, which, in combination with multiple flight deck effects, could affect the flightcrew's ability to accomplish continued safe flight and landing.

(f) Compliance

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

(g) Installation/Verification of Flight Control Computer (FCC) Operational Program Software (OPS)

Before further flight, install FCC OPS software version P12.1.2, part number (P/N) 2274–COL–AC2–26, or later-approved software versions, on FCC A and FCC B, and do a software installation verification. During the installation verification, if the approved software part number is not shown as being installed on FCC A and FCC B, before further flight, do corrective actions until the approved software part number is installed on FCC A and FCC B. Later-approved software versions are only those Boeing software versions that are approved as a replacement for the applicable software, and are approved as part of the type design by the FAA after the effective date of this AD. Accomplishment of all applicable actions identified as ''RC'' (required for compliance) in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 737–22A1342 RB, dated November 17, 2020, is acceptable for compliance with the requirements of this paragraph.

Note 1 to paragraph (g): Guidance for doing the installation and installation verification of the FCC OPS software can be found in Boeing 737–7/8/8200/9/10 Aircraft Maintenance Manual (AMM), Section 22–11–33.

Note 2 to paragraph (g): Guidance for accomplishing the actions required by paragraph (g) can also be found in Boeing Alert Service Bulletin 737–22A1342, dated November 17, 2020, which is referred to in Boeing Alert Requirements Bulletin 737–22A1342 RB, dated November 17, 2020.

(h) Airplane Flight Manual (AFM) Revisions

Before further flight, revise the existing AFM to include the changes specified in paragraphs (h)(1) through (10) of this AD. Revising the existing AFM to include the changes specified in paragraphs (h)(2) through (10) of this AD may be done by inserting a copy of figure 1 to paragraph (h)(2) through figure 9 to paragraph (h)(10) into the existing AFM.

(1) In the Certificate Limitations and Operating Procedures chapters, remove the information identified as ''Required by AD 2018–23–51.''

(2) In the Operating Procedures chapter, revise the General paragraph to include the information in figure 1 to paragraph (h)(2) of this AD.

BILLING CODE 4910–13–P

Figure 1 to paragraph (h)(2) – *AFM revision: General paragraph*

Definitions	**(Required by AD 2020-24-02)**
Recall items are minimum immediate actions items.	
Reference items are accomplished after Recall items have been accomplished.	

(3) In the Operating Procedures chapter, replace the existing Airspeed Unreliable paragraph with the information in figure 2 to paragraph (h)(3) of this AD.

Figure 2 to paragraph (h)(3) – AFM revision: Airspeed Unreliable

Airspeed Unreliable (E) **(Required by AD 2020-24-02)**

Airspeed or Mach indications are suspected to be unreliable:

Recall:

If autopilot is engaged, disengage. If autothrottle is engaged, disengage. Set both F/D switches to off. Set the following gear up pitch attitude and thrust:

Flaps extended: 10° and 80% N1

Flaps up: 4° and 75% N1

Reference:

PROBE HEAT switches check on.

The following indications are reliable: attitude, N1, ground speed, and radio altitude.

Notes:1. Stick shaker, overspeed warning and airspeed low alerts may sound erroneously or simultaneously.

2. The flight path vector and pitch limit indicator may be unreliable on the PFD and HUD (as installed).

3. If the AOA indicator option is installed, the stick shaker indicator may be unreliable. AOA digital readout, analog needle, and approach reference band may be unreliable if the airspeed unreliable condition is caused by erroneous AOA.

Attempt to determine a reliable airspeed indication.

If a reliable airspeed indication can be determined:

Use the reliable airspeed indication for the remainder of the flight. If only the standby airspeed indication is reliable do not use autopilot, autothrottle, or flight directors. If the captain's or first officer's airspeed indication is reliable, turn on the flight director switch on the reliable side. If needed, engage autopilot on the reliable side. Do not use autothrottle.

Note: Autopilot may not engage or may disengage automatically.

If a reliable airspeed indication cannot initially be determined:

Using performance tables from an approved source, set the pitch attitude and thrust setting for the current airplane configuration and phase of flight. When in trim and stabilized, compare the captain, first officer, and standby airspeed indicators with the airspeed shown in the table. An airspeed indication that differs by more than 20 knots or 0.03 Mach from the

airspeed shown in the table should be considered unreliable. If only the standby airspeed indication is reliable, do not use autopilot, autothrottle, or flight directors. If the captain's or first officer's airspeed indication is reliable, turn on the flight director switch on the reliable side, and autopilot if needed. Do not use autothrottle.

Note: Autopilot may not engage or may disengage automatically.

If a reliable airspeed indication cannot be determined:

Using the performance tables from an approved source, set pitch attitude and thrust setting for the airplane configuration and phase of flight as needed. Reference an approved source for landing distances.

Notes:1. Maintain visual conditions if possible.

2. Establish landing configuration early.

3. Radio altitude reference is available below 2500 feet.

4. Use electronic and visual glideslope indicators, where available, for approach and landing.

Attempt to determine a reliable altitude indication.

Use the most reliable altitude indication for the remainder of the flight. If the captain's or first officer's altitude indication is reliable:

The airplane may not meet RVSM requirements. Set transponder to reliable side and select traffic alerts only mode.

If captain's and first officer's altitude indications are both unreliable:

Turn off transponder altitude reporting.

Note: Airplane does not meet RVSM requirements.

In addition to the normal descent, approach and landing checklists, complete the following deferred items:

For approach, only set the BARO minimums on the reliable PFD. Remove the BARO minimums from the unreliable PFD.

Note: If BARO minimums are set only on the First Officer's PFD, DA/MDA aural callouts are not provided. Use the performance tables from an approved source to determine the go-around pitch attitude and thrust setting.

In the event of a go-around if either the Captain's or First Officer's airspeed indication is reliable, when TO/GA is pushed, the flight director pitch bar may automatically be removed. An AFDS pitch mode change, such as LVL CHG, restores the flight director pitch bar.

Note: only use flight director guidance on the reliable PFD.

In the event of a go-around and the standby airspeed indication is the only reliable airspeed, do not use TO/GA.

(4) In the Operating Procedures chapter, replace the existing Runaway Stabilizer paragraph with the information in figure 3 to paragraph (h)(4) of this AD.

Figure 3 to paragraph (h)(4) – *AFM revision: Runaway Stabilizer*

Runaway Stabilizer (E) **(Required by AD 2020-24-02)**

If uncommanded stabilizer movement occurs continuously or in a manner not appropriate for flight conditions:

Recall:

Firmly hold control column. Disengage autopilot if engaged. Disengage autothrottle if engaged. Use the control column and thrust levers to control airplane pitch attitude and airspeed. Use main electric stabilizer trim to reduce control column forces.

If the runaway stops after autopilot is disengaged, do not re-engage autopilot or autothrottle; end of procedure.

If the runaway continues after autopilot is disengaged, place both STAB TRIM cutout switches to CUTOUT.

If the runaway continues, grasp and hold stabilizer trim wheel.

Reference:

Trim the stabilizer manually.

Notes:

1. A two-pilot effort may be used to correct an out of trim condition.

2. Reducing airspeed reduces airloads on the stabilizer which can reduce the effort needed to manually trim. Anticipate trim requirements. Do not re-engage autopilot or autothrottle.

In addition to the normal descent, approach and landing checklists, complete the following deferred item:

Establish landing configuration and in-trim condition early on final approach.

(5) In the Operating Procedures chapter, replace the existing Stabilizer Trim Inoperative paragraph with the information in figure 4 to paragraph (h)(5) of this AD.

Figure 4 to paragraph (h)(5) – *AFM revision: Stabilizer Trim Inoperative*

Stabilizer Trim Inoperative	**(Required by AD 2020-24-02)**
Loss of electric trim through the main electric stabilizer trim switches, or when directed by the Stabilizer Out of Trim procedure. Place both STAB TRIM cutout switches to CUTOUT. The autopilot is not available. Trim stabilizer manually. A two-pilot effort may be used and will not cause system damage. Notes:1. Reducing airspeed reduces airloads on the stabilizer which can reduce the effort needed to manually trim. 2. If the failure could be due to ice accumulation, descend to a warmer temperature and attempt again to trim manually. If the stabilizer can be trimmed manually, anticipate trim requirements. If the stabilizer cannot be trimmed manually, expect higher than normal elevator forces during approach and landing. The thrust reduction at flare will cause a nose down pitch. Plan a flaps 15 landing. Set Vref 15+10 knots. **Note:** The maximum wind additive should not exceed 5 knots. Check the non-normal landing distance tables in an approved source. In addition to the normal descent, approach and landing checklists, complete the following deferred items: Review the normal go-around procedure. During a go-around, advance thrust to go-around smoothly and slowly to avoid excessive pitch-up. Establish landing configuration early on final approach.	

(6) In the Operating Procedures chapter, add the information in figure 5 to paragraph (h)(6) of this AD.

Figure 5 to paragraph (h)(6) – *AFM revision: Speed Trim Fail*

Speed Trim Fail	**(Required by AD 2020-24-02)**
The Speed Trim function and MCAS function are inoperative. Continue normal operation. **Note:** The Speed Trim System will not provide stabilizer trim inputs when deviating from a trimmed airspeed.	

(7) In the Operating Procedures chapter, add the information in figure 6 to paragraph (h)(7) of this AD.

Figure 6 to paragraph (h)(7) – *AFM revision: Stabilizer Out of Trim*

Stabilizer Out of Trim	**(Required by AD 2020-24-02)**
The STAB OUT OF TRIM light illuminates for the following conditions: On the ground: A partial failure of a Flight Control Computer. In-flight: the autopilot does not set the stabilizer trim correctly. If on ground, do not takeoff. End of procedure. In flight, during large changes in trim requirements, the STAB OUT OF TRIM light may illuminate momentarily. If the stabilizer is trimming, continue normal operation; end of procedure. In flight, if the stabilizer is not trimming, hold control column firmly. Disengage autopilot. Disengage autothrottle if engaged. Use main electric stabilizer trim as needed. If the stabilizer responds to electric trim inputs, do not re-engage the autopilot or autothrottle; end of procedure. If the stabilizer does not respond to electric trim inputs, accomplish the Stabilizer Trim Inoperative procedure.	

(8) In the Operating Procedures chapter, add the information in figure 7 to paragraph (h)(8) of this AD.

Figure 7 to paragraph (h)(8) – *AFM revision: AOA Disagree*

AOA Disagree	**(Required by AD 2020-24-02)**
When AOA DISAGREE appears on the PFD, this indicates the left and right angle of attack vanes disagree. Accomplish the Airspeed Unreliable procedure.	

(9) In the Operating Procedures chapter, add the information in figure 8 to paragraph (h)(9) of this AD.

Figure 8 to paragraph (h)(9) – *AFM revision: ALT Disagree*

ALT Disagree (Required by AD 2020-24-02)

The ALT DISAGREE alert is displayed on the captain's and first officer's altitude tape on the PFD when the indications disagree.

If the IAS DISAGREE alert is also shown on the speed tape of the PFD, accomplish the Airspeed Unreliable procedure.

If the IAS DISAGREE is not shown, check all altimeters are set to correct barometric setting.

If the ALT DISAGREE alert remains, do not use the flight path vector, and if a reliable altitude is determined, use the transponder for the reliable side.

If a reliable altitude is not determined, set the transponder to not transmit altitude.

In addition to the normal descent, approach and landing checklists, complete the following deferred items:

For approach, only set the BARO minimums on the reliable PFD. Remove the BARO minimums from the unreliable PFD.

Note: If BARO minimums are set only on the First Officer's PFD, DA/MDA aural callouts are not provided.

Establish landing configuration early.

Radio altitude reference is available below 2,500 ft.

Use electronic and visual glideslope indicators where available for approach and landing.

(10) In the Operating Procedures chapter, add the information in figure 9 to paragraph (h)(10) of this AD.

Figure 9 to paragraph (h)(10) – *AFM revision: IAS Disagree*

IAS Disagree **(Required by AD 2020-24-02)**

When IAS DISAGREE appears on the PFD, this indicates the captain's and first officer's airspeed indicators disagree. Accomplish the Airspeed Unreliable procedure.

(i) Minimum Equipment List (MEL) Provisions for Inoperative Flight Control System Functions

In the event that the airplane functions associated with the flight control system as modified by this AD are inoperative, an airplane may be operated (dispatched) only if the provisions specified in figure 10 to paragraph (i) of this AD are incorporated into the operator's existing FAA-approved MEL.

Figure 10 to paragraph (i): *MEL provisions*

(1) Dispatch is not permitted with both autopilot systems inoperative.

(2) The autopilot disengage aural warning system must be operative for dispatch.

(3) The STAB OUT OF TRIM light must be operative for dispatch.

(4) The speed trim function must be operative for dispatch.

(5) The SPEED TRIM FAIL light must be operative for dispatch.

(6) Dispatch is not permitted with both A/P ENGAGE Command (CMD) Switches (A and B) inoperative.

(7) Dispatch is not permitted with both A/P ENGAGE Command (CMD) switch lights inoperative.

(8) Dispatch is not permitted with both autopilot (A/P) disengage lights inoperative. Dispatch may be made with one A/P disengage light inoperative provided the autopilot disengage aural warning system operates normally.

(9) Dispatch is not permitted with both Control Wheel Autopilot Disengage Switches inoperative. Dispatch may be made with one control wheel autopilot disengage switch inoperative provided the following conditions are met.

a) Mode Control Panel autopilot DISENGAGE bar operates normally,

b) Autopilot is not used below 1,500 feet AGL, and

c) Approach minimums do not require use of autopilot.

(10) Both control wheel trim switch systems must be operative for dispatch.

Note 3 to paragraph (i): The MEL provisions specified in figure 10 to paragraph (i) of this AD correspond to Master Minimum Equipment List (MMEL) items 22–10–01B, 22–10–02, 22–10–03, 22–11–01, 22–11–02, 22–11–05–02B, 22–11–06–02B, 22–11–08–01A, 22–11–08–01B, 22–11–10A, 22–11–10B, and 27–41–01, in the existing FAA-approved Boeing 737 MAX B–737–8/–9 MMEL, Revision 2, dated April 10, 2020, which can be found on the Flight Standards Information Management System (FSIMS) website, *https://fsims.faa.gov/PICResults.aspx?mode=Publication&doctype=MMELByModel*.

(j) Installation/Verification of MAX Display System (MDS) Software, Removal of INOP Markers

Before further flight, do all applicable actions identified as ''RC'' in, and in accordance with, the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737–31–1860, Revision 1, dated July 2, 2020.

(k) Horizontal Stabilizer Trim Wire Bundle Routing Change

Before further flight, do all applicable actions identified as ''RC'' in, and in accordance with, the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737–27–1318, Revision 2, dated November 10, 2020.

(l) AOA Sensor System Test

Before further flight, do all applicable actions identified as ''RC'' for the ''Angle of Attack (AOA) Sensor System Test'' specified in, and in accordance with, the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737–00–1028, dated July 20, 2020.

(m) Operational Readiness Flight

(1) After accomplishment of all applicable required actions in paragraphs (g) through (l) of this AD, do all applicable actions identified as ''RC'' for the ''Operational Readiness Flight'' specified in, and in accordance with, the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737–00–1028, dated July 20, 2020. The ''Operational Readiness Flight'' required by this paragraph must be accomplished before any other flight. A special flight permit is not required to accomplish the ''Operational Readiness Flight'' required by this paragraph.

(2) After the ''Operational Readiness Flight'' and before further flight, any mechanical irregularities that occurred during the ''Operational Readiness Flight'' must be resolved following the operator's FAA-approved maintenance or inspection program, as applicable.

(n) Special Flight Permits

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 actions of this AD can be performed.

(o) Credit for Previous Actions

(1) This paragraph provides credit for the actions specified in paragraph (j) of this AD, if those actions were performed before the effective date of this AD using Boeing Special Attention Service Bulletin 737–31–1860, dated June 12, 2020.

(2) This paragraph provides credit for the actions specified in paragraph (k) of this AD, if those actions were performed before the effective date of this AD using Boeing Special Attention Service Bulletin 737–27–1318, dated June 10, 2020, or Revision 1, dated June 24, 2020, provided the 14 Installation Deviation Records (IDRs) identified in paragraph 1.D., ''Description,'' of Boeing Special Attention Service Bulletin 737–27–1318, Revision 2, dated November 10, 2020, have been incorporated on the airplane. Accomplishment of FAA-approved Boeing IDRs not identified in paragraph 1.D., ''Description,'' of Boeing Special Attention Service Bulletin 737–27–1318, Revision 2, dated November 10, 2020, before the effective date of this AD, is acceptable for compliance with the corresponding RC steps specified in Special Attention Service Bulletin 737–27–1318, Revision 1, dated June 10, 2020, provided those IDRs reference Boeing Special Attention Service Bulletin 737–27–1318, Revision 1, dated June 10, 2020.

(p) 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 responsible Flight Standards 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 (q)(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 responsible Flight Standards Office.

(3) AMOCs approved previously for AD 2018–23–51 are not approved as AMOCs for this AD.

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

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

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

(q) Related Information

(1) For more information about this AD, contact Ian Won, Manager, Seattle ACO Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3500; email: *9-FAA-SACO-AD-Inquiry@faa.gov.*

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (r)(3) and (4) of this AD.

(r) Material Incorporated by Reference

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

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

(i) Boeing Alert Requirements Bulletin 737–22A1342 RB, dated November 17, 2020.

(ii) Boeing Special Attention Service Bulletin 737–00–1028, dated July 20, 2020.

(iii) Boeing Special Attention Service Bulletin 737–27–1318, Revision 2, dated November 10, 2020.

(iv) Boeing Special Attention Service Bulletin 737–31–1860, Revision 1, dated July 2, 2020.

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

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

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

Issued on November 18, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–25844 Filed 11–18–20; 4:15 pm]

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